

UNITED NATIONS HUMAN RIGHTS COUNCIL

UNIVERSAL PERIODIC REVIEW
OF THE RUSSIAN FEDERATION

4th UPR Cycle, 44th Session

Summary of Submissions
and Recommendations
by the European Prison Litigation Network



In the framework of the 4th UPR Cycle, the European Prison Litigation Network (EPLN), jointly with its partners-NGOs, submitted a number of reports to the Working Group on the Universal Periodic Review, highlighting the main human rights issues faced by the penitentiary system of the Russian Federation, and proposing a series of recommendations to be addressed to the Russian authorities.

EPLN, is an international NGO holding a participatory status with the Council of Europe. EPLN brings together 25 organisations active in the prison field in 19 European countries. It focuses its activities on enhancement of the judicial protection of the fundamental rights of prisoners in Europe.

Full version of our reports and recommendations can be found at:

<http://www.prisonlitigation.org/upr-reports-2023/>



European Prison Litigation Network (EPLN)
**Réseau Européen de Recherche et d'Action en Contentieux
Pénitentiaire (RCP)**

French Law Association under 1901 Law

21 ter rue Voltaire
75011 Paris, France
www.prisonlitigation.org

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1 RECRUITMENT OF PRISONERS BY THE WAGNER GROUP

jointly with [Russia Behind Bars](#)

Since February 2022, the Wagner Group, a Russian-backed private military contractor, has been recruiting prisoners from across Russia, as well as in the occupied territories of Ukraine. The Wagner Group has recruited up to 40,000 prisoners, including foreign nationals. Some of them were forced to join Wagner by the prison administration. Most of the prisoners were used at the front lines in Donetsk and Luhansk Regions of Ukraine, with reportedly 10,000 of them killed. Prisoners were also reporting practices of torture of captured Ukrainian servicemen, as well as regular threats, ill-treatment, and executions of their fellow inmates. The Government exposed prisoners as an accessible and obedient labour force, diminishing their human dignity, subjecting them to forced labour, and putting their lives and lives of others to imminent risk. By renting out prisoners, Russian penitentiary service acted in breach of their responsibility for the custody of prisoners and protection of public safety. The engagement of inmates in the military operations was unlawful and ran contrary to the rehabilitative purpose of their detention. Before being recruited, most of them have endured a prolonged psychological and physical pressure, without prospects of early release¹ leading them to make extreme choices and to endanger their lives and the lives of others. The use of untrained personnel some of whom committed serious violent crimes heightened the risk of grave breaches of humanitarian law. Moreover, recruitment of Ukrainian prisoners from the occupied territories runs contrary to the prohibition to compel protected persons to serve in the armed forces of the occupying power.

OUR PROPOSAL FOR RECOMMENDATIONS:

- ▶ to put an end to the recruitment of prisoners detained in Russian and Russia-controlled places of detention and their deployment to the war in Ukraine
- ▶ to withdraw all recruited prisoners from Ukraine
- ▶ to investigate the recruitment campaign and to hold recruiters, commanders of military contractors, and public officials involved in recruitment accountable.

¹ See, e.g., EPLN Report to the CCPR concerning prison violence in Russia https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/RUS/INT_CCPR_CSS_RUS_50031_E.pdf

2 **TORTURE IN RUSSIAN PRISONS**

jointly with the [Public Verdict Foundation](#)

Relevant Recommendations from the 3rd Cycle: 147.110 and 147.114

Torture and deliberate inhuman treatment are routinely used by the prison authorities as a means of managing the Russian penitentiary system. More than 100 cases of torture, including those resulting in victims' death, were documented in the Russian penitentiary in the recent years. The actions of the authorities in this area have been limited to occasional condemnatory statements. Numerous recent cases of torture in prisons have involved detachments of prisoners working for the administration. Those who disobey the "internal order" are often subjected to sexual violence and degraded to the "untouchable" caste, the lowest position within the informal prison hierarchy, the "members" of which are reduced to a state of slaves working for other inmates.² In addition to the tolerance by the authorities, a number of inter-related factors contribute to the persistence of the phenomena of torture, including the involvement of prison services in criminal investigations, subordination of prison medical staff to the prison administration,³ brutal and arbitrary disciplinary measures, deficient criminalisation of torture,⁴ lack of meaningful statistics, wide discretion of investigators in deciding on opening a case,⁵ lack of guidelines for the investigation of torture, ineffective judicial review.

OUR PROPOSAL FOR RECOMMENDATIONS:

- ▶ to criminalise torture as a separate criminal offence, in accordance with the UN Convention against Torture, and not subject to statute of limitations
- ▶ to give message of zero tolerance of torture, and to ensure that perpetrators, including officials, are prosecuted and victims are afforded redress and rehabilitation;
- ▶ to publish statistics on the cases of torture
- ▶ to immediately open criminal cases on the allegations of ill-treatment and torture in detention and to implement methodological guidelines on investigation of such cases
- ▶ to place investigation under effective judicial review
- ▶ to place prison medical service under the authority of the Ministry of Health, and to ensure the implementation of the Istanbul Protocol
- ▶ to ensure that disciplinary measures comply with human rights standards and are applied through an adversarial procedure that provides fair trial guarantees.

² See, ECtHR judgment of 2 May 2023 in the case of S.P. and Others v. Russia (nos. 36463/11 and 10 others)

³ See individual submission of the Public Verdict Foundation to the UN Human Rights Council Working Group on the UPR, 4th UPR Cycle, 44th Session, within the framework of the Review of the Russian Federation.

⁴ Committee against Torture, Concluding observations on the sixth periodic report of the Russian Federation, sixty-fourth session (23 July-10 August 2018), § 8. See, in this regard, joint submission by OVD-Info and other human rights NGOs to the UN Human Rights Council Working Group on the Universal Periodic Review, 4th UPR Cycle, 44th Session, within the framework of the Review of the Russian Federation.

⁵ Ibid.

3 DISMANTLING OF PUBLIC MONITORING COMMISSIONS AND THE LACK OF TRANSPARENCY OF THE RUSSIAN PENITENTIARY SYSTEM

jointly with [Man and Law](#) and [Citizens' Watch](#)

Relevant Recommendations from the 3rd Cycle: 147.133

Non-transparency of the Russian penitentiary contributes to the persistent cruel treatment of convicts. The authorities have failed to create the national preventive mechanism and do not support the public monitoring commissions (PMCs) – committees of visitors responsible for monitoring of places of detention. In 2022-2023 all “inconvenient” PMCs’ members: human rights defenders and journalists, especially those who were declared or had any affiliation to “foreign agents”, were replaced with either people who were either completely unskilled or with former law-enforcement officers. Public control over places of detention has become fictitious, reporting on torture by human rights defenders was criminalised as a form of “defamation”. Places of detention were left without external independent monitoring by civil society, which increases the risk of inhuman treatment and torture. Despite the UN CAT recommendations, no mechanism for confidential reporting of torture by prisoners was created.⁶ Prison administration was allowed to interrupt interviews of prisoners by PMCs. Members of the PMCs and lawyers were prohibited from taking photos, video, and audio records during visits and interviews. Prison administration gained a monopoly on all evidence of torture. Repercussions against victims of torture continue, in particular, due to the total censorship of prisoners’ correspondence and phone calls.

OUR PROPOSAL FOR RECOMMENDATIONS:

- ▶ to ensure independence and impartiality of the public monitoring commissions and to assist them in the effective exercise of their activities
- ▶ to repeal discriminatory framework and regulations aimed at preventing human rights defenders from being elected to the PMCs based on the status of “foreign agents”
- ▶ to ensure transparency of the penitentiary system, support the public scrutiny of places of detention, and to ensure that PMCs, lawyers, and human rights defenders during prison visits are able to freely obtain, collect, and record information about human rights violations
- ▶ to ensure that victims of torture, human rights defenders, and lawyers are able to freely report cases of torture without repercussions, including prosecution punitive civil actions
- ▶ to ratify the Optional Protocol to the Convention against Torture and establish a national preventive mechanism in accordance with the Protocol.

⁶ For further details, see: Communication from the Public Verdict Foundation to the CCPR (136th Session (10 October – 4 November 2022) in relation to the eighth periodic report of the Russian Federation), available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FCSS%2FRUS%2F47730&Lang=en

4 **FORCED TRANSFER OF UKRAINIAN PRISONERS FROM KHERSON TO RUSSIA**

jointly with [Protection for Prisoners of Ukraine](#) and [Russia Behind Bars](#)

In November 2022, shortly before their retreat from Kherson, Russian occupying forces, forcefully transferred more than 2,000 prisoners from penitentiary institutions of Kherson and Mykolaiv Regions of Ukraine. Most of them were allocated to correctional colonies in Krasnodar and Volgograd Regions of Russia. Despite the ensuing release of several dozens of prisoners, some of whom successfully returned to Ukraine, most of them are still arbitrarily held in the Russian penitentiary institutions, without access to legal remedies and means of communication. During the transfer, prisoners were ill-treated and sometimes tortured. Their continuing detention in Russia lacks legal grounds under the domestic law, and from the standpoint of international human rights law. It further amounts to a grave breach of international humanitarian law.

On 31 July 2023, in an attempt to “legalise” the continuing detention in Russia of prisoners sentenced by the Ukrainian courts, the Russian authorities adopted a law, which retroactively extended Russian criminal jurisdiction on crimes committed in the occupied regions of Ukraine before 30 September 2022 (date of the annexation), and, in particular, acknowledged the binding legal force of criminal judgments delivered by the Ukrainian courts before that date, including for the purpose of the execution of sentences.⁷

OUR PROPOSAL FOR RECOMMENDATIONS:

- ▶ to explain the grounds for detention and transfer to Russia of prisoners from Kherson and Mykolaiv regions of Ukraine
- ▶ to take appropriate measures to ensure that the rights of prisoners transferred from Kherson and Mykolaiv regions of Ukraine, including their right to life and to physical and mental integrity, are respected
- ▶ to release all the prisoners transferred from Kherson and Mykolaiv regions of Ukraine and to ensure their safe and obstructed return to the territory of Ukraine, under the control of the Ukrainian Government.

⁷ Federal Law of 31 July 2023 No. 395-FZ, “On the application of the provisions of the Criminal Code of the Russian Federation and the Code of Criminal Procedure of the Russian Federation in the territories of the Donetsk People’s Republic, the Luhansk People’s Republic, the Zaporizhzhya region and the Kherson region” (Section 8), available at: <http://publication.pravo.gov.ru/document/0001202307310011>

5 **PLACES OF DETENTION IN UKRAINE UNDER THE RUSSIAN OCCUPATION**

Jointly with [DIGNITY](#) [Kharkiv Human Rights Protection Group](#) [Protection for Prisoners of Ukraine](#) [Ukraine Without Torture](#)⁸

Following Russia's invasion, penitentiary institutions, police establishments, social and health-care institutions in Ukraine became scenes of widespread violations of international law. Prisons were not evacuated, and inmates endured numerous human rights violations under the occupation, including killings and torture. Police stations were often repurposed as torture chambers, where civilians were systematically tortured. Social and healthcare institutions struggled with staff shortages and the lack of water, food, and medicine. Torture occurred in both official and unofficial places of detention. In official places, like prisons, Russian forces used torture to extract confessions, intimidate prisoners, and coerce obedience. In unofficial sites, like basements and garages, Russian forces tortured civilians to eliminate potential threats to the occupation regime and to punish them for a pro-Ukrainian position or resistance to cooperate. Documented torture methods include beatings, electric shocks, sexual violence, positional torture, suffocation, inhumane detention conditions, along with psychological methods like humiliation, mock executions, and threats of execution or physical harm to victims and their families. In an attempt to legalise these systemic practices, and to shield the perpetrators from accountability, on 31 July 2023, Russian authorities passed a law exempting individuals from liability for crimes committed in the occupied territories if they were committed "in the interests of Russia."⁹

OUR PROPOSAL FOR RECOMMENDATIONS:

- ▶ immediately cease the use of of torture and cruel, inhuman or degrading treatment or punishment against persons detained in the occupied territories of Ukraine and / or transferred to Russia from Ukraine
- ▶ immediately end arbitrary detention and enforced disappearances of civilians and prisoners, including by way of forcible transfers to unacknowledged places of detention in Ukraine or to places of detention in Russia
- ▶ to ensure appropriate conditions in all places of detention
- ▶ to ensure the safety and security of persons in areas of active hostilities and the occupied Ukrainian territories, including by taking all necessary measures to ensure that prisons and colonies are not exposed to shelling
- ▶ to provide information about the location of all persons detained in the occupied Ukrainian territories, including those who were subsequently transferred to Russia
- ▶ to assist and allow unrestricted access to all places of detention in the occupied territories of Ukraine to the national and international monitoring bodies, including the NPM of Ukraine, the UN Human Rights Monitoring Mission in Ukraine, the CPT, and the ICRC.

⁸ Full version of the report is available at: <https://www.dignity.dk/wp-content/uploads/42-Nine-circles-of-hell.pdf>

⁹ Federal Law of 31 July 2023 No. 395-FZ, "On the application of the provisions of the Criminal Code of the Russian Federation and the Code of Criminal Procedure of the Russian Federation in the territories of the Donetsk People's Republic, the Luhansk People's Republic, the Zaporizhzhya region and the Kherson region" (Section 2 § 2), available at: <http://publication.pravo.gov.ru/document/0001202307310011>

6 HUMAN RIGHTS IMPACT OF RUSSIA'S DRUG CONTROL POLICY AND PRACTICE

Jointly with [Harm Reduction International](#) and [UnMode](#)

Russia pursues a highly punitive, abstinence-centred approach to drugs, characterised by criminalisation and repression. This is most clearly manifested by its 2020-2030 Anti-Drug strategy, whose overarching objective is to “create conditions for anti-drug ideology based on traditional moral and cultural values of Russia.” Around 30% of the prison population were convicted of drug-related offences (over 200,000 people). In addition, over half of those released from prisons are incarcerated again later. This punitive approach affects incarceration rates in the country, aggravating harsh conditions of detention and leading to prison overcrowding. No harm reduction or evidence-based drug treatment service is available in detention settings. People who use drugs, particularly women, are widely treated as criminals, and interventions to address drug-related harms are non-existent. Police are broadly using corruption, planting of evidence, and provocation to ‘incentivise’ people who use drugs to commit offences and then arrest them. Medical confidentiality is violated, with law enforcement using medical information on drug dependence to identify individuals to arrest. Violence and abuse persist in custody and during the investigation phase, with law enforcement exploiting vulnerability and the withdrawal symptoms to extract confessions – practices rooted in the criminalisation of Opioid Agonist Therapy in Russia.

OUR PROPOSAL FOR RECOMMENDATIONS:

- ▶ to implement recommendations by human rights mechanisms related to aligning domestic drug laws and policies with international human rights law and standards
- ▶ to adopt a public health and human rights approach to the drug problem, including the decriminalization of drug consumption and the provision of harm reduction services.
- ▶ to guarantee legal safeguards for detainees and carry out prompt, impartial and effective investigations of complaints of ill-treatment, arbitrary detention, torture, and death of detained people
- ▶ to ensure swiftness, transparency, and efficiency of the procedure for early release of prisoners on medical grounds
- ▶ to ensure that prisoners suffering from illnesses incompatible with detention be immediately released or provided with medical aid without delay
- ▶ to lift the ban on harm reduction services in the country, and ensure its availability and accessibility of the harm reduction services nation-wide
- ▶ to denounce violations and abuses in private drug ‘treatment’ centres, and investigate cases of violations and abuses.