

Implementation of recommendations regarding health and protection from violence in relations to people who use illicit drugs in Russia, especially women.

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This report is provided by the Andrey Rylkov Foundation for Health and Social Justice.

The organization is considered a Foreign Agent by the Ministry of Justice of the RF.

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INTRODUCTION

This report provides information on the implementation of UPR recommendations received and accepted by the Russian Federation during the second and third UPR cycles. It highlights rights violations, discrimination and absence of evidence-based HIV prevention services for people who use illicit drugs.

We refer to UPR recommendations related to the right to health in Cycle 2 (Cuba and Brazil), and Cycle 3 multiple recommendations to combat domestic violence under Theme 29 (Malaysia; Italy; Kyrgyzstan; Burkina Faso, Maldives; Myanmar; Viet Nam).

We conclude with the following **recommendations for the Russian Federation during the fourth UPR cycle**:

- Implement WHO-recommended measures for HIV prevention among people who inject drugs, in particular harm reduction programs such as the opioid substitution therapy with use of methadone and buprenorphine, needle and syringe, and overdose prevention programs.
- Repeal administrative and criminal punishment for drug use, possession for personal use, and social distribution (micro- trafficking) of drugs.
- Ensure access to shelters and protective services, including harm reduction programs with mental health and legal counselling for women who use drugs and are victims of violence.

RELEVANT UPR RECOMMENDATIONS DURING THE SECOND UPR CYCLE

Continue its efforts to ensure free medical services of high quality for its population (given by Cuba during the second UPR cycle and accepted by the Russian Federation)ⁱ;

Strengthen its programmes aimed at the promotion of the right to health (given by Brazil during the second UPR cycle and accepted by the Russian Federation)ⁱⁱ.

RELEVANT UPR RECOMMENDATIONS DURING THE THIRD UPR CYCLE

Develop a comprehensive framework for the elimination of sexual and domestic violence against women and children (Cyprus)ⁱⁱⁱ.

IMPLEMENTATION OF THESE RECOMMENDATIONS BY RUSSIA WITH RESPECT TO PEOPLE WHO USE DRUGS, HIV and GENDER BASED VIOLENCE

Russia has not taken any measures to ensure that the recommendations concerning health and protection from violence have been implemented as related to the situation of people who use drugs, and in particular women. None of the WHO-recommended evidence-based measures to prevent HIV in the most vulnerable group, such as harm reduction programs, including opioid substitution programs, needle and syringe programs and opiate prevention programs are implemented, which contributes to the deadly toll of these diseases. Besides, Russia has extended its deadly denial of the right to health and evidence-based medical services for people who use drugs by limiting or interrupting evidence-based harm reduction and opioid substitution treatment programs in the occupied territories of Ukraine^{iv}.

Drug policy in Russia, promulgated in the State Anti-Drug Strategy, is based on repressive measures aimed at “forming intolerance towards non-medical use of drugs”^v. This discourse officially promoted by the state encourages stigma and discrimination, violence and violations of basic human rights of drugs-users, with women drug users suffering the most.

In 2020 only, 59.598 new HIV diagnoses were reported from the Russian Federation: Russia accounts for 57% of European HIV cases, and the highest rates per 100000 population^{vi} with the highest rates of infection among people who use drugs. The government's approach to drug use and HIV has been characterized by a focus on punitive measures, including arrests, detention, and forced treatment, rather than on harm reduction and evidence-based approaches.

According to UNAIDS 2021 Report, Russia upholds punitive and discriminative laws which inhibit progress towards HIV elimination including laws criminalizing possession of drugs for personal use^{vii}.

While several harm reduction programs operate in Russia, they are operated by Non-governmental organizations, and are opposed to by the Russian government. Most of the organizations providing harm reduction services have been included in the Registry of

Foreign Agents and faced repressions on behalf of the governmental bodies^{viii}.

The pervasive stigma and discrimination faced by people who use drugs is a significant contributor to the spread of HIV, tuberculosis and lethal overdose, especially due to the fact that this population is often subject to legal persecution, harsh imprisonment, and limited access to evidence-based prevention, treatment, and care services for HIV and TB^{ix,x}. This dire situation is underscored by UNAIDS, which has noted that the HIV epidemic in Russia is, at its core, an epidemic of stigma and discrimination^{xi}.

Women who use drugs are criminalized to a much greater extent than women from other segments of the population and to a much greater extent than drug-using men. Incarceration contributes to further violations: women who use drugs have difficulties accessing proper treatment in places of detention, they face increased risk of physical and sexual violence.

Gender-based violence is among the reasons for women's engagement in drug use and offenses related to drug use. However, there is also a reverse causality: criminalization and stigmatization of women who use drugs makes them more vulnerable to gender-based violence inflicted by their parents, partners and acquaintances, as well as lawenforcement officers. Because of criminalization, stigmatization and previous experience of abuse and inhumane treatment by state authorities, women who use drugs avoid contacting the police, in fear of more abuse by police officers.

Women who use drugs in Russia are not only affected by lack of access to health services but also experience extreme levels of violence in all spheres of their lives which by great extent surpass those of general women population. Nine out of ten women 89% (65) in the ARF assessment have experienced violence. Of them, 78% were subjected to domestic and 73% to police violence. Almost half of women (49%) have experienced both domestic and police violence. As highlighted by several NGO submissions to CEDAW, domestic violence remains a significant neglected problem in the Russian Federation; 12 and according to another recent review of the situation with domestic violence, women who use drugs represent one of the most vulnerable groups^{xiii}.

ANNEX I



Andrey Rylkov Foundation for Health and Social Justice (www.rylkov-fond.org) is a grass-roots organization from Moscow, Russia with the mission to promote and develop humane drug policy based on tolerance, protection of health, dignity and human rights. The Foundation engages in 4 key strategies to advance its mission: advocacy, watchdog, service provision and capacity building of affected communities and individuals. From 2009 the Foundation serves as a Secretariat for the Russian Public Mechanism for Monitoring of Drug Policy reform, a consortium of more than 70 civil society activists, legal and medical professionals, which are committed to improve drug policy in Russia through legal and policy analysis, information sharing, and strategic litigation.

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In preparation of this report the Foundation was assisted by the Canadian HIV/AIDS Legal Network



The Canadian HIV/AIDS Legal Network (www.aidslaw.ca) promotes the human rights of people living with and vulnerable to HIV/AIDS, in Canada and internationally, through research and analysis, advocacy and litigation, public education and community mobilization. The Legal Network is Canada's leading advocacy organization working on the legal and human rights issues raised by HIV/AIDS. (An NGO with Special Consultative Status with the Economic and Social Council of the United Nations)

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ⁱ Human Rights Council. Twenty-Fourth Session. Report of the Working Group on the Universal Periodic Review. Russian Federation. A/HRC/24/14. July 2013.

ⁱⁱ Ibid

ⁱⁱⁱ Office of the United Nations High Commissioner for Human Rights. (2018). Universal Periodic Review: Russian Federation. Retrieved from <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session30/RU/MatriceRecommendationsRussianFederation.docx>

^{iv} WHO (2023) Comprehensive Review of the National HIV/AIDS, Opioid Agonist Maintenance Therapy Programs of Ukraine. Draft February 2023.

^v State Anti-Drug Strategy, adopted by the Decree of the President of the Russian Federation No 690 of June 9, 2010, available at: <https://www.novreg.ru/region/social/AntiDrugs/>

^{vi} European Centre for Disease Prevention and Control. (2021). Annual Epidemiological Report for 2020 - HIV/AIDS Surveillance in Europe. Stockholm: ECDC. Available at: https://www.ecdc.europa.eu/sites/default/files/documents/2021-Annual_HIV_Report_0.pdf

^{vii} UNAIDS. (2021). Prevailing against pandemics by putting people at the centre: 2021 Global AIDS Update. UNAIDS. Retrieved from https://www.unaids.org/sites/default/files/media_asset/2021-global-aids-update_en.pdf

^{viii} Andrey Rylkov Foundation et al. (2020). Report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in the Russian Federation in relation to access to health care for women who use drugs. Retrieved from <https://harmreductioneurasia.org/wp-content/uploads/2020/06/Russia-CEDAW-report-ENG.pdf>.

^{ix} Sarang, Anya et al. "Prisons As A Source Of Tuberculosis In Russia". International Journal of Prisoner Health 12.1 (2016): 45-56. Web. <http://www.ncbi.nlm.nih.gov/pubmed/26933992>

^x Golichenko M and Sarang A. Atmospheric Pressure: Russian drug policy as a driver for violations of the UN Convention against Torture and the International Covenant on Economic, Social and Cultural Rights. *Journal Health and Human Rights* special issue on Framework Convention on Health and Human Rights. June 2013

^{xi} Statement by Vinay Patrick Saldanha, Director, Regional Support Team for Eastern Europe and Central Asia of the Joint United Nations Programme on HIV/AIDS (UNAIDS) for CNN. See Watson I., et al. On the front lines of Russia's 'staggering' HIV epidemic. CNN. June 8, 2017. <http://www.cnn.com/2017/06/06/health/russia-hiv-epidemic/index.html> (Accessed October 4, 2017)

^{xii} Andrey Rylkov Foundation (2021) Criminalization and stigma exacerbate violence against women who use drugs in the Russian Federation. Report in relation to the 9 th Periodic Report of the Russian Federation CEDAW/C/RUS/9 80th session, 2021