

## **Statement on the UPR Pre-session on the Russian Federation of Human Rights Watch**

**29 August 2023, Geneva**

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This statement is delivered on behalf of Human Rights Watch, an international non-governmental organization that investigates and reports on human rights abuses happening in all corners of the world.

Consultations with its partners, prior statements, and reports informed Human Rights Watch submissions. Regarding UPR, Human Rights Watch participated in consultations with other Russian and international NGOs but is not aware of and has not been part of any consultations involving Russian authorities and independent civil society organizations. In 2022, Russian authorities de-registered Human Rights Watch's Russia office, which effectively amounts to a ban on operations in the country.

This statement focuses on addressing in Russia issues pertaining to the right to a clean, healthy and sustainable environment and attacks on environmental human rights defenders, the rights of older people, the rights of migrant workers and discrimination based on race or ethnicity.

On request of the Environmental Crisis Group, which is a Russian initiative to support environmental defenders, but could not attend this session, the section on environmental defenders incorporates information from their UPR submission and recommendations.

Human Rights Watch's submission on Russia for this UPR fourth cycle also covers several other issues--pertaining to rights to freedom expression, assembly, and association, as well as the situation for human rights defenders in general—that were addressed by other members of this panel.

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### **ISSUE 1: - RIGHT TO A HEALTHY ENVIRONMENT AND ENVIRONMENTAL HUMAN RIGHTS DEFENDERS**

During the previous UPR cycle, 25 countries made recommendations to the Russian Federation on human rights defenders in general. These included recommendations to ensure the unrestricted work of civil society and review the current restrictive legal framework, especially the laws on foreign agents, undesirable organizations and extremism in line with its international obligations to ensure that civil society organizations, can exercise their activities without fear of stigmatization or punishment by law; to guarantee the rights to freedom of assembly and association and exercise of the right to freedom of expression, including online, without fear of reprisal; and to ensure effective investigations into all reports of attacks on, or threats against, human rights defenders.

Ecuador made recommendations to Russia on the right to a healthy environment, specifically to “sign and ratify the Cartagena Protocol on Biosafety to the Convention on Biological Diversity in order to guarantee the right to health and to a healthy environment”, while Indonesia recommended to “step up

its efforts to develop social and environmental impact assessments on the enjoyment of human rights prior to issuing licenses for mining and exploitation of natural resources”.<sup>1</sup>

Russia remains one of the world’s top 10 emitters of greenhouse gases and is contributing to the climate crisis. The Climate Action Tracker rates Russia’s climate targets, policies and finance as “critically insufficient” to meet the Paris Agreement goal to limit global warming to 1.5°C above pre-industrial levels.<sup>2</sup>

Unprecedented forest fires in Siberia and Russia’s Far East in 2021 resulted in a loss of over 17 million hectares of forests and trapped several cities in heavy smoke.<sup>3</sup> In 2022, nearly 4 million hectares of forests burned, over half in these regions.<sup>4</sup> A large portion of Russia’s forests were explicitly excluded from fire-fighting measures.<sup>5</sup>

Lack of transparency and inadequacy of environmental impact assessments sparked sustained mass protests in 2018 and 2019 against the construction or expansion of landfills, waste incineration plants, and waste processing plants that protesters believed would be dangerous and could be harmful for their health.<sup>6</sup> In response the government opened administrative and criminal cases against numerous

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<sup>1</sup> United Nations General Assembly, Human Rights Council, Report of the Working Group on the Universal Periodic Review: Russia, A/HRC/39/13 (June 2018), paras 147.103 and 147.125

<sup>2</sup> Climate Action Tracker: Russia, <https://climateactiontracker.org/countries/russian-federation/>

<sup>3</sup> Yulia Davydova, “Record breaking fires in Siberia”, Greenpeace, August 18, 2021,

<https://www.greenpeace.org/international/story/49171/russia-record-breaking-fires-siberia/>

<sup>4</sup> ‘Compiled report on forest fires (thermal anomalies) on all territories, based on satellite monitoring data as of September 28, 2022’ Federal Budget Institution “Avialesohrana” of the Federal Forestry Agency, [https://public.aviales.ru/main\\_pages/openform1.shtml?2022-09-28](https://public.aviales.ru/main_pages/openform1.shtml?2022-09-28)

<sup>5</sup> The Order of the Russian Ministry of Nature no.313 dated July 8, 2014, explicitly permitted not to fight fires in so-called “control zones” if there was no immediate threat to urban settlements and if cost of firefighting exceeded estimated damages from forest fires.

As a result, estimated 45 percent of all forest territories in Russia fell within these “control zones” and that is where 90 percent of all forest fires burned. See, Yekaterina Fomina, “If the situation with forest fires is not drastically changes, we will burn even more”, IStories, July 28, 2021, <https://istories.media/interviews/2021/07/28/esli-situatsiyu-s-pozharami-ne-perelomit-mi-budem-goret-yeshchyo-bolshe/>

Moreover, the funding allocated for forestry and fire-fighting, in particular, in some regions was drastically disproportionate to the needs. For example, according to media reports, federal funding for forestry for one of the largest regions of Russia and one of the most affected by forest fires in recent years, Republic of Sakha (Yakutiya) was around 6.9 rubles (less than 10 cents) per hectare of forest. See Andrei Zayakin, “People of fire”, Novaya Gazeta, July 21, 2021, <https://novayagazeta.ru/articles/2021/07/21/liudi-plameni>

In June 2023, President Putin instructed the government to reduce the “control zones” and increase the regional budget allocations for forestry. However, experts indicated this could be insufficient to resolve the situation. See, Anastasiya Meyer, “Putin suggested to reduce areas excluded from forest fire-fighting”, Vedomosti, June 7, 2023, <https://www.vedomosti.ru/society/articles/2023/06/07/979005-putin-predlozhit-sokratit-zoni-v-kotorih-mozhno-ne-tushit-lesnie-pozhari>

<sup>6</sup> Yelena Zholobova, “Protests in Shiyes is influencing the entire society’. How environmental protests became the trend in 2019 and what consequences they may bring”, 7x7, January 1, 2020, <https://semnasem.org/articles/2020/01/01/nachalas-shiesizaciya-obshestva-pochemu-ekologicheskie-protesty-stali-trendom-2019-goda-i-kakim-posledstviyam-oni-privedut>

Richard Arnold “Ongoing Environmental Protests in Russia Pose Threat to Kremlin in 2019”, Eurasia Daily Monitor Volume: 16 Issue: 7, January 23, 2019, <https://jamestown.org/program/ongoing-environmental-protests-in-russia-pose-threat-to-kremlin-in-2019/>

activists accusing them of violation of peaceful assembly rules, resisting police and assaulting private security guards.

Human rights watchdogs in Russia continue to report physical attacks, harassment, intimidation, and prosecution of grassroots environmental activists and groups. According to the Environmental Crisis Group, during the last three years at least 52 environmental defenders were attacked and injured in varying degrees of severity.<sup>7</sup> The group's submission demonstrates how such attacks continue to go unpunished.<sup>8</sup>

Environmental defenders are also targeted by authorities using Russia's "foreign agents" and "undesirable organizations" laws. For example, between April and July 2023, Russian authorities blacklisted five environmental groups including Greenpeace and the World Wildlife Fund (WWF),<sup>9</sup> thus banning their operations in Russia and potentially putting many Russian environmental defenders at risk, since participation in the activities of an undesirable organization is a criminal offence, punishable by up to four years in prison.<sup>10</sup>

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*States should recommend the Russian government to:*

1. Ensure that environmental defenders, including grassroots activists, can in practice exercise their rights to free expression and peaceful assemblies, without fear of reprisal;

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<sup>7</sup> Environmental Crisis Group submission to the fourth cycle of the Universal Periodic Review of the Russian Federation.

<sup>8</sup> Ibid.

<sup>9</sup> Others include Bellona, a Norway-based environmental NGO that worked with Russian partners on nuclear and radioactive threats, the Altai Project, a small U.S. based charity that Russian authorities accused of "sabotaging" the construction of a gas pipeline to China, and the Wild Salmon Center, also US-based international conservation organization aiming to protect wild salmon and other fish species and their ecosystems. Russian authorities accused this group of attempting to stifle Russia's economic development.

Russian authorities made similar allegations against WWF and accused Greenpeace of engaging in "anti-Russian propaganda" and calling for Russia's economic isolation since the start of Russia's full-scale invasion of Ukraine.

See, "Russia declares Greenpeace an 'undesirable organization'", Deutsche Welle, May 19, 2023, <https://www.dw.com/en/russia-declares-greenpeace-an-undesirable-organization/a-65681257>

"WWF Russia cuts ties with global environment group, now labelled 'undesirable' by Moscow," Reuters, June 22, 2023, <https://www.reuters.com/world/wwf-russia-cuts-ties-with-global-wildlife-fund-now-labelled-undesirable-by-2023-06-22/>

Mark Trevelyan, "Russia bans tiny U.S.-based NGO for "sabotaging" vast gas pipeline", Reuters, July 6, 2023, <https://www.reuters.com/business/energy/russia-bans-tiny-us-based-ngo-sabotaging-vast-gas-pipeline-2023-07-05/>

"Russia Labels U.S. NGO Wild Salmon Center an 'Undesirable' Organization", The Moscow Times, July 18, 2023 <https://www.themoscowtimes.com/2023/07/18/russia-labels-us-ngo-wild-salmon-center-an-undesirable-organization-a81880>

"What is Bellona environmental foundation", Kommersant, April 18, 2023, <https://www.kommersant.ru/doc/5940290?from=spot>

<sup>10</sup> Article 284.1 of the Criminal Code of the Russian Federation.

2. Follow through on recommendations from previous UPRs including to sign and accede to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity;
3. Stop all types of pressure on environmental human rights defenders from the state actors and protect defenders from such pressure by non-state actors (Recommendation by the Environmental Crisis Group)
4. Investigate all cases of attacks and threats to environmental human rights defenders and bring the perpetrators to justice (Recommendation by the Environmental Crisis Group)
5. Investigate all violations of environmental law, which are associated with attacks on environmental human rights defenders (Recommendation by the Environmental Crisis Group)
6. Ensure safe and free work of environmental human rights defenders, including allowing and promoting freedom to seek, receive, and impart information on environmental issues (Recommendation by the Environmental Crisis Group)

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## **ISSUE 2: RIGHTS OF OLDER PEOPLE**

Bulgaria recommended that the Russian government strengthen the protection of the rights of older people and other vulnerable groups and Uzbekistan recommended that it continue to take measures to defend the rights of older people and people with disabilities.

The Russian government stated that a systematic program was being developed to improve the quality of life of older persons and to increase life expectancy.<sup>11</sup>

Human Rights Watch notes that with its aging population growing, Russia has taken positive steps toward reforming services for older people. In 2013, Russia passed a law to ensure that older people have access to a broader range of home services, which can include personal support assistance such as delivery of groceries, payment of bills, food preparation, personal hygiene, or medical services, emergency services, or mental health services. A law that entered into force in 2015 states that services should be tailored to an individual's needs with the goal of enabling older people "to remain in a familiar and positive living environment."

However, research conducted by Human Rights Watch on the rights of older people in Russia in 2020-2021 found that the Russian government is not providing adequate resources for home-based services for older people, denying some of them the ability to live independent and dignified lives.<sup>12</sup>

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<sup>11</sup> Report of the Working Group on the Universal Periodic Review - Russian Federation, A/HRC/39/13, July 12, 2018, para.146, [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/39/13](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/39/13)

<sup>12</sup> "Russia: Insufficient Home Services for Older People", Human Rights Watch Report, August 24, 2021, [https://www.hrw.org/news/2021/08/24/russia-insufficient-home-services-older-people#:~:text=\(Moscow\)%20%E2%80%93%20The%20Russian%20government,Human%20Rights%20Watch%20said%20today.](https://www.hrw.org/news/2021/08/24/russia-insufficient-home-services-older-people#:~:text=(Moscow)%20%E2%80%93%20The%20Russian%20government,Human%20Rights%20Watch%20said%20today.)

Human Rights Watch's interviews with 20 older people in Pskov and Sverdlovsk regions, as well as with experts and advocates in various parts of Russia, suggest that despite reform efforts, services often do not go far enough to meet the needs of older people to allow them to live at home with dignity.

Under the law, financing and delivery of home-based services is the responsibility of regional governments. Experts and advocates said at the time that funds were often insufficient to cover the real need for home services, rendering the 2013 law ineffective. Social workers, whose jobs include delivering home-based services to older people, often have heavy caseloads that do not allow them to provide comprehensive services, even if provided for by regional or federal norms. In most cases Human Rights Watch examined in 2020-2021, social workers were unable to carry out services beyond delivery of food and medicine.

The law also requires older people or their legal representative to request services, meaning that unless older people get adequate information about entitlements, they may not be able to get the support that is available.

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Therefore, states should recommend that the Russian government:

1. Ensure that all older people receive the support they need to live at home, if that is their choice, with dignity and autonomy;
2. Ensure that regional governments have sufficient funds to provide adequate support services on a long-term basis and improve and standardize training of social workers and other service providers where needed;
3. Require service providers to do more outreach to older people to inform them about available services to ensure that those most in need of support can get them;
4. Federal and regional governments should improve and expand the types and availability of social services provided to older people and take measures necessary to ensure that sufficient numbers of social workers are available to provide support services for as much time as required.

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### **ISSUE 3 – NON-DISCRIMINATION AND RIGHTS OF MIGRANT WORKERS**

Six states made recommendations to the Russian Federation on migrant rights during the previous UPR cycle, focusing on ratification of the International Convention on the Rights of All Migrant Workers and Members of Their Families (Kyrgyzstan, Philippines, Senegal, Sri Lanka, Honduras) and enhancing the integration of migrants (Vietnam).<sup>13</sup>

Seventeen states made recommendations pertaining to combatting racial or ethnic discrimination, xenophobia, racial profiling by police; addressing hate speech by officials and the dissemination of

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<sup>13</sup> United Nations General Assembly, Human Rights Council, Report of the Working Group on the Universal Periodic Review: Russia, A/HRC/39/13 (June 2018), para 147.3, 147.4, 147.23, 147.304

negative stereotypes and prejudices by media; and ensuring the protection of minorities and vulnerable groups.<sup>14</sup>

The Russian Federation claimed that the law already forbids public servants, without exception, from racial profiling and other discrimination on the basis of race.<sup>15</sup>

However, high-level government officials and politicians and mainstream, state-affiliated and other media continue to routinely engage in anti-migrant and xenophobic actions and rhetoric.<sup>16</sup>

Racial profiling by law enforcement of migrants of non-Slavic appearance in public spaces and during special operations remains prevalent. Russian police continue to round up and detain en masse migrant workers and non-Slavic Russian nationals whom they apparently presumed by their appearance to be migrants and subject them to prolonged detentions, sometimes in inhumane conditions.

The Covid-19 pandemic, the economic downturn, and then the full-scale invasion of Ukraine supercharged these tendencies. Journalists reported that Russian authorities also actively lured and recruited migrant workers to fight in its armed forces<sup>17</sup> and to work on the territories of Ukraine occupied by Russia.<sup>18</sup> The reports include allegations of coercion and harassment should migrant workers

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<sup>14</sup> United Nations General Assembly, Human Rights Council, Report of the Working Group on the Universal Periodic Review: Russia, A/HRC/39/13 (June 2018), para 147.72-147.91

<sup>15</sup> United Nations General Assembly, Human Rights Council, Report of the Working Group on the Universal Periodic Review: Russia, Annex 1, A/HRC/39/13/Add.1/ (unofficial translation), para. 147.175

<sup>16</sup> Damelya Aitkhozhina, "Using courage, and one's privilege, to counter racial profiling in Moscow," Human Rights Watch Dispatch, December 8, 2019, <https://www.hrw.org/news/2019/08/12/using-courage-and-ones-privilege-counter-racial-profiling-moscow>

"Russia: Police Round Up Migrant Workers," Human Rights Watch press release, December 24, 2019, <https://www.hrw.org/news/2019/12/24/russia-police-round-migrant-workers>

Damelya Aitkhozhina, "As Russia faces an economic downturn, migrant workers are paying a brutal price", Op-ed, Open Democracy, December 9, 2020, <https://www.opendemocracy.net/en/odr/russia-faces-economic-downturn-migrant-workers-are-paying-brutal-price/>

<sup>17</sup> "The Year of War: Reporting on the Situation of Minorities and Migrants", Anti-Discrimination Center "Memorial" (ADC Memorial), February 23, 2023, <https://adcmemorial.org/en/publications/the-year-of-war-reporting-on-the-situation-of-minorities-and-migrants/>

"Missing Tajik migrants end up in the Russian army", Central Asian Bureau for Analytical Reporting, November 14, 2022, <https://cabar.asia/en/missing-tajik-migrants-end-up-in-the-russian-army>

<sup>18</sup> Farangiz Nadjibulla, "To collect dead Russians." How Central Asians are lured to work in occupied parts of Ukraine", <https://rus.azattyq.org/a/32314125.html>

"The Year of War: Reporting on the Situation of Minorities and Migrants", Anti-Discrimination Center "Memorial" (ADC Memorial), February 23, 2023, <https://adcmemorial.org/en/publications/the-year-of-war-reporting-on-the-situation-of-minorities-and-migrants/>

Rustam Temirov, "Central Asian Migrants working on Ukrainian occupied territories may face legal challenges", Caravanserai, December 23, 2022, [https://central.asia-news.com/ru/articles/cnmi\\_ca/features/2022/12/23/feature-01](https://central.asia-news.com/ru/articles/cnmi_ca/features/2022/12/23/feature-01)

refuse Russian authorities<sup>19</sup> and threats of criminal prosecution by countries of origin if they fight in Russia's armed forces.<sup>20</sup>

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*States should recommend the Russian government to:*

1. Ensure in practice that racial discrimination and racial profiling of migrants, in particular by law enforcement officials, is not tolerated and is prosecuted;
2. Ensure in practice that use of racist and hate speech against migrants by officials and politicians, and the dissemination of negative stereotypes and prejudices by media outlets is not tolerated;
3. Sign and accede to Convention on the Rights of All Migrant Workers and Members of Their Families.

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<sup>19</sup> Chris Rickleton, "Stick, carrot and deceit: Central Asians in Russia are targeted by military recruiters to fight in Ukraine," Radio Azattyk, October 19, 2022, <https://rus.azattyk.org/a/32090704.html>

"Local authorities in Kaluga refuse to accept migrants' applications for naturalization, unless they sign military service contracts", The Insider, August 27, 2023, <https://theins.ru/news/264597>

<sup>20</sup> "Uzbekistan again warned its nationals about the ban to fight in Ukraine", Radio Liberty, November 16, 2022, <https://www.svoboda.org/a/uzbekistan-snova-predupredil-svoih-grazhdan-o-zaprete-voevatj-v-ukraine/32133757.html>

Kanyngul Elkeyeva, "Wounded at war, now unable to return to Kyrgyzstan." Radio Azattyk, April 14, 2023, <https://rus.azattyk.org/a/32363743.html>

"Kazakhstan investigates ten criminal cases on participation of its nationals in war in Ukraine", Current Time, April 16, 2023, <https://www.currenttime.tv/a/kazahstan-desyat-ugolovnyh-del-uchastie-v-voyne/32366095.html>

"Tajikistan compiles list of Tajik 'mercenaries' fighting in Ukraine", Radio Ozodi, May 18, 2023, <https://rus.ozodi.org/a/32417211.html>