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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES IN
ACCORDANCE WITH ARTICLE 16 OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

REPLIES BY THE GOVERNMENT OF THE RUSSIAN FEDERATION TO THE LIST
OF ISSUES (E/C.12/Q/RUS/2/REV.1) TO BE TAKEN UP IN CONNECTION WITH
THE CONSIDERATION OF THE FOURTH PERIODIC REPORTS OF THE
RUSSIAN FEDERATION CONCERNING THE RIGHTS REFERRED TO IN
ARTICLES 1-15 OF THE INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS (E/C.12/4/ADD .10)

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Question No. 2

Please provide specific information on the justiciability of the rights contained in the International Covenant on Economic, Social and Cultural Rights, including references to case law on the subject.

Reply

The Russian Federation has consistently taken measures to strengthen the system for the legislative and judicial protection of citizens' rights and engaged in economic and social reform. Legal principles and norms (judicial guarantees) and the conditions and requirements of activities of State authorities, local self-government authorities, their officials and citizens constitute the basis of the State machinery for the protection of human rights and fundamental freedoms. During the years of reform in the Russian Federation many laws have been enacted both at the federal level and by the constituent entities of the Russian Federation which contemplate measures for the legal protection of individuals. First and foremost among these is the Constitution of the Russian Federation. Moreover, the norms of international law are actively applied by the courts and other government bodies. An intensive effort is currently being made to harmonize the provisions of domestic legislation with the requirements of the corresponding norms of international law. In the Russian Federation this process is facilitated by the provisions of the Constitution.

Article 2 of the Constitution of the Russian Federation, which forms the basis of the constitutional system, stipulates: "The human individual and his rights and freedoms constitute the highest value. The recognition, observance and protection of human and citizens' rights and freedoms is the responsibility of the State". The Constitution of the Russian Federation strengthens and guarantees the whole spectrum of fundamental rights of persons and citizens recognized by international law. Moreover, article 55, paragraph 1, of the Constitution specifically provides that "the enumeration in the Constitution of the Russian Federation of the fundamental rights and freedoms shall not be interpreted as

a rejection of or derogation from other universally recognized human and citizens' rights and freedoms".

Human and citizens' rights, under article 18 of the Constitution of the Russian Federation, "shall have direct effect. They shall determine the meaning, content and application of laws and of the activities of the legislative and executive branches and local self-government, and shall be safeguarded by the justice system". Thus in cases where there is no specifically applicable legislative regulation or a regulation is unclear or distorted, citizens may seek to have these rights and freedoms upheld by the courts solely on the basis of the provisions of the Constitution. The Constitution of the Russian Federation, in accordance with the international treaties to which the Russian Federation is a party, provides for recourse to international bodies concerned with the protection of human rights and freedoms when all domestic means of legal protection have been exhausted (art. 46, para. 3). Article 17, paragraph 1, of the Constitution of the Russian Federation stipulates that human and citizens' rights and freedoms shall be recognized and guaranteed in the Russian Federation, in accordance with the universally recognized principles and norms of international law and with the Constitution. Other articles of the Constitution stipulate that the universally recognized principles and norms of international law should guide the granting of political asylum (art. 63, para. 1) and the guaranteeing of the rights of small indigenous peoples (art. 69).

As the basis for the constitutional system of the Russian Federation, article 15, paragraph 4, of the Constitution of the Russian Federation has strengthened the following right: "the universally recognized principles and norms of international law and the international treaties of the Russian Federation shall be a constituent part of its legal system". Accordingly, international treaties to which the Russian Federation is party that are consistent with the Constitution and federal legislation may govern relations in the area of human and citizens' rights and freedoms. They may serve as independent sources of legal regulation without having to be codified in domestic legislation. In its decisions the Constitutional Court of the Russian Federation frequently cites various universally recognized principles and norms of international law in the area of human and citizens' rights, thereby confirming their recognition by the Russian Federation. The Constitution, meanwhile, establishes the priority of international treaties to which the Russian

Federation is party over the country's own laws. The aforementioned article of the Constitution also states: "if an international treaty of the Russian Federation stipulates other rules than those stipulated by the law, the rules of the international treaty shall apply".

A broad range of norms in the Russian Constitution governing economic relations and economic rights has been strengthened: article 34 guarantees the right to engage in entrepreneurial and other economic activities as well as the right to participate in joint economic ventures; article 37 guarantees the right to freely choose one's type of activity and occupation; articles 35 and 36 guarantee the right to private property and the right to private ownership of land; article 23 guarantees the right to a business reputation; and article 53 guarantees the right to compensation for damage caused by the State. Another constitutional right is related to the labour market and concerns freedom of movement and the right to choose one's place of stay and residence (art. 27). Article 35, paragraph 3, of the Constitution contains two extremely important legal guarantees of the right to property: "no one may be arbitrarily deprived of his or her property except on the basis of a decision by a court of law"; and "property can be forcibly alienated for State needs only on condition of preliminary and equal compensation".

A vast body of laws aimed at protecting citizens' rights is in force in the Russian Federation. What is more, these acts are constantly undergoing improvement, with legal regulations in force being amended and supplemented. All legislative provisions govern social relations in various areas, and consequently strengthen citizens' rights in these areas as well as the regime for their implementation. Several pieces of legislation may be cited by way of example.

Article 3 of the Labour Code of the Russian Federation, contained in Federal Act No. 197 of 30 December 2001 (as amended and supplemented on 24 and 25 July 2002), prohibits discrimination in the field of labour. This article stipulates that everyone shall have equal opportunities for the exercise of his or her labour rights. No one's labour rights or freedoms may be restricted, nor may anyone be shown any kind of preference, irrespective of sex, race, skin colour, nationality, language, origin, economic, social or occupational status, age, place of residence, religion, political convictions, membership or non-membership in social organizations or of any other circumstances not related to an

employee's professional qualifications. The establishment of distinctions, exceptions and preferences and the restriction of employees' rights shall not be regarded as discrimination where they are determined by requirements established by federal law that are intrinsic to the type of work in question or are due to the State's particular concern for persons requiring a higher degree of social or legal protection. Persons who believe that they have been subjected to discrimination in the labour sphere may apply to bodies of the federal labour inspection authorities and (or) to a court for restoration of their violated rights and compensation for material and moral damages. Article 4 of the Labour Code prohibits forced labour. Specifically, the use of force or the threat thereof is prohibited, inter alia, for maintaining labour discipline; as punishment for participation in a strike; as a means of mobilizing and utilizing the labour force for the needs of economic development; as a punitive measure for the holding or expressing of political views or ideological beliefs that run counter to the established political, social or economic system; or as a discriminatory measure based on racial, social, national or regional affiliation. The following also qualify as forced labour: failure to meet the prescribed time limits for the payment of wages or the incomplete payment thereof, and the forcing of an employee to perform tasks where the employee has not been provided with collective or individual protective equipment or the work poses a threat to the employee's life or health.

Under article 8 of Federal Act No. 181 of 17 July 1999, entitled "Fundamentals of occupational safety in the Russian Federation" (as amended and supplemented on 20 May 2002 and 10 January 2003), every employee has the right to work in conditions that meet occupational safety requirements; this means in particular: in a workplace that meets occupational safety requirements; with social insurance against accidents and occupational illness, as required by the legislation of the Russian Federation; with reliable information from employers, the relevant State authorities and social organizations concerning work and safety conditions in the workplace, the existence of health risks and protective measures for dealing with harmful or hazardous situations; the right to refuse to work in the event that doing so may jeopardize employees' life and health, except in situations provided for in federal legislation, until the danger has been removed; the provision, at the employer's expense, of individual and collective safety

equipment that meets occupational safety requirements; instruction in safe methods of work at the employer's expense; vocational retraining at the employer's expense in the event that the workplace is shut down as the result of occupational safety violations; testing upon request of working and occupational safety conditions in the workplace by the State or public inspection and monitoring authorities; recourse to government bodies of the Russian Federation, its constituent entities and local governments, to employers and employers' associations and to professional unions, their associations and other representative bodies authorized by employees to deal with questions of occupational safety; participation, individually or through their representatives, in discussions of issues related to the provision of safe working conditions in the workplace and in investigations of industrial accidents or occupational diseases affecting them; special medical examinations (monitoring) in accordance with medical recommendations and retention of jobs (posts) and maintenance of average earnings while such exams are being conducted; compensation, as established by the legislation of the Russian Federation and its constituent entities, by collective agreement (understandings) or labour agreements, for persons engaged in heavy work or working in harmful or hazardous conditions.

Under article 9 of the aforementioned Act, the State guarantees the right of employees to work in conditions that meet occupational safety requirements. The working conditions stipulated in labour agreements must be consistent with occupational safety requirements. When work is suspended by State inspection or monitoring authorities as a result of a violation of occupational safety requirements that is not caused by the employee, the employee's post and average earnings shall be maintained. If an employee refuses to perform his or her job because of a situation that jeopardizes his or her life or health, the employer shall be required, except in situations provided for in federal legislation, to provide the employee with another job while the hazardous situation is being corrected. If it is not possible for valid reasons to provide the employee with another job, the employee shall be paid by the employer for the time spent idle until the danger to life or health is removed, in accordance with the legislation of the Russian Federation. If individual or collective protective equipment is not provided to the employee (as prescribed by law), the employer may not require the employee to perform his or her job, and shall be required to pay the employee for any time spent idle for this

reason, in accordance with the legislation of the Russian Federation. If an employee refuses to perform his or her job because of a situation dangerous to life or health arising from a violation of occupational safety requirements or from heavy work or work performed in harmful or hazardous conditions not covered by labour agreements, the employee shall not be liable to disciplinary measures. If an employee's life or health are harmed while the employee is working, compensation for such injury shall be made in accordance with legislation of the Russian Federation. With a view to anticipating and preventing violations of occupational safety legislation, the State shall provide for the organization and conducting of State inspections and monitoring of compliance with occupational safety requirements, and shall determine the responsibility of employers and officials for any violations of those requirements. Under article 10 of the aforementioned Act, heavy work and work performed in harmful or hazardous conditions may not be performed by women, young people under the age of 18 or individuals for whom such work is contraindicated on health grounds. A list of the heavy work and work performed in harmful or hazardous conditions that may not be performed by women is contained in decree No. 162 of the Government of the Russian Federation of 25 February 2000. A list of such work that may not be performed by young people under the age of 18 is contained in decree No. 163 of the Government of the Russian Federation of 25 February 2000.

The Housing Code of the Russian Federation of 24 June 1983 (as revised on 28 March 1998 and amended and supplemented on 17 April 2001, 25 July and 24 and 31 December 2002) stipulates, in article 1, that citizens of the Russian Federation have the right to housing. This right is guaranteed through the development and maintenance of State and public housing, assistance for cooperative and private housing construction, the equitable distribution, under community control, of living space as a modern housing construction programme is implemented, and low fees for apartments and public utilities.

Under article 7 of the Municipal Planning Code of the Russian Federation, contained in Federal Act No. 73 of 7 May 1998 (as amended and supplemented on 30 December 2001 and 10 January 2003), every citizen has the right to a favourable living environment. Ensuring enjoyment of that right requires: municipal land-use and demographic planning; participation of citizens and civil society in municipal planning

activities; State regulation of such activities; the licensing of all types of municipal planning activities; certification of all types of construction materials and services; State and public monitoring of municipal planning activities and compliance with the municipal planning legislation of the Russian Federation; compensation through administrative channels for damage caused to citizens by violations of the municipal planning legislation of the Russian Federation that entail a deterioration of living conditions; compensation for damage to the health and property of citizens caused by violations of the municipal planning legislation of the Russian Federation; holding accountable individuals who violate the municipal planning legislation of the Russian Federation.

The Basic Provisions for Legislation on Health Care for Citizens of the Russian Federation, No. 5487-1 of 22 July 1993 (as amended and supplemented on 24 December 1993, to March 1998, 20 December 1999 and 2 December 2000), state, in article 1, that protecting citizens' health involves a composite of political, economic, legal, social, cultural, scientific, medical, sanitary and epidemiological measures aimed at preserving and strengthening the physical and psychological health of every individual, helping them to live long and active lives and providing medical care when there is a loss of health. The State guarantees to protect the health of every individual, in accordance with the Constitution and legislation of the Russian Federation and its constituent republics as well as with universally recognized principles and norms of international law and the international treaties to which the Russian Federation is a party. Article 17 of the Basic Provisions stipulates that citizens of the Russian Federation shall have unlimited enjoyment of the right to health care. This right shall be guaranteed through preservation of the natural environment, the creation for citizens of satisfactory conditions of work, everyday life, leisure, education and training, the production and sale of high-quality foodstuffs, and the provision of adequate medical and social assistance to the population. The State shall provide citizens with health care regardless of sex, race, nationality, language, social origin, occupational status, place of residence, religious affiliation and convictions, membership in a social organization or other circumstances. The State shall guarantee citizens protection from any form of discrimination that might arise from their having any kind of illness. Persons found guilty of violating these provisions shall be

liable to punishment pursuant to the law. Citizens of the Russian Federation finding themselves in this situation shall have the right to health care in accordance with the international treaties to which the Russian Federation is a party.

Under article 29 of Federal Act No. 96 of 4 May 1999, entitled "Protection of the atmosphere", legal persons and public associations shall have the right to: obtain information concerning air quality, air pollution, sources of air pollution and their harmful physical effects; participate in activities to protect the atmosphere and in their financing; participate in the discussion of questions of specific economic and other activities that may have a harmful impact on air quality; discuss atmospheric protection programmes and submit proposals for improving air quality. Citizens and public associations shall have the right to sue for compensation for injury done to their health or property or to the natural environment by air pollution. Representatives of public associations shall have the right to gain access to the premises of the economic and other facilities where sources of air pollution and their harmful physical effects are located in the manner and under the terms provided for in the legislation of the Russian Federation.

Under article 5 of Federal Act No. 157 of 17 September 1998, on immunization against infectious diseases (as amended and supplemented on 7 August 2000 and 10 January 2003), citizens shall have the right when receiving immunizations: to receive full and objective information from medical personnel concerning the need for immunization, the consequences of refusal to be immunized and possible complications of immunization; to choose to be immunized at a State, municipal or private public health-care organization or by a citizen in private practice; to receive vaccinations free of charge, including those listed on the national vaccination schedule and vaccinations when there are indications of an epidemic, at State and municipal health-care organizations; to receive free medical check-ups and, where necessary, medical follow-up in the form of immunizations in State and municipal health-care organizations; to receive free treatment in the State and municipal health-care organizations in the case of persons presenting signs of post-immunization complications; to social protection in the case of persons presenting signs of post-immunization complications; to refuse immunizations.

In accordance with Federal Act No. 3612 -I of 9 October 1992, entitled "Fundamental legislation of the Russian Federation on culture" (as amended and

supplemented on 23 June 1999, 27 December 2000, 30 December 2001 and 24 December 2002), cultural activities in the Russian Federation are the unrestricted right of every citizen, regardless of national or social origin, language, sex, political, religious or other convictions, place of residence, economic status, education, profession or other circumstances (art. 8). Human rights in the area of culture are accorded priority insofar as they relate to the rights in this area of the State and any of its structures, social and national movements, political parties, ethnic communities, ethno-religious groups and religious organizations, and professional and other associations (art. 9). All persons shall have the right to engage in all types of commercial activity, in accordance with their interests and capabilities. The right of persons to engage in creative activities may be extended also to professional and non-professional (amateur) activities. Persons engaged in professional and non-professional creative activities shall have the same rights as regards copyrights and patents, intellectual property rights, the protection of industrial secrets, freedom to disseminate the product of their labour, and State support (art. 10). All persons shall have the right to freely choose their moral, aesthetic and other values, and to State protection of their cultural identity (art. 11). All persons shall have the right to access to cultural property and to the holdings of State libraries, museums, archives and other collections in all areas of cultural activity. Restriction of access to cultural property for reasons of confidentiality or special regimes governing its utilization shall be established by the legislation of the Russian Federation. Persons who have not attained 18 years of age shall be guaranteed the right to free entrance to museums once a month. The regime governing free entry to museums shall be established by the Government of the Russian Federation (art. 12). All persons irrespective of age shall have the right to humanistic and artistic education and to select the form and methods thereof in accordance with legislation of the Russian Federation on education (art. 13).

All persons shall have the right to property in the area of culture. The right to property shall cover articles with historic and cultural significance, collections, buildings and installations, organizations, foundations, enterprises and other facilities. The regime governing the acquisition, ownership, utilization and disposal of cultural property shall be regulated by the legislation of the Russian Federation (art. 14). Citizens shall have the right to establish organizations, foundations and enterprises for the production,

reproduction and circulation of cultural property, goods and the provision of intermediate services in the area of cultural activities in accordance with modalities established by the legislation of the Russian Federation (art. 15). Citizens shall have the right to form associations, commercial unions, guilds or other cultural societies in accordance with modalities to be established in the legislation on public associations (art. 16). Citizens shall have the right to leave the country for the purpose of participating in exhibitions and other forms of public representation, and for the purpose of selling the product of their artistic endeavours (art. 17). Citizens of the Russian Federation shall have the right to engage in cultural activities in foreign countries and to create cultural organizations in the territory of other States if such activities are not subsequently prohibited by the legislation of those States (art. 18). Aliens and stateless individuals shall enjoy the same rights as citizens of the Russian Federation in the area of cultural activities (art. 19). Peoples and other ethnic groups in the Russian Federation shall have the right to the preservation and development of their cultural and national identity, and to the protection, restoration and preservation of their indigenous cultural and historic habitat. Policy relating to the preservation, creation and dissemination of cultural values of indigenous ethnic groups whose names are used to designate national-State entities may not adversely affect the cultures of other peoples or ethnic groups living in the same territory (art. 20).

Article 21 of the Act establishes the right to cultural and national autonomy: the Russian Federation guarantees the right to all ethnic communities living in large groups outside their own ethnic-State entity or not having their own State entity to cultural and national autonomy. Cultural and national autonomy shall imply the right of such ethnic communities to freely express their cultural identity through the establishment, based on the will of the population or at the initiative of individual citizens, of ethnic cultural centres, associations and local ethnic organizations. Such centres, associations and local organizations shall have the right to: formulate and submit to the relevant State authorities and administration proposals for the preservation and development of ethnic culture; hold festivals, expositions and other similar activities; assist local ethnic folklore organizations and promote the restoration of ethnic historic and cultural monuments and the establishment of ethnographic and other museums; establish national clubs, studios

and arts collectives and to organize libraries, circles and studios for the study of national languages as well as all-Russian, republic and other associations. Ethnic cultural centres, ethnic societies and local ethnic organizations as well as all-Russian and other territorial associations belonging to such centres, societies and organizations shall have the right to legal personality and to registration as such.

Under article 22 of this Act, the Russian Federation guarantees its protection (patronage) in the preservation and restoration of the cultural and national identity of small ethnic communities in the Russian Federation by means of exceptional measures and stimuli set out in federal programmes for socio-economic, environmental, national and cultural development. The Russian Federation shall also determine, through international agreements, the conditions under which foreign countries may support such ethno-cultural centres and ethnic societies, local organizations, associations, scholarly and other cultural organizations of compatriots living in the Russian Federation, and shall guarantee legal protection of such entities (art. 24).

The rights of indigenous minorities are regulated in detail and protected in Federal Act No. 82 of 30 April 1999, entitled "Guarantees of the rights of small indigenous peoples". Under article 8 of this Act, small peoples and small peoples' associations shall, for the purpose of protecting their indigenous habitat and traditional way of life, economic activity and occupations, shall have the right to: (1) freely own and use, in places where they traditionally live and engage in economic activities, all types of land needed for their traditional economic activities and occupations, and common minerals, in accordance with procedures established in the legislation of the Russian Federation and its constituent entities; (2) participate in monitoring of the use of various types of land needed for the traditional economic activities and occupations of small peoples, as well as the common minerals found in places where small peoples traditionally live and engage in economic activities; (3) participate in the monitoring of compliance with the environmental protection legislation of the Russian Federation and its constituent entities in the industrial use of lands and natural resources and the reconstruction of economic and other facilities in places where small peoples traditionally live and engage in economic activities; (4) receive from government bodies of the Russian Federation and its constituent entities, international organizations, public associations and individuals

material and financial resources required for the socio-economic and cultural development of small peoples, protection of their indigenous habitat and traditional way of life, economic activities and occupations; (5) participate, through authorized representatives of small peoples, in the preparation and adoption by government bodies of the Russian Federation and its constituent entities and local self-government bodies, of decisions on questions relating to the protection of the indigenous habitat and traditional ways of life, economic activities and occupations of small peoples; (6) participate in the carrying out of environmental and ethnological studies for the development of federal and regional government programmes for the exploitation of natural resources and protection of the natural environment in places where small peoples traditionally live and engage in economic activities; (7) delegate authorized representatives of small peoples to councils of representatives of small peoples in executive bodies of the constituent entities of the Russian Federation and local self-government bodies; (8) the compensation of losses suffered by small peoples as a result of damage done to their indigenous habitat by the economic activity of organizations of all types of ownership and by individuals; (9) receive assistance from the State for reform of all forms of education and training for the next generation of small peoples, taking into account their traditional way of life and economic activities.

In order to protect their ancestral habitats, traditional ways of life, livelihoods and crafts, the individual members of small indigenous peoples are entitled: 1) in the places where they have traditionally lived and worked, to enjoy free ownership and use of the various types of land needed to carry on their traditional livelihoods and crafts, and of extensive mineral resources, in the manner prescribed by federal legislation and by the legislation of Russian Federation's constituent entities; 2) to participate in the formation and activities of the small indigenous peoples' representative councils attached to the executive organs of the Russian Federation's constituent entities and the organs of local self-determination; 3) to compensation for the damage suffered as a result of the destruction inflicted on their ancestral habitats by organizations of all forms of ownership, and by natural persons; 4) to use the benefits derived from their land utilization and resource management in order to protect, to the extent necessary, their

ancestral habitats, traditional ways of life, livelihoods and crafts, as laid down in federal legislation, the laws of the Federation's constituent entities, and the statutes of the organs of local self-government; 5) to immediate acceptance for work, according to their specialization, in the traditional livelihoods and crafts established by the smaller indigenous peoples in the places where they traditionally live and work; 6) as provided in civil legislation, to form economic partnerships and societies, commercial and subsistence cooperatives that practise the traditional livelihoods and crafts of the smaller indigenous peoples, jointly with persons not belonging to those peoples, provided that the organizations thus formed reserve not less than half of their work places for persons from the small indigenous peoples; 7) to direct ownership of organizations concerned with the traditional types of livelihood and crafts practised by the small indigenous peoples in the places where they traditionally live and work; 8) to receive free social care, as laid down in Russian Federal legislation; 9) to receive free medical assistance at State and municipal health care establishments, including annual health checks.

Under article 9 of the Act, individual members of small indigenous peoples who live a traditional way of life, practise traditional livelihoods and engage in traditional crafts are entitled to replace military service by alternative civil service, in accordance with the Constitution of the Russian Federation and federal law. Under article 10, individuals and associations belonging to the small indigenous peoples have the right, in order to preserve and develop their original culture and in accordance with federal law: 1) to preserve and develop their native tongue; 2) to establish public associations, cultural centres and national - cultural organizations concerned with the autonomy of smaller indigenous peoples, as well as funds concerned with their development and financial assistance; 3) to form, in accordance with federal legislation and their own material and financial resources, study groups for persons from the small indigenous peoples that enable them to learn about the latter's traditional livelihoods and crafts; 4) to receive and distribute information in their native tongues and establish mass information media; 5) to observe their traditions and perform religious ceremonies that do not contradict federal laws and the laws of the constituent entities, and to maintain and protect places of worship; 6) to establish and maintain links with the smaller indigenous peoples'

representatives residing in territories in other constituent entities of the Russian Federation and outside the Russian Federation.

Article 11 regulates voluntary territorial self-government by the small indigenous peoples. For the purposes of the socio-economic and cultural development of the small indigenous peoples and the protection of their ancestral habitats, ways of life, livelihoods and crafts, and also in order to resolve matters of local importance, the small indigenous peoples are entitled, within their communities and in accordance with the laws of the constituent entities of the Russian Federation, to establish organs of voluntary territorial self-government on the basis of their national, cultural and other traditions. They are also entitled to establish, on a voluntary basis, societies and other forms of association of small indigenous peoples, in accordance with their national, historical and cultural traditions for the purposes of their socio-economic and cultural development, and the protection of their ancestral habitats, ways of life, livelihoods and crafts (article 12).

In addition, Federal Act No. 104-FZ of 20 July 2000 sets out the general organizational principles for the communities of small indigenous peoples of the North, Siberia and the Russian Far East. Article 13 of the "Guarantees of the Rights of Small Indigenous Peoples" Act stipulates that, in order consistently to resolve the issues of the socio-economic and cultural development of small indigenous peoples and the protection of their ancestral habitats, ways of life, livelihoods and crafts, the laws of the constituent entities of the Russian Federation may set quotas for the representation of small indigenous peoples in the legislative (representative) organs of the Russian Federation's constituent entities and in the representative organs of local self-government. In 2003, Federal Act No. 21-FZ on "Temporary measures to secure the representation of the small indigenous peoples of the Russian Federation in legislative (representative) organs of government in the constituent entities of the Russian Federation". Article 14 of the "Guarantees of the Rights of Small Indigenous Peoples" Act also regulates the legal protection of the rights of small indigenous peoples. Individuals and associations belonging to the small indigenous peoples have the right to legal protection of their ancestral habitats, ways of life, livelihoods and crafts, carried out in the manner stipulated

in federal legislation. In hearings of cases in which persons from the small indigenous peoples appear as plaintiffs, defendants, victims or accused, the traditions and customs of those peoples may be taken into account, provided they do not contradict federal laws and the laws of the Russian Federation's constituent entities. So as to ensure an effective defence of the rights of the small indigenous peoples, their authorized representatives are permitted to take part in the proceedings.

The instruments concerned with the protection of citizens' economic, social and cultural rights also include the Russian Federation Civil Code (parts one, two and three, with the amendments and additions of 20 February and 12 August 1996, 24 October 1997, 8 July and 17 December 1999, 16 April, 15 May and 26 November 2001, 21 March, 14 November and 26 November 2002 and 10 January 2003); Federal Act No. 181-FZ of 24 November 1995 on "Social protection for the disabled" (with the amendments and additions of 24 July 1998, 4 January and 17 July 1999, 27 May 2000, 9 June, 8 August, 29 December and 30 December 2001, 29 May 2002 and 10 January 2003); Federal Act No. 98-FZ of 28 June 1995 on "State support for children's and young persons' voluntary associations" (with the amendments and additions of 21 March 2002); Federal Act No. 135-FZ of 11 August 1995 on "Charitable activities and organizations" (with the amendments and additions of 21 March and 25 July 2002); Federal Act No. 10-FZ of 12 January 1996 on "Trade unions, their rights and operating guarantees" (with the amendments and additions of 21 March and 25 July 2002); Federal Act No. 125-FZ of 26 September on "Freedom of conscience and religious associations" (with the amendments and additions of 26 March 2000, 21 March 2002 and 25 July 2002); Russian Federation Act No. 5242-I of 25 June 1993 on "The right of Russian citizens to freedom of movement and to choose a place of sojourn or residence within the confines of the Russian Federation"; Russian Federation Act No. 4866-I of 27 April 1993 on "Court appeals against actions and decisions that infringe civil rights and freedoms" (with the amendments and additions of 14 December 1995); Russian Federation Act No. 4218-1 of 24 December 1992 on "Fundamentals of federal housing policy" (with the amendments and additions of 12 January 1996, 21 April 1997, 10 February, 17 June and 8 July 1999 and 24 December 2002); Russian Federation Act No. 3185-I of 2 July on "Psychiatric

assistance and guarantees concerning citizens' entitlement to it" (with the amendments and additions of 21 July 1998, 25 July 2002 and 10 January 2003); Russian Federation Act No. 1807-I of 25 October 1991 on "The languages of the Russian Federation's peoples" (with the amendments and additions of 24 July 1998 and 11 December 2002); Russian Governmental Decree No. 629 of 25 August 2001 on "Special federal programme to establish centres to encourage tolerance and anti-extremism in Russian society (2001-05)"; Russian Governmental Decree No. 1083 of 22 September 1999 on "Introduction of amendments and additions to the national action plan to advance the situation of women and enhance their role in society by the year 2000"; Russian Governmental Decree No. 6 of 8 January 1996 on "A blueprint for advancing women's situation in the Russian Federation"; Governmental Order No. 1090-r of 21 August 2001 on (Plan of action to improve children's situation in the Russian Federation for the period 2001-02", and many others.

Both the executive and legislative branches of the Russian Federation attach significant importance to guaranteeing children's rights. The adoption of the Family, Criminal and Criminal Procedure codes was highly significant for the protection of children's rights, and the same can be said of the federal acts concerned with education, State benefits for citizens with children, additional guarantees of social protection for orphans and abandoned children, the fundamentals of social services for the Russian population, the fundamentals of the State system for preventing neglect of minors and their involvement in crime, the fundamental guarantees of children's rights in the Russian Federation, and other regulatory and legal instruments.

By its order no. 1090 of 21 August 2001, the Russian Government ratified the plan of action to improve children's situation in the Russian Federation for the period 2001-02; the many governmental bodies taking part in this plan include the ministries of labour, finance, justice, economic development, health and education, and the social insurance fund. The interdepartmental committee which coordinates the work in connection with Russia's implementation of the Convention on the Rights of the Child

and the World Declaration on the Survival, Protection and Development of Children is responsible for monitoring the plan's implementation.

Federal Act No. 44-FZ of 16 April 2001 on "A governmental databank on children abandoned without parental care", drafted by the State Duma committee on matters concerning women, the family and young people, is intended to ensure that timely and more effective action is taken to locate such children and regulate their situation. The act will establish a new, centralized national adoption system capable of taking into account orphans all over Russia, not just in Moscow. Governmental Decree No. 522 of 4 July 2000 on "Measures to implement in Moscow the federal act on preventing neglect of minors and their involvement in crime" provides for the establishment of a city centre which will take in abandoned children from other towns.

Federal Act No. 124-FZ of 24 July 1998 on "Basic guarantees of children's rights in the Russian Federation" (with the amendments and additions of 20 July 2000) stipulates that national policy carried out in the interests of children must be based on the government's minimum social standards for indicators of children's quality of life, as determined by Russian federal legislation, and on the existing body of minimum governmental social standards. The minimum governmental social standards for indicators of children's quality of life incorporate a prescribed minimum range of social services: guaranteed, universally accessible and free initial, basic and secondary general education, initial occupational training, competitive-entry further and higher occupational training, and training in other educational facilities; free children's medical care, and nutrition in accordance with the relevant minimum standards; guaranteed provision of occupational guidance after the age of 15, including selection of type of work, job placement, safety at work and pay, in accordance with federal legislation; social and child protection services, including guaranteed material support through the payment of child benefits to citizens with children, at birth and during their upbringing, and procedures to assist the social adjustment and rehabilitation of children living in difficult circumstances; a guaranteed right to housing in accordance with federal laws; organized recreation and rest, including for children living in extreme circumstances and those

living in territories officially recognized by federal law as being environmentally disadvantaged; and the provision of qualified legal assistance. The minimum governmental social standards for indicators of children's quality of life take account of the differing living conditions in the regions. The governmental bodies of the Russian Federation's constituent entities, acting in compliance with the laws of those entities, may specify additional social standards for the indicators of children's quality of life. Children attending an appropriate educational establishment, special educational and training establishment, or health, social service or other facility concerned with their care, education, upbringing, protection or treatment, are entitled to regular assessment in order to ensure that the services being offered conform with the minimum governmental social standards. This assessment is carried out by the appointed executive authority or organ of local self-government on the basis of dealings with the children and/or their legal representatives, in accordance with the procedures laid down in federal law.

The staff of the above-mentioned establishments must address any violations that are revealed and inform the relevant representative body accordingly, within the period prescribed by the appropriate regulations.

Failure by the staff to comply with the instructions on dealing with such violations makes them liable to incur administrative sanctions (article 8). In order to guarantee children's rights in the area of health protection, the federal executive bodies, the organs of executive power in the constituent entities and the organs of local self-government, acting in accordance with the laws of the Russian Federation, take steps to ensure that State and municipal public health facilities provide free medical care for children, consisting of disease prevention, medical diagnostics, health work including screening and the medical rehabilitation of child invalids and children suffering from chronic disease, and treatment in health spas (article 10). In particular, additional assistance and benefits will be provided for children in difficult circumstances, such as those abandoned without parental care, invalids, mentally and/or physically retarded children, child victims of armed and international conflicts, natural or man-made disasters, the children of refugee or forcibly resettled families, children who find

themselves in extreme circumstances, child rape victims, children serving a punishment through incarceration at a corrective settlement, children in special educational and training establishments, the children of needy families, children with behavioural difficulties, and children whose lives are judged to have been ruined by events and who are unable to surmount their circumstances, either independently or with the help of a family.

Matters relating to the protection of social, economic and cultural rights occupy a significant place in the practice of the Russian Constitutional Court. This demonstrates that the constitutional laws exert a genuine regulatory and protective effect on human economic, social and cultural rights. Since 1993, the Constitutional Court has adopted the following decisions with a bearing on human rights protection: Decision No. 17-P of 26 December 2002 on "Verification of the constitutional validity of the provision in paragraph 2, section 4, article 11 of the federal act entitled "Compulsory state life and health insurance for service personnel and citizens called up for military service, the officers and ranks of Russia's internal forces, the national firefighting service, law enforcement officers and the federal taxation investigation service", following the complaint by M.A. Budynin"; Decision No. 15-P of 21 November 2002 on "Verification of the constitutional validity of the provisions in subsection 1, section 3 and paragraph 1, section 6, of article 9 of the Russian Federation Act on "Enforced resettlement", following the complaint by M.A. Mkrtychan; Decision No. 11-P of 19 June 2002 on "Verification of the constitutional validity of a series of provisions contained in the Russian Federation Act of 18 June 1992 entitled "Social protection for citizens suffering from radiation effects as a result of the accident at Chernobyl nuclear power plant", and in the federal act of 12 February 2001 on "Amendments and additions to the Russian Federation Act on "Social protection for citizens suffering from radiation effects as a result of the accident at Chernobyl nuclear power plant"; Decision No.5-P of 19 February 2002 on "Verification of the constitutional validity of the separate provisions in article 15 of the Russian Federation Act of 26 June 1992 on "Status of judges in the Russian Federation", article 2 of the federal act of 21 June 1995 on "Amendments and additions to the Russian Federation Act on "Status of judges in the Russian Federation", and section

1, article 7, of the federal act of 10 January, 1996, on "Additional guarantees of social protection for judges and court officials in the Russian Federation", following the complaints by a number of retired citizen-judges and judges"; Decision No. 4-P of 14 February 2002 on "Verification of the constitutional validity of article 140 of the RSFSR Civil Professional Code, following the complaint by Ms.L.B.Fisher"; Decision No. 3-P of 24 January 2002 on "Verification of the constitutional validity of article 170 and part 2, article 235, of the Russian Federation Labour Code, and paragraph 3, article 25, of the federal act on "Trades unions, their operational rights and guarantees", following the inquiries made by the Zernograd district court in Rostov region and by the Central district court in the city of Kemerovo"; Decision No. 17-P of 25 December 2001 on "Verification of the constitutional validity of part 2, article 208, of the RSFSR Civil Professional Code, following the complaints by Messrs. G.V.Istomina, A.M. Sokolova, I.T. Sultanova, M.M. Khafizova and A.V. Shtanina"; Decision no. 16-P of 13 December 2001 on "Verification of the constitutional validity of part 2, article 16, of Moscow city law on "Fundamentals of paying for land use in the city of Moscow", following the complaint by Ms. T.V. Blizinska"; Decision No. 9-P of 25 June 2001 on "Verification of the constitutional validity of Presidential Decree No. 1709 of 27 September 2000 entitled "Measures to improve the administration of State pension provision in the Russian Federation", following the inquiry by a group of State Duma deputies": Decision No. 8-P of 24 may 2001 on "Verification of the constitutional validity of part 1, article 1, and article 2, of the federal act on "Housing subsidies for citizens who move from the regions of the Far North and other similar localities", following the complaints by A.S. Stakh and G.I. Khvalova"; Decision No. 1-P of 25 January 2001 on "Verification of the constitutional validity of the provision in paragraph 2, article 1070, of the Russian Civil Code, following the complaints by I.V. Bogdanov, A.B. Zernov, S.I. Kalyanov and N.V. Truxhanov"; Decision No. 13-P of 24 October 2000 on "Verification of the constitutional validity of the provisions in paragraph13, article 39, of the Russian Federation Education Act, article 1 of the federal act on "Preserving the status of State and municipal educational establishments and of the moratorium on their privatization", and paragraph 7, article 27, of the federal act on "Occupational training at the higher and postgraduate levels", following the investigation by the Maisk district court in the Ulyanovsk region,

and also the complaints by E.E. Nasonova and N.P. Yarushina"; Decision No. 19-P of 27 December 1999 on "Verification of the constitutional validity of paragraph 3, article 20, of the federal act on "Occupational training at the higher and postgraduate levels", following the complaints by V.P. Malkov and Yu.A. Antropov, and also the investigation by the Vakhitovsk district court in the city of Kazan"; Decision No. 18-P of 23 December 1999 on "Verification of the constitutional validity of the provisions in articles 1, 2, 4 and 6 of the Federal Act of 4 January 1999 on "Tariffs for insurance contributions to the Russian Federation Pension Fund, the Russian Federation Social Insurance Fund, the Russian Federation Civil Employment Fund, and the compulsory medical insurance funds for 1999", and article 1 of the federal act of 30 March 1999 on "Amendments and additions to the federal act on "Tariffs for insurance contributions..."; Decision No. 16-P of 23 November 1999 on "Verification of the constitutional validity of paragraphs 3 and 4, section 3, article 27, of the federal act of 26 September 1997 entitled " Freedom of opinion and religious association", following the complaints by the Jehovah Witnesses in Yaroslavl and the Christian Church of the Apotheosis; Decision No. 6-P of 14 April 1999 on "Verification of the constitutional validity of part 1, article 325, of the RSFSR Civil Professional Code, following the complaints by B.L. Dribinskov and A.A. Maistrov"; Decision No. 4-P of 23 February 1999 on "Verification of the constitutional validity of part 2, article 29, of the federal act of 3 February 1996 on "Banks and banking practices", following the complaints by O.Yu. Veselyashkina, A.Yu. Veselyashkin and N.P. Lazarenko"; Decision No. 25-P of 3 November 1998 on "Verification of the constitutional validity of the provisions in article 4 of the Russian Federation act entitled "Privatization of the Russian Federation's housing stock", following the inquiries by the Volgograd regional дума, the Dmitrovsk district court in the Moscow oblast, and the complaint by V.A. Mostipanov"; Decision No. 18-P of 15 June 1998 on "Verification of the constitutional validity of the provisions in articles 2, 5 and 6 of the Russian Federation act entitled "Payment of pensions to citizens who have moved to a permanent home outside the Russian Federation", following complaints by a number of people"; Decision No. 6-P of 17 February 1998 on "Verification of the constitutional validity of part 2, article 31, of the USSR Act of 24 June 1981 on "Legal situation of foreign citizens in the USSR", following the complaint by Yaksya Dashti Gafour"; Decision No. 4-P of 2

February 1998 on "Verification of the constitutional validity of sections 10, 12 and 21 of the "Regulations on entering and removing Russian citizens' names in/from the register of places of sojourn and residence in the Russian Federation, as ratified by Russian Government Decree No. 713 of 17 July 1995"; Decision No. 2-P of 15 January 1998 on "Verification of the constitutional validity of parts 1 and 3, article 8, of the federal act of 15 August 1996 on "Procedures for entering and leaving the Russian Federation", following the complaint by A.Ya. Avakov"; Decision No.20-P of 16 December 1997 on "Verification of the constitutional validity of the provision in in paragraph 6, section 1, article 28, of the Russian Federation act of 19 April 1991 on "Employment in the Russian Federation", in the edition of 20 April 1996"; Decision No. 18-P of 1 December 1997 on "Verification of the constitutional validity of various provisions in article 1 of the federal act of 24 November 1995 entitled "Amendments and additions to the Russian Federation Act on " Social protection for citizens suffering from radiation effects as a result of the accident at Chernobyl nuclear power plant"; Decision No. 10-P of 2 July 1997 on "Verification of the constitutional validity of parts 1, 2 and 3, article 2, and part 6, article 4, of the Moscow regional act of 5 July 1996 on " Collection to offset the budgetary spending in the Moscow region to develop the infrastructures of the region's towns and other settlements, and to guarantee the ordinary living standards of citizens who move to the Moscow region to take up permanent residence", following the complaints by I.V. Shestopalko, O.E. Sachkova and M.I. Kriuchkova"; Decision No. 9-P of 4 April 1996 on "Verification of the constitutional validity of a number of enactments in Moscow, the Moscow region, Stavropol territory, Voronezh region and Voronezh regulating the procedure for registering citizens who move to those regions to take up permanent residence"; Decision No. 7-P of 11 March 1996 on "Verification of the constitutional validity of paragraph 3, article 1, of the Russian Federation act of 20 May 1993 entitled " Social protection for citizens suffering from radiation effects as a result of the 1957 accident at the Mayak industrial complex and the release of radioactive waste into the river Techa", following the complaint by V.S. Kornilov"; Decision No. 11-P of 16 October 1995 on "Verification of the constitutional validity of article 124 of the RSFSR Act of 20 November 1990 on "State pensions in the RSFSR", following the complaints by G.G. Arderikhin, N.G. Popkov, G.A. Bobyrev and N.V. Kotsyubka"; Decision No. 8-

P of 23 June 1995 on "Verification of the constitutional validity of part 1 and paragraph 8, article 60, of the RSFSR Housing Code, following the inquiry by the Muromsk magistrates court in Vladimir region and the complaints by E.R. Taknoba, E.A. Ogloblin and A.N. Vashchuka"; Decision No. 5-P of 17 May 1995 on "Verification of the constitutional validity of article 12 of the USSR act of 9 October 1989 entitled "Procedure for resolving collective labour disputes (conflicts) (edition of 20 May 1991), in the part prohibiting the holding of strikes by civil aviation workers, following the complaint by the Russian Federation airline staff union"; Decision No. 3-P of 25 April 1995 on "Verification of the constitutional validity of parts 1 and 2, article 54, of the RSFSR Housing Code, following the complaint by Ms. L.N. Sitalova"; Decision No. 12-P of 31 May 1993 on "Verification of the constitutional validity of the RSFSR act of 24 October 1991 entitled "Indexation of citizens' monetary income and savings in the RSFSR", the RSFSR Supreme Soviet decision of 24 October 1991 entitled "Procedure to bring into effect the RSFSR act on "Indexation of citizens' monetary income and savings in the RSFSR", the ninth (special) decision of the Russian Federation Congress of Peoples' Deputies dated 27 March 1993 entitled "Compensation for and recovery of Russian citizens' savings", and the Russian Federation Presidential Decree of 28 March 1993 on "Protection of citizens' savings in the Russian Federation"; Decision No. 2-P of 5 February 1993 on "Verification of the constitutional validity of the legal practice relating to court hearings of disputes involving the granting of accommodation; the constitutional validity of the administrative procedure used in evicting people, with the permission of the procurator, from accommodation they have occupied unlawfully; and the constitutional validity of the administrative procedure used in refusing permission to bring criminal proceedings"; Decision No. 1-P of 27 January 1993 on "Verification of the constitutional validity of the legal practice used to restrict the period of payment during the enforced lay-off following an unfair dismissal, as established on the basis of the applied labour legislation and the plenary decisions of the USSR Supreme Court and the Russian Federation Supreme Court, which regulate these matters"; Decision No. 2-P of 4 February 1992 on "Verification of the constitutional validity of the legal practice used in cancelling labour agreements on the grounds stipulated in paragraph 1.1, article 33, of the RSFSR Labour Law Code.

Question No. 3

Please give detailed information about the State organs responsible for the protection of human rights, particularly economic, social and cultural rights, giving a brief description of their work and the nature of their cooperation with relevant non-governmental organizations (NGOs).

Reply

State legal protection and the protection of human rights and freedoms must be and are effected by all the State organs (federal, constituent entities), as well as by the organs of local self-government, to the extent of the powers with which they are invested.

The legislative organs determine the mechanisms by which human rights and freedoms are implemented and protected. The executive organs take practical measures to guarantee those rights and freedoms. The protection of human and civil rights and freedoms against any violation is the one of the main tasks of the judicial branch. The constitutional court, the supreme court, the higher court of arbitration and other judicial organs of the Russian Federation play an important role in rectifying civil rights violations. The right to legal redress is the guarantee of all the other rights and freedoms and is not subject to any restrictions. Even when an emergency occurs on national territory, the federal act on emergencies provides that justice must continue to be administered by the normal courts and institutions, in accordance with the Constitution.

The following institutions protect human rights within their various spheres of competence: the president of the Russian Federation, the Russian federal assembly, the

executive organs of the Russian government, State ministries, State committees, federal committees and departments, Russian agencies, federal inspectorates, other federal executive organs, judicial organs, the Russian Federal Procurator's Office (inspection body) and the governmental organs of the Russian federation's constituent entities.

The Russian Federal Procurator's Office, acting in accordance with the Russian Federation act bearing the same title, is an independent control body. The procurator's office has no connection with any of the branches of power, and as such it freely monitors the other bodies and offers effective protection for human rights and freedoms. The available statistics show that the population prefers to address its complaints about unlawful actions to the procurator. In 2001, the Procurator's Office examined almost half a million civil complaints, supervised three million inquiry proceedings relating to the interior ministry, the federal assembly, the tax police, customs and other bodies, and carried out over 15, 000 investigations into withdrawals of human freedoms or violations of human rights.

A vital role is played by the human rights commissioner, who provides an essential complement to the State's human rights protection mechanisms. This person acts in accordance with Federal Constitutional Law No. 1 of 26 February 1997 entitled "The human rights commissioner in the Russian Federation", working actively to resolve many human rights-related issues, including: violations of children's rights and legal interests; the problem of eliminating violence towards women; violations of human rights in the Russian armed forces; problems relating to migration and the environment; human rights violations in the health care and transport sectors; training, education and cooperation in the human rights field; and problems relating to the victims of terrorist acts and other crimes. The office of the human rights commissioner takes measures to restore citizens' violated rights by improving the relevant Russian Federation legislation, and by bringing it into line with the accepted principles and norms of international law; it examines complaints and appeals made by citizens and takes measures accordingly; it visits children's homes, military units, refugee and displaced persons' camps, public health care and social service establishments, places of enforced confinement and other institutions;

finally, it can travel to the regions to make compulsory visits to children's homes, hospitals, refuges, boarding schools and educational colonies where convicted minors are held.

During 2001-02, the population increasingly began to turn to the human rights commissioner for help, which demonstrates both that people are becoming better informed about this constitutional institution's activities as a para-judicial defender of human rights, and that its working methods have developed.

In accordance with the federal constitutional law on "The human rights commissioner in the Russian Federation", many of the Russian Federation's constituent entities have also established human rights commissioners. In the regions that still lack such institutions, there are human rights commissions which function as a part of the constituent entities' executive branches.

One of the most effective means of protecting constitutional human and civil rights is the constitutional justice system. The Constitutional Court has been in operation in Russia since 1991. This is the judicial organ of constitutional control, whose objectives are to safeguard the foundations of the constitutional order and the fundamental human and civil rights and freedoms, and to guarantee the Russian Constitution's supremacy and direct influence in every part of the Russian Federation.

Human and civil rights and freedoms are a basic element in the Russian Federation Constitutional Court's judgements on the constitutional appropriateness of Russian Federation laws and other enactments. Accordingly, the task of protecting human and civil rights and freedoms is carried out using all the powers vested in the Constitutional Court, whether indirectly - by verifying the constitutional validity of the control exerted by laws and other enactments and agreements, by resolving disputes about competence between governmental organs, or through official interpretations of the constitution (parts 2, 3 and 5, article 125, of the Constitution), or directly in response to complaints by citizens, other people or their associations (part 4, article 125, of the

Constitution). The Constitutional Court responds to the complaints of citizens and their associations about violations of their constitutional rights by verifying the constitutional validity of a law (federal, or as applied by a constituent entity of the Russian Federation) which has been applied or is applicable in a specific case. The Procurator General of the Russian Federation also has the right to complain to the Constitutional Court about a violation of citizens' constitutional rights and freedoms by a law which has been applied or is applicable in a specific case, by virtue of part 6, article 35, of the Russian Federation Procurator Act, as does the Human Rights Commissioner, under section 5, article 29 of the federal constitutional law entitled "The Human Rights Commissioner in the Russian Federation".

The Russian Federation Constitutional Court makes use of the provisions in the international instruments concerned with human and civil rights and freedoms as the basis for formulating domestic legal opinions, as criteria for integrating human and civil rights and freedoms, and as grounds for judgements. Its decisions contain over 200 references to international instruments at various levels. From 1992 to 2000, the Constitutional Court founded judgements on provisions contained in international legal instruments as follows: the UN Charter (4 times), the Universal Declaration of Human Rights (23 times), the international human rights covenants (56 times), the Convention on the Protection of Human Rights and Basic Freedoms (25 times), UN declarations and resolutions (14 times), documents of the Conference on Safety and Cooperation in Europe and other European bodies (10 times), ILO conventions and recommendations (13 times), and agreements and other documents of the Commonwealth of Independent States (8 times).

The Russian Ministry of Economic Development and Trade also protects human rights, within its area of competence, in the economic, social and cultural spheres. In accordance with Federal Government Decision No. 990 of 21 December 2000, entitled "Ratification of the statute of the Ministry of Economic Development and Trade", the ministry helps to implement the government's strategy on the Russian Federation's economic security and to formulate and carry out measures designed to protect against

threats to national economic and food security, as well as measures intended to protect the economic interests of the Russian Federation, its constituent entities, Russians involved in external economic activities, and Russian producers and consumers in external and internal markets. The ministry also drafts and submits to the Federal Government legislative and other regulatory bills, and drafts and presents in the prescribed manner proposals to update Russian federation legislation on matters referring to the ministry's operation; it contributes to the forecasting and evaluation of the socio-economic consequences of emergencies, and offers methodological guidance for resolving safety issues during emergencies affecting the workers of organizations under the ministry's authority and for improving the reliability and safety of those organizations' operations; it helps to formulate and implement State policy on the environment and to draft measures for protecting Russia's environment; with the assistance of the executive organs concerned, it prepares proposals and provides methodological guidance in connection with the formulation and realization of special federal and regional programmes, and also of intergovernmental special programmes in which the Russian Federation takes part, and drafts conclusions on the projects carried out under those programmes, which it submits in the prescribed manner to the Russian Federation Government for approval, reporting annually to the Government on the progress of all such federal and intergovernmental programmes; it submits proposals in the prescribed manner on the financial indicators to be included in the draft federal budget in respect of special federal programmes, including those for which the ministry is state client; together with the relevant federal executive organs, it prepares proposals to facilitate the inclusion of regional characteristics in the economic reform, develops State support measures for the regions where socio-economic, climatic, demographic and environmental conditions are at their worst, and, with assistance from the Russian Finance Ministry, sets the annual limits for the State funding to be provided from the regional development fund; it contributes to the drafting and implementation of social policy, including the issues of State support and the development of branches of the social sector, the reform of housing construction and the communal housing sector, personal incomes and consumption, pensions and other kinds of social insurance, demography, migration, labour resources, employment, job creation, social partnership

and social support for individual population groups, in accordance with the State's financial means; it organizes the process of formulating minimum State social standards, together with the relevant executive organs; it helps to draft proposals for improving the system of social benefits, compensatory payments and exemptions; it helps prepare the draft general agreement between the All-Russian trades union federations, the All-Russian employers' federations and the Russian Federation Government and to draft branch and regional wage agreements, and monitors their implementation within the limits of its competence; it assists in creating the conditions for strengthening the social services market on the basis of increased quantity and enhanced quality; with assistance from the relevant federal executive organs, it offers methodological and organizational assistance to Russian producers and exporters on how to protect their interests in foreign markets, should the governments in question introduce or threaten to introduce tariff or non-tariff measures or other anti-trade measures, and also on issues relating to investigations; it drafts and submits to the Russian Federation Government proposals on developing a unified system of expert appraisal concerning the quantity and quality of exported goods, and takes decisions, in the prescribed manner, on involving Russian and foreign organizations in that process; it assists producers' and exporters' trade associations in resolving statutory tasks, maintains a register of such associations, and makes information about them freely available; together with the executive organs of the Russian Federation and the constituent entities and the interested organizations, it takes measures to create an internal market for Russian goods, to ensure that they are competitive, and to support the Russian producers; it contributes to economic reform programmes affecting internal trade and the consumer market, submits proposals designed to stimulate market relations and develop entrepreneurship and a pricing system, monitors internal prices, and, together with the relevant federal executive organs, examines proposals for improving the system of taxation and accounting; through the departments of the State Trading Inspectorate (Gostorginspektsiya) it exerts State control over compliance with the rules and regulations on trade and public catering facilities, price-setting procedures for different goods and the quality and safety of goods for public consumption, and also supervises the efforts to stamp out abuses in internal trade and public catering facilities and to prevent the entry of poor quality goods into the consumer

market; together with the relevant federal executive organs, it is involved in perfecting the procedures for ensuring that consumer goods and services meet the established requirements; it operates a scientifically-based investment policy designed to modernize and re-equip trading and public catering organizations, and determines the technical requirements for the services offered by the retail trade and the produce used by catering establishments in the domestic consumer market; it analyzes the socio-economic situation and in the regions of the North and the effectiveness of the support they are offered, devises and implements proposals for stabilising the socio-economic situation in those regions and their passage towards stable development, and also reports annually to the Federal Government on such matters; together with the executive organs of the constituent entities, it determines the amounts of goods supplied to the regions of the North, taking into account the limited periods available for deliveries and, together with those organs and the relevant federal executive organs, submits proposals on the type of support to be given and how deliveries are to be effected, and directs the monitoring and intersectoral coordination in that field; together with the relevant federal executive organs and those of the constituent territories, it devises and carries out measures intended to make the northern regions self-sufficient in fuel and energy resources, and helps to draft proposals on the introduction of energy-saving technologies and on preparing the national economy for a more consistent work effort in the autumn-winter period; it devises proposals on the main aspects of State policy with respect to social development, raising living standards and aiding employment in the northern regions, and, together with the relevant federal executive organs, takes measures to create more favourable conditions for the children living in those areas; it operates the State policy of resettling unemployed persons from the regions of the Far North and others like it, provides State support for those who leave for other parts of the North, and coordinates the activities of the other federal executive organs in this domain; it submits proposals for securing the resource management and development arrangements applicable to the network of specially protected natural expanses of land and water, and is helping to set up a single, Federation-wide State environmental monitoring system; with help from the relevant federal executive bodies, it formulates proposals for transferring territorial administrative units to the regions of the Far North and other similar areas; within the scope of its

mandate and together with the executive organs of the constituent entities, the Ministry of Economic Development and Trade also concludes agreements on joint actions for resolving socio-economic problems in the regions of the North; finally, it implements State policy on industrial hygiene, providing guidance for the relevant services within the organizations under its jurisdiction, devising and carrying out special sectoral improvement programmes, and monitoring their performance.

Within the group of executive organs there also exist various committees, commissions and conferences which have the power to protect human rights, both as a whole and in individual areas of activity. For example, there is a human rights commission attached to the office of the President of the Russian Federation (in accordance with the provision contained in Russian Presidential Decree No. 1457 of 18 October 1996, as amended on 12 February 1998, 30 January 1999 and 10 September 2001).

The commission is an advisory and consultative body, attached to the President's office, which helps the head of State to implement his constitutional powers as the guarantor of human and civil rights and freedoms, which are recognized and guaranteed in the Russian Federation on the basis of the universally accepted principles and norms of international law and in accordance with the Russian Constitution. The commission's main tasks are: to establish the conditions for the President to exercise his constitutional powers as guarantor of human and civil rights and freedoms in the Russian Federation; to help perfect the mechanisms for guaranteeing and protecting human and civil rights and freedoms; to facilitate the work of the federal executive organs, and those of Russia's constituent entities, in implementing the main planks of the State's policy for guaranteeing human and civil rights and freedoms; and to strengthen international cooperation aimed at protecting human rights and freedoms. In order to fulfil its mandate, the commission collects and analyzes the information contained in reports received from the federal executive organs, the executive organs of the constituent entities and the organs of local self-government, the human rights commissions of the constituent entities, other data on the maintenance and protection of human and civil rights, reference

material supplied by members of the public and public associations, and reports by the mass media on such matters, and conducts special inquiries; it compiles general and special reports on human and civil rights observance for the attention of the Russian President; it submits to the President proposals on improving the mechanisms that protect human and civil rights and freedoms; it drafts presidential decrees, orders, messages and addresses relating to the maintenance and protection of human and civil rights and freedoms; it analyzes the legislation of the Russian Federation and its constituent entities relating to the maintenance and protection of human and civil rights and freedoms and helps prepare draft laws on such matters for submission to the President of the Russian Federation and the State Duma of the Russian Federal Assembly; it examines appeals made directly to it by Russian citizens, foreign subjects, stateless persons, institutions and organizations, containing factual information pertaining to systematic abuses of human and civil rights and freedoms; on the instructions of the Russian President or on its own initiative, it verifies information concerning incidents of such abuses, and also concerning individual factors pertaining to such abuses which present a particular danger to the public; it contributes to the drafting of international agreements on matters relating to the maintenance and protection of human rights and freedoms, and to the preparation of reports submitted to international organizations in accordance with Russia's international agreements and its obligations as a member of the Council of Europe, and collaborates with international organizations and foreign public and non-governmental organizations; it participates in meetings with the human rights commissions and other similar bodies from the member states of the Commonwealth of Independent States, Latvia, Lithuania and Estonia in order to discuss matters relating to the observance of fundamental human and civil rights and freedoms.

In carrying out its mandate in the prescribed manner, the commission interacts with the federal executive organs, the executive organs of the constituent entities, the organs of local self-government, public associations and the mass media. The commission maintains working contacts with human rights commissions and other bodies and organizations in the Russian Federation's autonomous areas and constituent entities for the purposes of protecting human and civil rights and freedoms, and provides them

with assistance. To the same ends, the commission collaborates with the Russian Federation human rights commissioner, the human rights commissioners of the constituent entities, the Russian Federation representative to the European Court of Human Rights, and other bodies concerned with legal protection. The commission's recommendations and conclusions, adopted within the extent of its powers, are sent to the appropriate State body for resolution of the matter in question. On receiving the commission's recommendations and conclusions, that State body and its officials are obliged to examine them within a prescribed period and notify the commission of the action taken.

Under the terms of Federal Presidential Decree No. 1208 of 19 October 2002, the commission's membership may embrace figures from science and culture, representatives of State organs, and leaders from public organizations and funds concerned with legal protection.

In accordance with Federal Presidential Decree No. 1300 of 8 November 2001, a council on culture and the arts was set up as an adjunct to the Presidency of the Russian Federation.

A Council on the Extreme North and the Arctic was established as part of the federal government under Federal Government Decision No. 281 of 29 April 2002; it was formed in order to examine the issues relating to the problems affecting State policy in those areas, and to produce appropriate proposals for addressing them. The council's tasks include the development of proposals and recommendations on the following issues: enhancing State regulation of activities in the economic, social, scientific and environmental protection fields, and in the implementation of international cooperation on the problems of the Extreme North and the Arctic, taking into account national security interests and securing the cooperation of State organs to resolve such matters; the provision of State support for socio-economic development of the regions of the Extreme North and the Arctic, including achieving an enhanced supply of energy and products for northern (but especially Arctic) settlements; the provision of State support to develop a

unified transport system on the territory of the Extreme North and the Arctic; creating the conditions for the stable socio-economic development of the small indigenous peoples and other population groups living a traditional way of life in the regions of the Extreme North and the Arctic.

Federal Government Decision No. 646 of 5 June 1994 established the Interdepartmental Commission on Minors, which examines matters relating to observance of minors' rights and legal interests, their neglect and involvement in crime, and the detection of and arrangements for children abandoned without parental care; it formulates agreed approaches to issues of high priority in the above-mentioned areas, and organizes preventive measures at the federal level; it advises on projects related to special federal programmes concerned with matters that fall within its competence, and analyzes the reasons for violations of minors' rights, their neglect and their involvement in crime; it studies the activities of custody and guardianship agencies and formulates recommendations on their performance, including on adoption of Russian children by foreign citizens; it formulates proposals for the federal executive organs on matters within its competence; it analyzes the activities of the minors' committees attached to the executive organs of the Russian Federation's constituent entities and passes on the most useful aspects of their experience.

Also active are the governmental commissions on education (Federal Government Decision No. 646 of 30 August 2002), the social concerns of service personnel, retired service personnel, and their families (Federal Government Decision No. 1267 of 18 November 1999), resource management and environmental preservation (Federal Government Decision No. 138 of 29 March 1999), public health (Federal Government Decision No. 350 of 29 March 1999), the social and economic rehabilitation of the Chechen Republic (Federal Government Decision No. 616 of 22 August 2000), implementation of the special federal programme on the economic and social development of the Far East and the Transbaikal region, and many others.

The governmental commission on housing policy (established in accordance with Federal Government Decision No. 64 of 29 January 2001) carries out the following tasks: a) coordinating the work of the federal executive organs and the executive organs of the constituent entities of the Russian Federation in establishing the conditions for the development of a mortgage financing system and the reform of communal housing in the Russian Federation, including the relevant legal guarantees; b) monitoring the efforts of the federal executive organs and by the executive organs of the constituent entities to carry out the master plans for developing a mortgage finance system in the Russian Federation and for reforming communal housing in the Russian Federation, as well their work in directing and elaborating a single approach to the provision of federal and regional subsidies for the construction or purchase of housing and payment for communal dwellings; c) taking measures to attract budgetary and non-budgetary funding, including from private and/or foreign sources, in order to provide social protection for needy sectors of the population in respect of housing provision and payment for communal dwellings, developing a mortgage financing system and reforming the Russian Federation's communal housing; d) organizing the work to explain and promote the mortgage financing system and carry out the communal housing reform, and to explain their social importance, and disseminating the experience gained in this sphere in the Russian regions and worldwide. Federal Government Decision No. 692 of 26 September 2001 also gave the governmental commission on housing policy the role of supervisory committee responsible for coordinating the activities of the federal executive organs and the executive organs of the Russian Federation constituent entities, and for monitoring the implementation of federal programmes to provide housing for servicemen, department of internal affairs officials, servicemen released from active service during the military reform process, persons retired from military service, and their families.

The following special interdepartmental commissions have also been set up: the Russian Federation Safety Council interdepartmental commission for environmental safety (Russian Federation Presidential Decree No. 1035 of 13 July 1993), the interdepartmental industrial hygiene commission, established by Federal Government Decision No. 238 of 26 March 1994, the interdepartmental commission on matters

relating to implementation of the special federal "Housing" programme (Federal Government Decision No. 48 of 24 January 2002), the interdepartmental commission to develop a reform programme for the social benefits system and its staff (Federal Government Decision No. 544 of 20 July 2000), the interdepartmental council for the protection of consumer rights (Federal Government Decision No. 110 of 12 February 1994), the interdepartmental commission on socio-demographic matters (Federal Government Decision No. 610 of 7 June 1999), the interdepartmental committee to coordinate work relating to Russia's compliance with the United Nations Convention on the Rights of the Child and the World Declaration on the Survival, Protection and Development of Children (Federal Government Decision No. 1174 of 8 October 1998), the interdepartmental commission to coordinate activities relating to rehabilitation of the disabled (Federal Government Decision No. 892 of 27 July 1996), the interdepartmental commission on socio-economic issues in the coal-producing regions (Federal Government Decision No. 913 of 21 July 1997), the commission on matters relating to women's situation in the Russian Federation (Federal Government Decision No. 91 of 28 January 1997), the interdepartmental commission on occupational guidance and psychological support for the population (Federal Government Decision No. 117 of 27 November 1995), and others.

Since 2000, the Russian organizing committee known as "Victory" has been active. The committee's remit is to resolve the problems of veterans of the Second World War veterans, conflicts on the territories of the USSR and other states, and also those of veterans of government service. The committee's membership comprises representatives of the federal executive organs, the executive organs of the Russian Federation's constituent entities and public veterans' associations. Their meetings focus on issues relating to the fulfilment of those citizens' rights, as laid down in Russian Federation law, including improvements to their pensions, health care and housing. The committee submits proposals to the federal government, which result in action being taken by the federal executive organs and the enactment of corresponding legislation.

Thus, there exist a large number of State bodies directly concerned with protecting human and civil rights and freedoms in Russia.

The national statistics on recent years show that the public is increasingly turning to the State bodies responsible for maintaining and protecting its rights and freedoms.

There has been a significant recent rise in the numbers of appeals concerning civil rights violations made to the President of the Russian Federation, the State Duma of the Federal Assembly, the organs of state government, the Constitutional Court, other federal courts, the Procurator's office and the Russian Interior Ministry.

Currently, the heads of the Russian parliament and government are conducting reforms intended to establish a single legal system and a single State system providing effective guarantees of civil rights and freedoms. The legal and judicial reforms realized in the past two years have led to the creation of seven autonomous federal areas headed by the President's appointed representatives, whose task is to ensure that the Federation's constituent entities comply with the federal laws and other important decisions, and that the constituent entities' laws are consistent with those of the Federal Constitution. In 2000, the human rights commission attached to the office of the President of the Russian Federation prepared a document of great importance to the whole of Russia: the draft federal master plan on guaranteeing and protecting human rights and freedoms. It sets out the internationally accepted regulations and principles governing the interrelations between the individual and the State. The master plan covers the issues of developing political and civil rights, elderly peoples' rights, the population's socio-economic rights and those of certain groups in need of urgent protection. Further progress is made towards a standardized approach to human rights protection, through the incorporation of the relevant international legal instruments and treaties.

[INSERT pp 51-65 done by David Williams]

Question No. 4

Please give more information about the Office of the Human Rights Commissioner. What is its current status and how does it function? What is the difference between the Procurator and the Human Rights Commissioner? Please indicate whether the mandate of the Human Rights Commissioner includes economic, social and cultural rights.

Reply

The Office of the Human Rights Commissioner in the Russian Federation was established for the purpose of securing the guarantees of State protection of citizens' rights and freedoms, and their observance and respect by State bodies, local government bodies and public officials; its function, performed by considering complaints from citizens of the Russian Federation and foreign citizens and stateless persons in its territory, supplements the existing means of protecting citizens' rights and freedoms, and does not override or revise the powers of State bodies ensuring the protection and restitution of violated rights and freedoms.

On the basis of the results of the consideration of complaints, the Commissioner is entitled to apply to a court to defend rights and freedoms violated by the decisions or actions (or inaction) of a State body, local government body or public official, as well as personally or through his representative to participate in the procedure specified by law; to apply to the competent State bodies for disciplinary or administrative proceedings or a criminal case to be initiated against an official, in whose decisions or actions (or inaction) the rights and freedoms of an individual and citizen are regarded as having been violated; to apply to a court or the Procurator's Office for the scrutiny of a decision that has entered into force, a court judgement, a decision or ruling of a court under the supervisory procedure; to bring before the Constitutional Court of the Russian Federation a complaint regarding the violation of constitutional rights and freedoms by a law applied or applicable in a specific case; to transmit to a State body, local government body or public official his general comments and proposals related to ensuring citizens' rights and freedoms, and to improving administrative procedures; to set a legislative initiative before legal entities proposing changes to or supplementing federal legislation and the

legislation of the constituent entities of the Russian Federation with a view to the protection of citizens' rights and freedoms.

Citizens applied for assistance to the Commissioner more actively in 2001-2002, thus attesting to the increased availability of information to the public concerning the activities of this constitutional institution for the extra-judicial protection of human rights, and to the improvement of its forms and methods of work.

Business-like contacts have developed further between the Commissioner and Russian and international human rights organizations, the national ombudsmen of the States members of the Commonwealth of Independent States, the Baltic countries and other, non-CIS States.

In 2002 the Commissioner devoted special attention to matters relating to the protection of victims of terrorist acts and other crimes, the eradication of violence against women and children, the situation of disabled persons, the rights of armed forces personnel and members of their families, the rights of the small indigenous peoples of the North, Siberia and Far East of the Russian Federation, decisions on migration issues, the state of the environment, the accessibility and quality of public health care, the humanization of criminal policy and the application of alternative penalties to deprivation of liberty.

The difference in functions between the Human Rights Commissioner and the Procurator derives from the legal nature, designation and tasks of these bodies as specified in articles 103, paragraph 3 (d), and article 129 of the Constitution of the Russian Federation, Federal Constitutional Act No. 1-FKZ, dated 26 February 1997, on the Human Rights Commissioner in the Russian Federation, and Federal Act No. 2202-1, dated 17 January 1992, on the Office of the Procurator of the Russian Federation, respectively.

The institution of the Procurator has a different legal status and constitutes a unified federal and centralized system of bodies undertaking, on behalf of the Russian Federation, the supervision of observance of the Constitution of the Russian Federation and the laws applicable in its territory. The functions of the Office of the Procurator include: supervision of the observance of human and citizens' rights and freedoms by federal ministries, State committees, services and other federal executive bodies,

representative (legislative) executive bodies of constituent entities of the Russian Federation, local government bodies, military administrative bodies, monitoring bodies (except for the Commissioner and his staff) and their officers, and also administrations and directors of commercial and non-commercial organizations.

The procuratorial bodies are given effective means of responding to detected violations of the law: the entry of a protest against a statutory act conflicting with the law; the making of a representation to a body or public official for the correction of violations of the law; the taking of decisions for a criminal case or proceeding to be initiated in connection with an administrative offence; or the issuance of a warning to officials concerning the inadmissibility of a violation of the law.

Question No. 6

Please provide detailed information on the measures taken by the State party to inform the public at large, in addition to civil servants, lawyers, judges, adjudicators, police and prison officials, with regard to the rights contained in the Covenant.

Reply

The texts of international treaties are widely disseminated in Russia to familiarize the public at large with them. Normative legal acts, including international treaties of the Russian Federation, are made accessible to its population. Anyone can obtain all the necessary information about the operation of the relevant legal norms. Information on international law is sufficiently widely disseminated through the mass media, specialized legal publications and official State publications (if they concern standard-setting international instruments). Many State bodies and social human rights organizations provide information and counselling to citizens on legal matters and, in particular, on the contents and procedure for the realization of citizens' economic, social and cultural rights. The staff of the Human Rights Commissioner's Office have, for example, given more than 15,000 legal consultations by telephone, explaining to citizens the forms, methods and means of protecting human rights, and in particular the administrative, judicial and other bodies to which they are entitled to apply on particular matters. The staff of the Human Rights Commissioner's Office also prepare, issue and disseminate

periodic informational materials and explanatory literature on issues relating to human and citizens' rights and freedoms.

Full informational support regarding normative materials is provided in the Russian Federation for all law-enforcement bodies.

Special "International Humanitarian Law", "Human Rights" and "European Law" courses are held in certain higher legal educational institutions.

Question No. 7

What is the position of the State party regarding the self-determination of all the people of the Russian Federation and what are the measures taken by the State party to ensure that all those people affected by conflict, including the Chechens, enjoy the economic, social and cultural rights contained in the Covenant?

Reply

Issues regarding the self-determination of all the peoples of the Russian Federation are regulated directly by article 5, paragraph 3, article 9, paragraph 1, article 19, paragraph 2, article 29, paragraph 2, articles 26, 42, 44, 58, 68 and 69 of the Constitution of the Russian Federation, as well as by Federal Act No. 74-FZ, dated 17 June 1996, on national cultural autonomy, Act No. 21-FZ, dated 7 February 2003, on temporary measures to ensure the representation of the small indigenous peoples of the Russian Federation in legislative (representative) bodies of State power of entities of the Russian Federation, Act No. 49-FZ, dated 7 May 2001, on the territories of traditional natural resource use of the small indigenous peoples of the North, Siberia and Far East of the Russian Federation, Act No. 104-FZ, dated 20 July 2000, on the general principles of the organization of communities of small indigenous peoples of the North, Siberia and Far East of the Russian Federation, Act No. 82-FZ, dated 30 April 1999, on guarantees of the rights of the small indigenous peoples of the Russian Federation, Act No. 73-FZ, dated 25 June 2002, on cultural heritage sites (historical and cultural monuments) of the peoples of the Russian Federation, Act No. 7-FZ, dated 6 January 1999, on popular handicrafts, Act No. 1807-1 of 25 October 1991 on the languages of the peoples of the Russian Federation, and Act No. 1107-1 of 26 April 1991 on the rehabilitation of repressed peoples.

Russian Federation Presidential Decree No. 1401 of 12 December 2002 approved the Regulations for the holding of a Chechen Republic referendum on the draft Constitution of the Chechen Republic, and bills of the Chechen Republic on the election of the President of the Chechen Republic and on elections to the Parliament of the Chechen Republic.

Article 136 of the Criminal Code of the Russian Federation establishes criminal responsibility for the violation of citizens' equality, and the commission of crimes based on ethnic or religious hatred or enmity is recognized by article 63 (e) of the Criminal Code of the Russian Federation as an aggravating circumstance.

In the Russian Federation, in order to ensure that "peoples affected by conflict, including Chechens, enjoy the economic, social and cultural rights proclaimed in the Covenant", the following steps have been taken for the provision of prosthetic and orthopedic assistance to the population of the Chechen Republic.

In accordance with the existing legislation (Federal Act on the social protection of disabled persons in the Russian Federation), the Instruction on the procedure for providing the population with prosthetic and orthopedic appliances, means of ensuring their mobility and means of alleviating the conditions of life of disabled persons, approved by decree No. 35 of the Ministry of Social Security of the Russian Federation, dated 15 February 1991, etc.), disabled persons, including residents of the Chechen Republic, are supplied with prosthetic and orthopedic appliances and orthopedic footwear free of charge from federal budget resources.

Budgetary allocations of 4.5 million roubles were set aside for prosthetic and orthopedic assistance to the population of the Chechen Republic in 2002. The limits of the budgetary appropriations for these same purposes amount to 11.165 million roubles for 2003.

In accordance with Russian Ministry of Labour order No. 302, dated 28 December 2000, on urgent measures to organize prosthetic and orthopedic assistance to the population of the Chechen Republic, the provision of prosthetic and orthopedic aid to the population of the Chechen Republic until the full operationalization of the Grozny federal State enterprise has been temporarily assigned to the Rostov federal State enterprise for this purpose.

At present, for fuller coverage of persons needing prosthetic and orthopedic assistance, work and services in this connection are also being performed for the Chechen population by the Vladikavkaz federal polyclinic department and the Makhachkala and Nalchiksk federal facilities. Assistance was provided in 2002 at the above-mentioned enterprises to 456 residents of the Chechen Republic.

In certain complex cases prosthetic assistance has been provided in the clinics of scientific and practical rehabilitation centres in Moscow and St. Petersburg . Seven people received assistance in 2002 in these centres.

Work is being carried on to bring the Grozny prosthetic and orthopaedic enterprise into operation. Repairs and rehabilitation work have been performed on the buildings and the enterprise has been fitted with technological equipment for the prosthetic department.

The Grozny facility has been supplemented with auxiliary and some regular staff (34 people). Twelve candidates have been recruited for specialized prosthetic technical support at the Sochi facility.

Start-up work began in January 2003 at the enterprises. Three shin prostheses were made and seven prostheses were repaired.

Question No. 8

What are the measures, legislative or otherwise, taken by the State party to combat corruption and organized crime?

Reply

Articles 33, 35, 63, 105, 111, 126, 205, 290, 291 and other articles of the Criminal Code of the Russian Federation are aimed at combating and suppressing corruption and organized crime.

Federal Act No. 131-FZ on the introduction of amendments and supplements to the Federal Act on combating the legalization (laundering) of income earned by criminal means was passed on 30 October 2002 and establishes a further set of measures to combat the legalization of money obtained as a result of criminal activities and constituting one of the main sources of financing of organized crime.

The State Duma of the Federal Assembly of the Russian Federation is now considering a draft special Federal Act on combating corruption.

Question No. 9

What steps are being taken by the State party to ensure that Chechens who have been displaced from Chechnya, especially to Ingushetia, enjoy all the economic, social and cultural rights under the Covenant?

Reply

On the basis of article 6, paragraph 2, article 19, article 26, paragraph 1, and article 27 of the Constitution of the Russian Federation, the question of access to social services for displaced persons is governed by the legislation on housing, legislation on labour, health care and social security, and by Federal Act No. 5242-1, dated 25 June 1993, on the right of citizens of the Russian Federation to freedom of movement, choice of place of sojourn and residence within the Russian Federation, and in respect of forcibly displaced persons also by Russian Federation Act No. 4530-1, dated 19 February 1993, on forcibly displaced persons.

Question No. 10

What measures has the State party taken to eliminate discrimination in the access to social services on the grounds of residence registration and to protect the economic, social and cultural rights of people who lack registration documentation, especially homeless and stateless people? Please explain why some ethnic groups, including Meskhetians in Krasnodar Krai, have been denied citizenship and residence registration and how this affects their access to economic, social and cultural rights.

Reply

The Federal legislation does not contain any discriminatory provisions establishing limitations on access to social services on the basis of residence registration. Citizens not registered by place of stay or residence receive social security on the same basis as other citizens. As regards social services there is a list of additional measures for the provision of assistance and to improve the circumstances of homeless people and other needy persons, as well as allowances for this category of citizens.

Despite the fact that, according to the legislation of the Russian Federation, registration is mandatory, the possibility of exercising economic, social and cultural rights in no case depends thereon. Such a generally recognized right as the right to freedom of movement is enshrined in the law in Russia. Act No. 5242-1, dated 25 June 1993, on the right of citizens of the Russian Federation to freedom of movement, choice of place of abode and residence within the boundaries of the Russian Federation establishes the following legal norm: “Registration or non-registration cannot serve as a basis for the restriction of or a condition for the exercise of the rights and freedoms of citizens, as provided for by the Constitution of the Russian Federation, the laws of the Russian Federation, and the constitutions and law of the republics comprising the Russian Federation” (article 3).

The citizens’ residence permit procedure in the Russian Federation was abolished as of 1 October 1993 and replaced by registration. Article 3 of the Act states as follows: “For the purposes of ensuring the necessary conditions for a Russian Federation citizen’s exercise of his rights and freedoms, as well as his fulfillment of his obligations towards other citizens, the State and society, shall introduce a register of citizens of the Russian Federation according to their place of sojourn and residence within the boundaries of the Russian Federation. Citizens of the Russian Federation are obliged to register themselves according to their place of sojourn and residence within the boundaries of the Russian Federation”.

The Rules for the registration and removal of citizens from the register by place of accommodation and residence are laid down by Government decision No. 713 of 17 July 1995. In accordance with paragraph 12 of the Rules, the registration authorities must register citizens within three days of receipt of the documents duly submitted concerning their stay in residential accommodation not constituting their place of residence, and issue them with a certificate of registration according to the place where they are staying.

The Constitutional Court of the Russian Federation, for the purpose of protecting citizens’ rights, in a decision of 2 February 1998 recognized a number of paragraphs of the Rules for the registration of citizens and their removal from the register by place of sojourn and place of residence in the Russian Federation, established by the Government decision of 17 July 1995, as not consistent with the Russian Constitution. Paragraph 10

of the Rules had set a six-month maximum period of temporary registration in a residence not belonging to a citizen. A citizen can now decide himself for how long he wishes to be registered, and the respective registration bodies are obliged to carry out the registration. Also abolished are other violations, contained in paragraphs 12 and 21 of the Rules setting out the grounds for refusal of registration, in particular the duty to verify the documents submitted by a citizen and their proper formulation, and the obligation to issue an order. According to the decision of the Constitutional Court of the Russian Federation, normative acts adopted pursuant to the Government decision of 17 July 1995 must be duly rescinded.

Unlike a residence permit, registration is of an informative nature. The citizen informs the militia passport office of his presence and desire to live in the chosen residence. The militia bodies are obliged to register him within the established time-limit. Furthermore, refusal of registration may be appealed either to a higher authority or directly to a court.

Additional State assistance to persons in extremely difficult circumstances with no fixed place of abode or occupation is provided under Federal Act No. 195-FZ, dated 10 December 1995, on the bases of social services coverage for the population in the Russian Federation (as amended and supplemented on 10 and 25 July 2002 and 10 January 2003).

In accordance with article 8 of the Act, material assistance is provided to citizens in situations of hardship, in the form of monetary disbursements, food products, health and hygiene facilities, support for child care, clothing, footwear and other prime necessities, fuel and also special transport equipment, technical aids for the rehabilitation of disabled persons and persons needing other care. The bases and procedure for the provision of material assistance are established by the normative acts of the executive authorities of entities of the Russian Federation. For example, pursuant to Tambov oblast administration decision No. 433 of 17 July 1996 on the bases and procedure for the provision of material assistance to citizens of the oblast living in situations of hardship, refugees, unemployed persons, the homeless and people who have lost all their belonging because of fire, and other persons finding themselves in difficulties or extreme hardship, material assistance is provided in cash or in kind. To obtain financial assistance, the

citizen needs to make a personal written application requesting such aid and explaining the reasons for his situation of distress. Material assistance in monetary form is provided by the administrations, social services centres and other social welfare institutions of the towns and districts of the oblast. The funding is drawn from local extra-budgetary resources, oblast and district funds for social support to the population, voluntary contributions from enterprises, commercial or charitable organizations and private individuals.

The establishment and procedure of work of the various institutions performing the functions of extending assistance to homeless and unemployed people are provided for by a number of normative acts, including article 17 of the Act “On basic social services to the population in the Russian Federation”, Government decision No. 1105 of 5 November 1995 “On measures for the development of the network of social aid institutions for persons in extreme circumstances with no fixed place of abode or occupation”, Government decision No. 670 of 8 June 1996 “On the establishment of Model Provisions for extending social assistance to persons with no fixed place of abode or occupation”, Council of Ministers decision No. 1003 of 7 October 1993 “On night shelters”, Ministry of Labour Letter No. 30-GK of 5 January 2003 “On the Classification of institutions or departments providing social services to elderly citizens and disabled persons”, etc.

In accordance with Government decision No. 670 of 8 June 1996, for example, the main tasks of an institution granting social assistance to homeless and unemployed persons are to arrange temporary accommodation or night shelters for such people, especially elderly and disabled persons; and to provide assistance in implementing measures for the social adaptation of persons who have lost socially usefully links (especially people released from places of deprivation of liberty) to conditions of life in society. The institution undertakes to offer temporary accommodation or night shelters in a single bed with a set of linen and items of personal hygiene; issue vouchers for one free daily meal for the period defined for each type of institution by the executive authorities of the constituent entity of the Russian Federation; provide primary health care and screening; send persons in need of treatment to healthcare institutions; assist in supplying necessary prostheses, hearing aids, eyeglasses, prosthetic and orthopaedic appliances:

assist in social adaptation to conditions of life in society; arrange for admission where necessary to boarding homes; provide assistance in the award and payment of pensions (in a social adaptation centre); assist in job placement, including work in the institution itself or subdivisions created by it; assist in completing personal identification documents; assist in obtaining a medical insurance policy; and offer various forms of assistance, including counselling on legal matters, everyday services and other kinds of social services. For the provision of primary health care directly in the institution a medical point is set up together with facilities for the sanitary inspection of persons arriving and ensuring clean clothing. The institution carries out its functions in association with other institutions of the social welfare system, internal affairs bodies, health care institutions, State epidemiological inspection bodies, employment agencies, migration services and other bodies and institutions working the persons with no fixed place of abode or occupation released from places of deprivation of liberty, and unemployed persons; it also interacts with social associations, religious organizations, charitable foundations and private individuals with a view to the effective social rehabilitation and adaptation of persons with no fixed place of abode or occupation.

The executive authorities of the constituent entities of the Russian Federation and local government bodies have been setting up various social service institutions for citizens, including integrated social centres for providing assistance to persons with no fixed place of abode, night shelters, social facilities, hostels and centres or departments for social adaptation. These social assistance institutions or departments being set up within the social welfare system to assist persons with no fixed place of abode or occupation are intended for temporary accommodation or night lodging for the homeless and unemployed, the provision of social, medical and other services to them, as well as assistance in implementing social adaptation measures for persons who have lost socially useful contacts (especially persons released from places of deprivation of liberty) with life in society.

The compulsory medical insurance funds operated in the Russian Federation take charge of the mandatory payment of medical treatment given by therapeutic and prophylactic institutions to the homeless. Medical assistance to the homeless is fully provided under the regional compulsory medical insurance programmes.

Reception and distribution centres of the Internal Affairs Department for persons detained for vagrancy and begging are at present being reorganized, and social assistance bodies created on their basis for the homeless and unemployed. Now, according to information from the Ministry of Internal Affairs, there are 154 reception and distribution centres in the Department's system catering for about 6,000 people.

Questions nos. 11 and 12

Please indicate what measures the State Party has adopted to ensure that the indigenous peoples have access to food supplies and do not suffer from malnutrition and environmental pollution.

What are the steps taken by the State Party in relation to the industrial development of lands belonging to indigenous peoples to ensure, pursuant to federal legislation and article 69 of the Constitution of the State Party, which accords rights to indigenous peoples in their traditional land and water uses, including reindeer farming and fishing, (a) participation in decision-making processes and (b) the enjoyment of economic, social and cultural rights under the Covenant.

Reply

In the market economy conditions in Russian Federation, there are no restrictions at all on access to food supplies or any other goods; their free movement is guaranteed by the provisions of the Russian Federation Constitution. Article 8 of the Constitution guarantees unity of economic space, free movement of goods, services and financial resources, support for competition and freedom of any economic activity. Under article

19 of the Constitution, all people are equal before the law and in the court of law. The State guarantees the equality of rights and liberties regardless of sex, race, language, origin, property or employment status, residence, attitude to religion, convictions, membership of public associations or any other circumstance. Any restrictions of the rights of citizens on social, racial, linguistic or religious grounds is forbidden.

The representatives of small indigenous peoples exercise the economic, social, cultural and political (including electoral) rights laid down in the Constitution, federal legislation and international law on the same terms as all other citizens of the Russian Federation. Moreover, the legislative provisions detailed below entitle the small indigenous peoples to additional representation in the organs of government.

There is a catalogue of regulatory instruments in the Russian Federation dedicated to protection of the environment. The legislation concerning the small indigenous peoples also contains provisions of that nature.

In the Russian Federation it is not permitted under any circumstances to impose restrictions on access to material prosperity, nor to take any discriminatory measures, in respect of the representatives of the small indigenous peoples. On the contrary, the legislation guarantees such representatives additional rights and guarantees, the implementation thereof, and State supporting measures. The federal legislation on guarantees of the rights of small peoples is based on the relevant provisions of the Constitution and consists of federal laws and other federal regulatory instruments together with laws and other legal instruments from the constituent entities of the federation.

Article 3 of Federal Act No. 82-FZ of 30 April 1999 entitled "Guarantees of the rights of small indigenous peoples in the Russian Federation" states that the act's scope covers persons from the smaller indigenous peoples who live permanently in their traditional places of residence and economic activity, lead a traditional way of life and practise traditional livelihoods and crafts, and also persons belonging to the small

indigenous peoples who live permanently in their traditional places of residence and economic activity, for whom traditional livelihoods and crafts are subordinate to their main livelihood practised in other branches of the national economy, the socio-cultural sphere, governmental bodies or the organs of local self-government. The act's provisions can also extend to persons who do not belong to the small indigenous peoples, but who live permanently in their traditional places of residence and economic activity, as provided for in the laws of the Russian Federation's constituent entities.

Under article 4 of the same act, the governmental organs of the Russian Federation and the Federation's constituent entities and the organs of local self-government, in accordance with federal legislation and the legislation of the constituent entities, guarantee the rights of the small and indigenous peoples to independent socio-economic and cultural development, and to the protection of their ancestral habitat and traditional way of life and livelihood. Organizations of all forms of ownership, public associations and physical persons are entitled to assist the small indigenous peoples in exercising their rights to independent socio-economic and cultural development, in accordance with the provisions of federal legislation and the laws of the constituent entities.

In accordance with article 5 of the act, the governmental organs of the Russian Federation, for the purpose of protecting the ancestral habitat and traditional livelihood and crafts of the small indigenous peoples, are entitled 1) to adopt federal laws and other federal legal instruments. The appointed representatives of the small indigenous peoples are permitted to advise on these and contribute to their drafting; 2) to adopt federal programmes for the socio-economic and cultural development of small indigenous peoples and the development, preservation and renewal of their languages, the protection of their ancestral homelands, traditional way of live and livelihood, and the use and preservation of their lands and other natural resources. Budgetary and non-budgetary sources will be harnessed to carry out these programmes. Their implementation may involve the governmental organs of the Federation's constituent entities and the organs of local self-government (to which material and financial resources may be transferred) and

the appointed representative of the small indigenous peoples; 3) to provide the small indigenous peoples with targeted support based on federal budgetary resources, under procedures determined by the federal government, for their socio-economic and cultural development, the protection of their ancestral homelands, traditional way of life, livelihood and crafts, and to exercise control over the use of such resources; 4) to establish a procedure for setting up, reorganizing and closing down federal-owned organizations in places where small indigenous peoples traditionally live and work; 5) to establish, by agreement with the governmental organs of the constituent entities of the Federation and the representatives of the small indigenous peoples, limitations on the non-traditional economic activities practised by federal-owned organizations in the places where the smaller peoples traditionally live and work; 6) to resolve issues involving compensation for damage done to the ancestral homelands by federal-owned organizations; 7) to determine liability among the federal executive organs and their employees in respect of breaches of federal laws relating to the small indigenous peoples; 8) together with the executive organs of the Federation's constituent entities and in accordance with the Constitution and the federal laws on small indigenous peoples, to secure the laws and other regulatory instruments of the constituent entities relating to the protection of their ancestral homelands, traditional way of life, livelihood and crafts; 9) to update federal legislation by measures preventing the governmental organs of the Federation's constituent entities, the executive organs of local self-government, and physical and legal persons, from inflicting forced assimilation, genocide and ethnocide on the small indigenous peoples or destroying their ancestral homelands; 10) together with the governmental organs of the Federation's constituent entities, to regulate the legal system relating to the possession, use and management of lands under traditional exploitation and lands of historical and cultural significance in the places where the smaller peoples live; 11) to conduct a unified policy with respect to the development and implementation of federal and regional programmes for the use and protection of the small indigenous peoples' lands under traditional exploitation, the appraisal of natural resources, land management, land registry activities, and the monitoring thereof; 12) to establish the borders of the small indigenous peoples' lands under traditional exploitation, and procedures for granting them federal-owned lands for the same purposes.

Under article 6 of the act, the governmental organs of the Federation's constituent entities are entitled to, for the purpose of protecting the ancestral homelands and traditional way of life, livelihood and crafts of the small indigenous peoples, 1) in accordance with federal legislation, adopt their own laws and other regulatory instruments in order to protect those same ancestral homelands, traditional way of life, livelihood and crafts, and to regulate the organization and activities of associations within the small indigenous peoples which are concerned with their historical, national and other traditions; 2) take part in carrying out the federal programmes concerned with the socio-economic and cultural development of the small indigenous peoples and adopt regional programmes for the same purposes, and also programmes on the use and protection of lands under their traditional exploitation, and other natural resources; 3) within the extent of their powers, to limit the extent of the activities carried out by organizations of all forms of ownership in places where the small indigenous peoples traditionally live and work; 4) to participate in the regulation of relations between the budgets of the constituent entities and the budgets of the organs of local self-government, with regard to the allocation of resources for the socio-economic and cultural development of the small indigenous peoples, and the protection of their ancestral homelands, traditional way of life, livelihood and crafts; 5) to regulate the procedure for transferring from the Federation's constituent entities to associations of small indigenous peoples and to persons belonging to those peoples; 6) to establish the general organizational and operational principles for territorial self-government by the small indigenous peoples in the places where they traditionally live and work; 7) to establish the procedures for the assignment, use and protection of lands owned by the constituent entities which are exploited traditionally by the small indigenous peoples; 8) to set up, on a voluntary basis, councils of small indigenous peoples' representatives as part of the constituent entities' executive organs, for the purpose of protecting those peoples' rights and lawful interests; 9) to establish administrative liability for breaches of the constituent entities' legislation on protection of the small indigenous peoples' ancestral homelands and traditional way of life, livelihood and crafts; 10) to provide the organs of local self-government with the separate powers needed to protect the ancestral homelands and traditional way of life,

livelihood and crafts of the small indigenous peoples, and to transfer to them the necessary material and financial resources; 11) together with the organs of local self-government, to ensure that those organs' legal and regulatory instruments for protecting the ancestral homelands and traditional way of life, livelihood and crafts of the small indigenous peoples comply with federal legislation and that of the Federation's constituent entities; 12) to issue licences and set quotas for work in the traditional crafts of the small indigenous peoples, and to monitor compliance with the attached conditions.

The organs of local self-government also take the following action to protect the small indigenous peoples' ancestral homelands and traditional way of life, livelihood and crafts, in accordance with article 7 of the act and within their sphere of competence: 1) by allocating resources from their budgets to help finance socio-economic and cultural development and thus protect the ancestral homelands and traditional way of life, livelihood and crafts; 2) by taking part in federal and regional programmes aimed at facilitating the socio-economic and cultural development of those peoples, and by monitoring the use of the resources allocated for such programmes and the use and protection of the lands where the small indigenous peoples traditionally live and work; 3) to exercise control over the small indigenous peoples' allocation, use and protection of the lands they need in order to carry out their traditional way of life and to work in their traditional crafts; 4) to establish, on a voluntary basis, councils of small indigenous peoples' representatives within the organs of local self-government; 5) to adopt regulatory and legal instruments concerned with the socio-economic and cultural development of the small indigenous peoples and the protection of their ancestral homelands and traditional way of life, livelihood and crafts.

Article 8 of the act sets out the rights of the small indigenous peoples, their associations and persons belonging to them, with regard to the protection of their ancestral homelands and traditional way of life, livelihood and crafts. In particular, they are entitled: 1) to free ownership and use, in the places where the small indigenous peoples traditionally live and work, of the various types of land needed to carry out their traditional livelihood and work in the traditional crafts, and of the widespread mineral

resources therein, in accordance with the procedures laid down in the federal legislation and that of the constituent entities; 2) to participate in exercising control over the use of the various types of land needed to carry out the traditional livelihood and craft trades of the small indigenous peoples, and the use of the widespread mineral resources in the places where those peoples traditionally live and work; 3) to participate in monitoring compliance with the federal legislation on environmental protection, and that of the constituent entities, during industrial use of the land and natural resources, and the construction and rebuilding of agricultural and other structures, in the places where the small indigenous peoples traditionally live and work; 4) to receive, from the federal governmental organs, the governmental organs of the constituent entities, the organs of self-government, organizations of all types of ownership, international organizations, public associations and physical persons, the material and financial resources necessary for the socio-economic and cultural development of the small indigenous peoples, and the protection of their ancestral habitat and traditional way of life, livelihood and crafts; 5) to participate, through the appointed representatives of the small indigenous peoples, in the drafting and adoption of decisions concerning the protection of the small indigenous peoples' ancestral habitat and traditional way of life, livelihood and crafts taken by the federal governmental organs, those of the constituent entities, and the organs of local self-government; 6) to contribute ecological and ethnological advice during the process of formulating federal and regional governmental programmes for utilizing natural resources and protecting the environment in the places where the small indigenous peoples traditionally live and work; 7) to delegate the small indigenous peoples' appointed representatives to the representative councils attached to the executive organs of the constituent entities and the organs of local self-government; 8) to compensation for injury arising from damage caused to their ancestral habitat by the economic activities of organizations of all forms of ownership, and by physical persons; 9) to receive assistance from the Government in order to reform all types of education and training provided for the younger generation among the small indigenous peoples in respect of their traditional ways of life and livelihoods.

For the purposes of protecting their ancestral habitat and traditional way of life, livelihood and crafts, persons belonging to the small indigenous peoples are entitled: 1) to free possession and use, in the places where the small indigenous peoples traditionally live and work, of various types of land needed to exercise their traditional livelihood and crafts, and of the widespread mineral resources therein, in accordance with the established legislation of the Russian Federation and its constituent entities; 2) to participate in the formulation and activities of the small indigenous peoples' representative councils attached to the federal executive organs and the organs of local self-government; 3) to compensation for injury arising from damage caused to their ancestral habitat by the economic activities of organizations of all forms of ownership, and by physical persons; 4) to enjoy such profits from their land use and resource management as are necessary to protect their ancestral habitat and traditional way of life, livelihood and crafts, as laid down in federal legislation, the legislation of the constituent entities and the regulatory and legal instruments of local self-government; 5) to enjoy privileged access to work, according to speciality, in an organization concerned with one of the traditional livelihoods and crafts of the small indigenous peoples; 6) in accordance with the established civil legislation, to establish economic partnerships and societies and producers' and consumers' cooperatives which engage in the traditional livelihoods, and practise the crafts, of the small indigenous peoples alongside persons not belonging to those peoples, provided that not less than half of the jobs in such organizations are given to persons belonging to the small indigenous peoples; 7) to first refusal in acquiring organizations engaged in the traditional livelihoods and crafts of the small indigenous peoples in the places where they traditionally live and work; 8) to receive free social insurance according to the procedures set forth in the federal legislation; and 9) to receive free medical assistance at State and municipal health facilities, including annual screening.

Article 9 of the act entitles persons from the small indigenous minorities to substitute alternative civilian service for military service, in accordance with the federal constitution.

For the purposes of socio-economic and cultural development and the protection of their ancestral habitat and traditional way of life, livelihood and crafts, and also in order to resolve matters of local significance, persons from the small indigenous minorities are entitled, in the places where their population is concentrated, and in accordance with the legislation of the Federation's constituent entities, to establish organs of territorial public self-government for the small indigenous peoples, which incorporate national, historical and other traditions (article 11).

Persons belonging to the small indigenous peoples are entitled to establish, on a voluntary basis, societies and other associations in accordance with their national, historical and cultural traditions for the purposes of the socio-economic and cultural development of the small indigenous peoples and to protect their ancestral habitat and traditional way of life, livelihood and crafts. The organizational characteristics and activities of these societies and associations are regulated by federal laws and the laws of the Federation's constituent entities (article 12). In addition, Federal Act No. 104-FZ of 20 July 2000, entitled "General organizational principles for societies belonging to the small indigenous peoples of the North, Siberia and the Far East of the Russian Federation", provides that the societies of the small indigenous peoples shall be self-organized entities comprising persons belonging to the small indigenous peoples and joined by the same blood-line (family, descent) and/or territorial affiliation; their purposes shall be to protect their ancestral habitat and to preserve and develop their traditional way of life, livelihood, crafts and culture. The Russian federal governmental organs, the governmental organs of the constituent entities and the organs of local self-government may, for the purposes of protecting the small indigenous peoples' ancestral habitat and traditional way of life, rights and lawful interests, provide assistance for the their societies and alliances (associations) thereof, by granting tax benefits and privileges; by targeting funding for regional and local programmes intended to conserve and develop the traditional way of life, livelihood and crafts of the small indigenous peoples; by signing agreements on works and services to be performed by the above-mentioned societies and alliances (associations); by providing special managerial training for the occupations needed by the above-mentioned societies and alliances (associations) in

order to carry out self-government and a traditional livelihood; by providing free expert advice on matters relating to the small indigenous peoples' traditional livelihood; and by submitting, on a competitive basis, during the preparation and development of regional and local socio-economic assistance programmes. In the places where the population of small indigenous people is concentrated, the organs of local self-government, at the proposal of the societies and alliances (associations) of societies belonging to the small indigenous peoples may consign their individual powers to the organs of local self-government. Issues concerning the societies' interests are resolved by the governmental organs of the Russian Federation's constituent entities and the organs of local self-government, taking into account the societies' opinions. The federal governmental organs, the governmental organs of the constituent entities, the organs of local self-government and their employees are not entitled to interfere in the activities of the small indigenous peoples' societies or alliances (associations) thereof, except in the cases stipulated in the federal legislation and the legislation of the constituent entities. Any action by the federal governmental organs, the governmental organs of the constituent entities, the organs of local self-government or their employees which damages the independence of the above-mentioned societies or alliances (associations) thereof, may be the subject of appeals based on the federal legislation (article 7 of the act).

In 2001, the Russian Federation Human Rights Commissioner and the Association of small indigenous peoples of the North, Siberia and the Far East signed a collaboration agreement at Naryan-Mar (Nenets autonomous area) in order to join forces in protecting the rights of the small indigenous peoples living in Russia.

Article 13 of the act entitled "Guarantees of the rights of the small indigenous peoples in the Russian Federation" determines the procedure for their representation in the legislative (representative) organs of the Federation's constituent entities and the representative organs of local self-government. It stipulates that, in order to maximise the consistency of the decision-making with regard to the socio-economic and cultural development of the small indigenous peoples and the protection of their ancestral habitat and traditional way of life, livelihood and crafts, the laws of the Federation's constituent

entities may set quotas for the representation of the small peoples in the legislative (representative) organs of the constituent entities and the representative organs of local self-government. Also adopted in this regard was Federal Act No. 21-FZ of 7 February 2003 entitled "Temporary to secure the representation of the small indigenous peoples of the Russian Federation in the legislative (representative) organs of governmental power of the Federation's constituent entities".

Judicial protection for the rights of the small indigenous peoples is also regulated by article 14 of the act entitled "Guarantees of the rights of the small indigenous peoples of the Russian Federation", which stipulates that individuals and groups belonging to those peoples have the right to judicial protection of their ancestral habitat and traditional way of life, livelihood and crafts, in accordance with the provisions of federal law. Hearings of cases in which such persons appear as plaintiff, defendant, victim or accused take account of those peoples' traditions and customs which do not contradict the federal legislation and that of the constituent entities. With a view to ensuring effective protection of the small indigenous peoples' rights, their authorized representatives may contribute to the defence.

Lands in the territories traditionally exploited by the small indigenous peoples of the North, Siberia and the Far East of the Russian Federation have been re-designated as specially protected indigenous territories article 95 of Russian Federation Land Statute No. 136-FZ of 25 October 2001. For the purposes of protecting the lands in these specially protected indigenous territories from the adverse effects of man's actions in neighbouring areas of land, buffer zones or regions of controlled agricultural activity may be established. At the edges of these areas it is forbidden to carry out any activity liable to exert a pernicious effect on the specially protected indigenous territories. The borders of the protected areas must be clearly marked by special signs. The land around the edges of the protected zones must not be removed by the neighbouring land's proprietors, users, landlords or tenants, who must treat it in accordance with the appropriate specially introduced laws. In the lands belonging to these specially protected indigenous territories of federal significance it is forbidden to install federal highways, pipelines, power

transmission lines and other such structures, and the construction and operation of industrial or farm buildings unrelated to the functioning of the specially protected areas is also banned. According to article 97 of the statute, in the places where the small indigenous peoples and ethnic communities of the Russian Federation traditionally live and work under conditions provided for in the federal legislation on small indigenous peoples, territories supporting the traditional resource management of the small indigenous peoples may be formed. The procedures for resource management in such territories are established by federal laws, and the territorial limits are determined by the federal government.

Federal Act No. 166-FZ of 15 December 2001 entitled "State pension provision in the Russian Federation" establishes preferential terms allowing citizens from a number of small northern indigenous peoples of the north to receive their pension at the age of 50 and 55, for women and men respectively (article 11).

For the purposes of protecting the small indigenous peoples' ancestral habitat and traditional way of life, preserving and developing their original culture and maintaining the biodiversity of the territories under traditional resource management, Federal Act No. 49-FZ of 7 May 2001, entitled "Territories under the traditional resource management of the small indigenous peoples of the North, Siberia and the Far East" was adopted. The formation of these traditionally exploited territories of federal, regional and local significance is determined by decision of the federal government, acting in agreement with the governmental organs of the Federation's constituent entities, and by decision of the governmental organs of the constituent entities or of the organs of local self-government, acting on the basis of appeals made by persons or groups belonging to the small indigenous peoples, or by their authorized representatives (article 6). The dimensions of the traditionally exploited territories are defined in accordance with the following conditions: maintenance of sufficient populations of plants and animals to renew and preserve biodiversity; potential for persons from the small indigenous peoples to exercise several kinds of traditional resource management; maintenance of the existing social and cultural relations between the small indigenous peoples; and preservation of

the integrity of objects belonging to the historical and cultural inheritance (article 9).

There exists a register of the regions inhabited by small indigenous peoples, established by Federal Government Decision No. 22 of 11 January 1993.

The land areas and other separated natural features located inside the territories under traditional resource management are made available free of charge to persons and groups belonging to the small indigenous peoples.

Under article 12 of the act, if land areas and other separated natural features located inside the territories under traditional resource management are withdrawn for State or municipal purposes, the individuals or groups from the small indigenous peoples concerned shall be granted land and natural features of equal value, and awarded damages to compensate for the withdrawal.

In order to preserve the traditional way of life, the use of the natural resources located in the territories under traditional management is the prerogative of individuals or groups belonging to the small indigenous peoples, as provided in the federal legislation, and in accordance with the peoples' customs. Individuals not belonging to the small indigenous peoples, but residing permanently in the territories under traditional exploitation, may use the natural resources for personal needs, provided they do not infringe the laws applicable to those territories. The use of the natural resources of the traditionally exploited territories by citizens and legal persons for business purposes is permitted, provided the activity in question does not infringe the laws applicable to those territories. Permission in respect of reindeer grazing, livestock watering, vehicle or pedestrian access, water supplies, the installation and operation of power and communication lines and pipelines, and other necessities, may be granted in accordance with federal legislation, provided the activity does not infringe the laws applicable to the territories under traditional resource management (article 13).

Individuals and groups belonging to the small indigenous peoples are entitled to free use, for personal needs, of the widespread mineral resources located in the territories under traditional management (article 14).

Environmental protection inside the territories under traditional resource management is the responsibility of the federal executive organs, the executive organs of the constituent entities and the organs of local self-government, as well as individuals and groups belonging to the small indigenous peoples (article 15).

Objects belonging to the historical and cultural heritage located within the territories under traditional resource management (ancient settlements, other historical and cultural monuments, religious buildings, ancestral burial sites and other objects of historical and cultural interest) may be used only for the purposes they were intended. Scientific or other investigations of such objects may be carried out, provided the activities involved do not infringe the laws applicable to the territories under traditional resource management (article 16).

Under article 2 of Federal Act No. 225-FZ of 30 December 1995, entitled "Agreements on production sharing", lists of the mineral deposits for which right of use may be granted under production sharing arrangements, in accordance with the provisions of existing federal law, shall be established by federal legislation. With regard to a mineral deposit situated in a territory where the small indigenous peoples have traditionally lived and worked, the decision must be taken by the legislative (representative) organ of the constituent entity in whose territory the deposit lies; that decision must take into account the interests of the small indigenous peoples, and of the appropriate organ of local self-government. In accordance with article 6 concerning mineral deposits lying in territories where the small indigenous peoples have traditionally lived and worked, the conditions of any competitive tendering, auction or non-competitive offer relating to the mineral deposits must incorporate the payment of compensation for the disruption caused to traditional resource management methods. Under article 7 of the act, on completion of an agreement concerning objects situated in

the territories where the small indigenous peoples have traditionally lived and worked, the investor is obliged to take the measures provided in the federal legislation for the protection of the small indigenous peoples' ancestral habitat and traditional way of life, and also to pay compensation in the cases, and according to the procedures, specified by the Federal Government.

Additional guarantees of the rights of the small indigenous peoples are established by many regulatory instruments, including Federal Act No. 78-FZ of 19 June 1996, entitled "Fundamentals of State regulation of socio-economic development in the Russian Federation", Decision No. 2612-1 dated 30 March 1992 of the Presidium of the Russian Supreme Soviet, entitled "Regulating the use of land held near the ancestral, communal and family plots of the small indigenous peoples", Russian Presidential Decree No. 901 of 20 August 1997, entitled "According the status of presidential programme to the special federal programme for developing the socio-economic and cultural bases for a revival of Russian Germans, for the period 1997-2006", Russian Presidential Decree No. 397 of 22 April 1992, entitled "Urgent measures to protect the places in which the small indigenous peoples of the North traditionally live and work", Federal Government Decision No. 564 of 27 July 2001, entitled " Special federal programme on "Economic and social development of the small indigenous peoples of the North until 2011", Federal Government Decision No. 794 of 17 October 2000, entitled " Issues for the Russian-German intergovernmental committee on the preparation of a joint programme of measures to ensure the gradual reinstatement of Russian German nationality", Federal Government Decision No. 382 of 28 April 2000, entitled "Additional measures of State support for reindeer breeding in the North, for the period 2000-2005", Federal Government Decision No. 854 of 8 July 1997, entitled "Special federal programme to develop the socio-economic and cultural bases for a revival of Russian Germans, for the period 1997-2006", Federal Government Decision No. 1237 of 16 December 1995, entitled "Implementing a regional programme to rebuild the villages and other places of concentrated population belonging to the small indigenous peoples of the North in the Chukot autonomous area, for 1996 and in the short term", Ministry of Education Letter No. 349/11-13 of 24 February 2000, entitled "Organization of classes for children living a

nomadic live with their parents", Federal Act No. 67-FZ of 12 June 2002, entitled "Principal guarantees of Russian citizens' electoral rights and the right to take part in referendums", Federal Act No. 74-FZ of 17 June 1996, entitled "National cultural autonomy", and the special federal programme "Children of the North (2001-02)", established by Federal Government Decision No. 625 of 25 August 2000.

The objectives of the "Children of the North" programme are: to provide for the normal development of children in the North, prevent diseases, and enable the children in remote settlements to receive medical advice and diagnostic help; to provide the conditions for training and education that allow for the isolation and national traditions of the North's small indigenous peoples; to encourage the development of children's creative capabilities and children's and young people's physical and sporting prowess, and the formation of healthy living habits; and to ensure the implantation of health care, educational, cultural and sporting facilities for children. The programme will address the following tasks: further development of the remote medical network of "Children of Siberia"; deployment of mobile medical units to carry out mass screening of children; installation of health units in nurseries, schools and boarding schools, with the introduction of equipment for physiotherapy and physical education and the latest methods in health care and rehabilitation; introduction of children's dental units in schools; equipping of children's educational establishments with cleaning and water-purification systems, and of children's wards with anti-parasitic drugs; carrying out of mass health measures among the children living in places where parasitic and infectious diseases are endemic; provision of teaching tools for schools and for institutes of initial occupational training, and supply of modern equipment to training workshops, as well as physical and health education packages; support for "healthy schools" and summer topic-based schools, distribution of dictionaries and books for extracurricular reading, and of textbooks for initial occupational training; holding of All-Russian and inter-regional festivals of children's artistic creations, sports festivals, and reviews and competitions of children's art groups; distribution of handbooks on the traditional culture of the northern peoples, and of audio and video material for children; provision of the equipment needed to set up children's schools for national crafts, folk art units in children's art schools, and

children's ethno-cultural centres. The overall cost to the federal budget of implementing the entire programme is 256.3 million roubles.

Question No. 13

Please provide updated information on the measures, legislative or otherwise, taken by the State party to combat discrimination against women, older persons and people with disabilities in the workplace. Have these measures yielded any positive results?

Reply

The Labour Code of the Russian Federation, which entered into force on 1 February 2002, emulates the Declaration on Fundamental Principles and Rights at Work in forbidding any discrimination in the workplace. Under article 3 of the Code, no one may be restricted in his labour rights and freedoms or receive any kind of advantage, irrespective of gender, age, etc., and of other circumstances not related to an employee's business qualities.

This article complies fully with ILO Convention No. 111 on Discrimination (Employment and Occupation), which is valid in the territory of the Russian Federation.

Discrimination in the workplace constitutes grounds for appeal to the federal labour inspectorate or to the labour tribunal. It should be noted that, by contrast with the earlier legislation, the above-mentioned article of the Labour Code permits the possibility of damages for the moral injury caused by discrimination.

The total number of disabled persons in the Russian Federation in 2003 was around 11 million, or 7 per cent of the population. Every year, over one million people are newly recognized as disabled, of whom 50 per cent are of working age.

The situation of disabled people in the labour market is characterized firstly by demand for disabled persons' jobs. The rise in the numbers of disabled has been matched by an increase in the number of the working disabled. However, the proportion of working disabled people among all disabled people fell from 14 per cent in 1995 to 11 per cent in 2002, confirming the universally negative attitude displayed by the heads of organizations towards specialized employment for the disabled. The removal of two important tax benefits - affecting income tax and VAT - led to a significant fall in demand for the disabled workforce.

Article 72 of the Russian Constitution places matters of social protection under the joint jurisdiction of the Russian Federation and the constituent entities of the Russian Federation; for the purpose of guaranteeing the right of the disabled to specialized employment as laid down in the legislation, amendments and additions were introduced to Federal Act No. 8-FZ of 10 January 2003, entitled "Employment in the Russian Federation", and Federal Act No. 188-FZ of 29 december 2001, entitled "Social protection for the disabled in the Russian Federation".

The established minimum and maximum quota sizes for the employment of disabled persons, applicable at Russian Federation level, are 2 and 4 per cent, respectively. The quotas become valid when a business or organizations has more than 30 workers.

Question No. 14

Please provide updated information on the gender equality between men and women on the steps taken, legislative or otherwise, to improve such equality, particularly in the labour, social security and education sectors.

Reply

The State guarantees the equality of rights and liberties, regardless of sex, race, nationality, language, origin, property or employment status, residence, attitude to religion, convictions, membership of public associations or any other circumstance. Any restrictions of the rights of citizens on social, racial, linguistic or religious grounds is forbidden. Man and woman have equal rights and liberties and equal opportunities for their pursuit. (Article 19 of the Constitution).

The Russian federation is a social state, in which the work and health of its people is protected, a guaranteed minimum wage is established, state support for the family, motherhood, fatherhood, childhood, the disabled and elderly citizens is provided, a system of social services is being developed, and government pensions, benefits and other social security guarantees are being established (Article 7 of the Constitution).

Violations of the equality of human and civil rights and freedoms depending upon a series of factors, including sex, are punishable under the Criminal code (Article 136 of the Russian Criminal Code).

In 2001, the federal act entitled "Political Parties" was adopted; this act establishes that one of the main reasons for the activities of political parties is to provide the men and women of various nationalities who are the citizens of the Russian Federation with the opportunity to achieve representative office in the leading circles of political parties, in the lists of candidates for posts as deputies, and other elected offices in governmental organs and the organs of local self-government. The law's purpose is to ensure equal participation by men and women in the taking of political decisions.

The provisions of the Russian Labour Code are intended to ensure equality between men and women in the workplace. "The guarantees and benefits which are granted to women in connection with maternity (limitation of night work and overtime work, engagement for work on days of rest and non-working public holidays, business trips, the granting of additional leave, the establishment of preferential working conditions and other guarantees and benefits which are established by laws and other normative legal acts) apply to fathers who are bringing up children without the mother and to the tutors (guardians) of minors" (Article 264).

"On a woman's application she shall be granted child care leave until the child attains the age of three years. [...] Child care leave may also be used in whole or in parts by the father of a child or by a grandmother, grandfather or other relative or guardian who actually takes care of the child. [...] An employee shall retain his or her job (position) for the period of childcare leave. [...] On the application of the above-mentioned persons, while they are on child care leave they may work on a part-time basis or at home while retaining the right to receive a State social insurance allowance". (Article 256).

The interests of workers who adopt a child (children) are also taken into account. Thus, article 257 states: "Employees who have adopted a child shall be granted leave for the period from the day of adoption until the expiry of a period of 70 calendar days from the date of birth of the adopted child, or, in the event that two or more children are adopted simultaneously, 110 calendar days from their date of birth." Also, women may be granted maternity leave in lieu of the leave referred to. The existence of this regulation places men and women who adopt a child on equal terms, and strengthens the principles of gender equality.

Article 262 of the Labour Code states; "One of the parents (a tutor or guardian) shall, at his written request, be granted four additional days of rest per month for the purpose of caring for disabled children and persons disabled from childhood until they attain the age of eighteen years, which may be used by one of those persons or divided among them at their discretion. Each additional day of rest shall be paid at the rate and in

accordance with the procedure which are established by federal laws." At present, prior to adoption of the federal law, the rate of pay used for such rest days is the average salary.

Federal Act No. 81 of 19 May 1995, entitled "State benefits for citizens with children", establishes the equal right of working mothers or fathers to receive monthly benefit during child care leave until the child until the child attains eighteen months of age. Under article 13 of the act, mothers, fathers and other relatives and guardians who actually care for a child and are dependent on state insurance have the right to receive monthly benefit during child care leave until the child is eighteen months old. This benefit is payable at the place of work or service. The act also affirms the right of either the father or mother, according to their choice, to receive other family benefits (the monthly childcare benefit for a child aged up to eighteen months and the single childbirth payment).

Federal Act No. 1034-1 of 19 April 1991, entitled "Employment in the Russian Federation", and the federal programmes of action on employment, give effect to the constitutional right to work and set out the measures the State is taking under its policy to boost employment:

- to provide equal opportunities for all Russian citizens, regardless of nationality, gender, age, social position, political beliefs and attitude to religion, enabling them to realize their entitlement to voluntary labour and free choice of employment;
- to provide social protection for employment, including special measures to foster the employment of citizens in need of social protection who are experiencing problems in finding work (including parents who are single or have many children and are bringing up minors or disabled children, and families in which both parents are unemployed).

Federal Act No. 173 of 17 December 2001, entitled "Occupational pensions in the Russian Federation" (Version of 31 December 2002) establishes the **equal rights of men**

and women to receive an age-related occupational pension. This is payable to men who have reached 60 years of age, and to women who have reached 55.

The amount of the old-age pension depends on the amount of salary and length of insured service. Women who continue to be eligible for a pension at a later age may receive the same amount, all other considerations being equal, as men. The act entitles the following categories to an occupational pension on attaining 50 years of age:

- women with five or more children whom they have raised until the age of eight, and the mothers of persons disabled since childhood whom they have raised until eight years of age, providing they have been insured at least 15 years;
- women with two or more children who have been insured at least 20 years and who have worked for at least 12 calendar years in the Far northern regions, or at least 17 years in areas classified as similar to them.

In the Russian Federation, women and men have equal access to medical services. By decision of the Russian Parliament, the programme of guaranteed free State medical care for Russia's citizens is approved annually. The programme is funded from the budget at every level, from compulsory medical insurance, and from other sources.

On the basis of the programme, the executive organs of the Federation's constituent entities develop and approve territorial programmes of guaranteed free medical care, which can offer additional amounts and types of medical care from the resources of the constituent entities.

In recent years, thanks to a succession of measures taken to implement the programmes for the protection of the mother and child, the numbers of maternal, perinatal and child deaths have declined, and the number of normal births has increased. In 2001, there was also a decline in the frequency of all the main complications affecting

pregnancy and the post-natal period: haemorrhages, childbirth disorders, premature births and spontaneous abortions. Since 2000, the number of births in Russia has increased.

The absolute number of abortions fell by a factor of 1.2 as compared with 1998. This concerns primarily girls aged up to 14 and in the 15-19 age group, whose numbers have fallen by a factor of 1.3 and 1.2 respectively. The number of illegal abortions has fallen by a factor of almost 2, especially in the 15-19 age group.

Overall, the number of abortions on medical grounds has fallen by a factor of 1.2 as compared with 1998, and by 1.3 in the 15-19 age group. The main causes of abortions on medical grounds are foetal growth defects detected during prenatal embryonic testing, and serious extragenital problems in the mother.

In 2001, over 9 million women used contraception. By comparison with 1998, the number who used hormonal contraceptive means increased by 10.2 per cent.

In accordance with article 43 of the Constitution, everyone, both male and female, has the right to education. The accessibility and gratuity of pre-school, general secondary and vocational secondary education in public and municipal educational institutions and enterprises are guaranteed. Everyone has the right to receive, free of charge and on a competitive basis, higher education in a state or municipal educational institution or enterprise. Basic general education is compulsory.

Article 5 of the Russian Federation Education Act sets out the legal rules which guarantee Russian citizens' right to receive an education, regardless of gender, race, nationality, language, descent, residence, attitudes to religion, beliefs, membership of public organizations (associations), age, state of health, social, material and occupational status, and criminal record. The accessibility and gratuity of general pre-school, primary and secondary (full) education are guaranteed.

In Russia's educational establishments, people of both sexes receive an education jointly, using the same curriculum and textbooks. They have the same teachers, who employ identical teaching methods. Non-specialized establishments for a single sex may be opened by decision of the authorities. The institutions that have been opened in this way tend to be connected with boys' military training (for example cadet colleges). The very rare examples of single-sex gymnasiums or lycées show little difference in the content of their main subjects; usually, such institutions are founded to address educational problems. There has been no growth in demand for such schools, nor any increase in their number.

Out of all pupils undertaking general education (Grades 1-11), 50.2 per cent are girls. The slight differences in the situation in the later grades relate to choice. Girls are more inclined to undertake a secondary (full) general education in school, but not to undertake initial and secondary occupational training institutes; hence, 57.3 per cent of the pupils in grades 10 and 11 are girls.

Girls represent 38.1 per cent of evening class students, which confirms their preference for learning by mainstream routes that avoid classes at later hours. Girls account for 55 per cent of students in secondary specialized training, and in higher education 56 per cent of the student are girls. Neither is there a gender imbalance when it comes to students who complete their education on the basis of a full fees reimbursement. Women account for 43 per cent of postgraduate students and 36 per cent of Ph.D. students.

Disproportion does exist among the numbers of students taking particular subjects: 61 per cent of humanities students are female, and 69 per cent of technical students are male.

The Federal Education Ministry regulates matters concerning free and universal access to education, with no discrimination on grounds of sex or other characteristics. Around 50 per cent of secondary school graduates go on to free higher education.

Russian Law guarantees identical conditions for receipt of a grant or other educational allowance. Throughout the legislation on education, there are no provisions that discriminate on grounds of sex.

Great emphasis is placed on incorporating the gender approach into education and training, developing associations of experts on gender-related matters, and setting up a system for exchanging and spreading positive experiences from the regions with a view to advancing women's situation. At its meeting in January 2003, the Commission on matters relating to women's situation in the Russian Federation reviewed the education system from the gender perspective. The main issues were the introduction of courses on gender to the school and university teacher training system, the production of gender-oriented textbooks for secondary schools to address the stereotyping of male and female social roles, the provision of pedagogically sound accompanying material, and funding.

Federal Act No. 173-FZ of 17 December 2001, entitled "Occupational pensions in the Russian Federation (Version of 31 December 2002), provides for men's and women's equal rights to an occupational age-related pension. Men are entitled at the age of 60 and women at the age of 55.

The amount of the age-related occupational pension depends on the amount of salary and length of insured service. Women who continue to be eligible for a pension at a later age may receive the same amount of pension, all other considerations being equal, as men.

The act entitles the following categories to an occupational pension on attaining 50 years of age:

- women with five or more children whom they have raised until the age of eight, and the mothers of persons disabled since childhood whom they have

raised until eight years of age, providing they have been insured at least 15 years;

- women with two or more children who have been insured at least 20 years and who have worked for at least 12 calendar years in the Far northern regions, or at least 17 years in areas classified as similar to them.

At present a federal act is being drafted under the title "State guarantees of equal rights and freedoms, and equal opportunities, for men and women in the Russian Federation". The bill has been drafted in accordance with the "Master plan on legal activities for assuring equal rights and opportunities for men and women", which spells out a strategy for improving Russian legislation that prevents discrimination on grounds of sex and establishes a state system for ensuring men's and women's equal rights and opportunities. The bill is based on the internationally approved legal instruments concerning women which have been signed and ratified by the Russian Federation; it sets out the main areas of state policy relating to gender equality and specifies measures to prevent discrimination on grounds of gender.

The bill has been scrutinized by the federal governmental organs and the governmental organs of the constituent entities, discussed by NGOs, examined by the Commission on issues relating to women's situation in the Russian Federation, and is now ready for its second reading in the State Duma.

Question No. 15

Please indicate what are the specific measures taken by the State party to reduce the persistent level of unemployment in the 48 territories of the Russian Federation, which is higher than the national average and among young people (paras. 40 and 60 of the report).

Reply

In 2002, The Ministry of Labour drafted Federal Act No. 8-FZ, entitled "Introduction of amendments and additions to the Federal (Employment in the Russian Federation) Act and to individual legislative enactments of the Russian Federation on issues relating to the funding of employment-creating measures", which was signed by the Russian President on 10 January 2003. The need for this federal act was prompted mainly by the changes in the method of funding state employment policy, and also by the need to update the employment legislation in order to reflect more fully the socio-economic changes taking place in Russia and regulate labour market processes.

The act's main provisions are intended to:

- adjust the state's job creation policy;
- improve the conditions and procedures applicable to unemployment benefits;
- establish effective mechanisms for conducting an active employment policy.

The new provisions in the act were introduced in accordance with the Russian Labour Code, the Federal (Alternative Civilian Service) Act, pension laws, the Federal Act entitled "Social protection for the disabled in the Russian Federation", and certain other federal laws.

Having analysed labour market conditions, the Ministry of Labour, in compliance with the relevant rules established by Federal Government Decision No. 875 of 21 November 2000, officially classified the labour market situation as "strained" in the following nine of the Federation's constituent entities (Ministry of Labour Decision No. 46 of July 2002): Dagestan Republic, Republic of Ingushetia, Kabardino-Balkaria Republic, Republic of Kalmykia, Republic of Karachai-Cherkessia, Tyva Republic, Agin-Buryat autonomous area and Chita region. In a further five territories the situation was classified as "difficult, bordering on strained" (Komi-Permyak autonomous area, Amur region, Kurgan region, Penza region and Tambov region).

Low employment is the main characteristic of all the regions where the labour market situation is classified as strained.¹ The latest data show that employment levels vary from 32.4 per cent in Ingushetia to 56.5 per cent in Kalmykia, the Russian average being 59.1 per cent. The main focus of employment in these regions is agricultural production, in which the numbers of employees exceed the national average. The rural employment problem is intensified by the continuing reduction in the number of agricultural jobs on offer. The imbalance between births and deaths and the shift of population from town to country, combined with the job shortage, mean that the unemployment is stagnating. The highest percentages of people either working short-time or taking enforced leave are found in Chita region, the Buryat Republic, Dagestan Republic, Republic of Karachai-Cherkessia, Kabardino-Balkaria Republic and Agin-Buryat autonomous area.

The abundant supply of labour and shortage of jobs, combined with the discrepancies between the skills and work available, mean that, for every one job, there are 224 applicants in Ingushetia, 177 in Dagestan, 124 in Tyva and 112 in Kalmykia; in the remaining regions the ratio is 50-80:1, while for the whole of Russia the average is eleven applicants for every job.

Five of the nine regions classified as having a strained labour market belong to the Southern Federal Region and suffer from the effects of interregional migration triggered by international conflicts and the military action in the Chechen Republic. The enormous flow of migrants, more than half of them of working age, is creating a series of serious socio-economic problems, principal among which is finding jobs.

The pool of job-seekers in the southern Caucasus contains a high proportion of young people and women with several children, for whom paid work has recently become a pressing need owing to a fall in the value of per capita incomes.

¹ Data supplied by Goskomstat (Employment problems: Review of organizations and survey of population, August 2002).

Moreover, the low per capita income level (63 per cent of the Russian average), which does not even reach the minimum subsistence level, means that most of the unused workforce in these regions is actively seeking work and therefore supplementing the ranks of the unemployed.

The other main characteristic is **high unemployment**. Overall unemployment exceeds the Russian average by a factor of 1.2-2 in Buryat Republic, Kabardino-Balkaria Republic, Karachai-Cherkessia Republic, Kalmykia Republic and Chita region, by a factor of 2.9-3.2 in Tyva Republic, Agin-Buryat autonomous area and Dagestan Republic, and is 5.1 times greater in Ingushetia.

Almost every sixth unemployed person in the above-mentioned regions is registered with the employment services. The levels of registered unemployment in these regions vary from 1.3 per cent in Karachai-Cherkessia to 10.1 per cent in Tyva (1.7% in the Russian Federation).

The following vulnerable groups are experiencing particular difficulties: young people aged 16-29, women with pre-school and (or) disabled children, single parents, people of pre-pensionable age, and disabled people. The high proportion of young people among the unemployed (in individual regions of Ingushetia, Dagestan and Tyva it reaches 40%) stems from the lack of sufficient jobs for those reaching working age, and also from employers' increased requirement for qualified workers.

In all the regions with a strained labour market situation there is a high number of "rural unemployed", which is due not so much to a surfeit of rural population over urban as to a dearth of jobs in rural areas. The situation is especially serious in villages, stations and farms that rely on one form of economic activity. In Karachai-Cherkessia, 76 per cent of the unemployed live in rural surroundings (59% of the registered unemployed are rural inhabitants); in Agin-Buryat autonomous area the corresponding levels are 78 per cent and 65 per cent, in Dagestan 63 per cent and 85 per cent, in Tyva 52 per cent and 72 per cent, in Ingushetia 51 per cent and 54 per cent, in Kalmykia 48 per cent and 64 per cent,

and in Kabardino-Balkaria 37 per cent and 50 per cent. In all these territories the proportion of unemployed people who have been seeking work for over a year varies from 41 per cent to 67 per cent, while the corresponding levels on the books of the employment services vary from 3 per cent to 20 per cent.

In this regard, the issue of formulating and carrying out special socio-economic measures in these territories is becoming urgent. Such measures must include special regional, investment, branch-wide and other programmes designed to formulate a comprehensive picture of the situation and resolve the existing labour market problems. This can be achieved if the employment services and the executive organs in those territories join forces.

In 2002, within the framework of the instructions of President Putin (Pr-11 of 3 January) and the Federal Government (MK-P 12-000745 of 14 January) on the taking of urgent measures to improve the situation with respect to neglect and lack of supervision of minors and their criminalisation, special attention was paid to the problem of occupying young people.

With this in mind, the territorial agencies of the Ministry of Labour took appropriate financial and procedural steps.

Under Ministry of Finance Order No. 12-N of 27 February 2002, entitled "Introduction of amendments and additions to the Guidelines on the Procedure for Applying the Budgetary Classification in the Russian Federation as approved by Ministry of Finance Order No. 38N of 25 May 1999", an additional new expenditure category, "Organization for the temporary placement of young people aged 14-16", was included in the state budget (special funding category 458 "Measures to stimulate employment for the Russian people"). In keeping with the budgetary restrictions, the volume of funding allocated was 100 million roubles.

An additional 470 million roubles was allocated for these activities from the federal reserve budget in 2001. Given the fact that the wide-ranging measures to organize temporary placements for young people take place mainly in the period May-October, these additional resources were earmarked for use in the second and third quarters of 2002, on the basis of 235 million roubles per quarter.

As a result, the overall amount of federal budgetary resources allocated in 2002 for the above-mentioned measures was 570 million roubles; this was handed over entirely to the agencies involved in carrying out the relevant activities in the period January-October 2002.

According to the information supplied by the territorial organs concerned, the above-mentioned measures carried out in 2002 resulted in the engagement of 1.3 million young people in temporary occupations, funded from all sources; this included 1.1 million funded from the federal budget.

Over the past year, the territorial employment services have worked intensively on these temporary measures for young people, together with the executive organs of the constituent entities, the organs of local self-government, educational bodies and other state organizations. Their efforts have included the following:

- the adoption of special regulations by the executive organs of the constituent entities in order to ensure that children and young people enjoy relaxation, health and an occupation, and to strengthen measures against neglect and lack of supervision of minors;
- the formulation of special territorial programmes to organize work activities for minors and young people in their free time from studies;
- the holding of joint meetings with interested organizations (public educational bodies, regional governments, youth committees, minors' supervisory bodies, family affairs committees), which resulted in measures

aimed at providing temporary occupations for young people, including teenagers;

- the conclusion of joint action plans between the territorial organs concerned with issues relating to temporary occupations for young people, the territorial authorities concerned with education and initial occupational training, and the social protection agencies;
- the holding of meetings with employers in order to discuss possible temporary activities;
- the conclusion of agreements with employers on the organization of the temporary occupations for young people (in the first year, around 40, 000 such agreements were signed);
- the compilation of registers of teenagers wishing to work in their free time from lessons;
- the mounting of mass-media campaigns to inform the public about the aims of the temporary occupational programme.

Question No. 16

What are the steps taken by the State party to combat discrimination in employment against ethnic groups, asylum seekers, released prisoners, Central Asians and the Roma people?

Reply

The Russian Ministry of Labour has helped to prepare a draft federal act entitled "Introduction of amendments and additions to individual Russian Federation laws relating to vagrancy prevention".

The aim of this bill is to give effect to the provisions of the Constitution concerning the creation of conditions for ensuring a dignified life and free development for man. Taking into account the generally accepted principles and norms of international

law, the bill is designed to regulate communal relations in the sphere of vagrancy prevention. The bill fits in with Russia's social legislation, being a complement to the regulations covered by Federal Act No. 195-FZ of 10 December 1995, entitled "Fundamentals of public social services in the Russian Federation". Moreover, it provides for the introduction of amendments and additions to Russian Federation Act No. 1026-1 of 18 April 1991 entitled "The militia".

On page 5 of the Federal "Employment in the Russian Federation" Act (No. 15 of 10 January 2003), the following category of citizens has been introduced: "Persons freed from penal institutions".

Regarding employment matters, the territorial agencies of the Ministry of Labour attach great importance to the selection of work for persons freed from penal institutions, and provide services for those who have been sentenced to deprivation of freedom and are not provided with work for reasons beyond their control.

Most often, the people in this category are losing their working habits when they first come to the employment service; for this reason the work done with them concentrates on occupational guidance and the provision of training. Experts from the employment service work with the penal authorities, which supply them with lists of persons preparing for release; the employment service is thus able to offer a suitable selection of vacancies. The list of vacancies is sent to the prisons and updated regularly.

For example, in the Primorye territory, a joint drive towards the occupational rehabilitation of persons released from places where they have been deprived of their liberty is being carried out in accordance with a joint action plan, agreed between the ministries for youth and labour, under which occupational guidance is provided for women released from penal institutions. Under the plan, a draft agreement has been drawn up on collaboration between the federal governmental department responsible for employment in Primorye territory, and the Ministry of Justice department for Primorye.

The agreement provides for the establishment of advice and information offices in penal institutions.

During 2002-04 in Omsk region, a complex set of measures is being put in place giving effect to the Federal Government Decision on "Situation with regard to persons who have served a criminal sentence in the form of deprivation of liberty". An agreement has been signed which sets out the fundamentals of the collaboration and interaction between the partners involved in the set of measures, including the federal department of employment. A joint action plan has been drawn up under which employment centres in the city of Omsk conduct interviews about work with young persons about to be released.

As a means of assisting the social integration of persons who have served a sentence in a penal institution and lost contact with their families and relatives, the city of Omsk operates a regional social services office, which offers them temporary accommodation for 6 months and arranges a work placement.

Question No. 17

What are the measures adopted by the State party, legislative or otherwise, to prevent discrimination against trade union officials, particularly women?

Reply

In accordance with articles 7, 19, 30, 34, 37, 38, 39, 41 and 43 of the Constitution, legal oversight of the trade unions is effected through the relevant articles of the Russian Labour Code, and through Federal Act No. 10-FZ of 12 January 1996, entitled "Trade unions, their rights and operating guarantees".

Question No. 18

What measures, legislative or otherwise, have been adopted to ensure that the minimum wage and pensions are at least equal to the minimum subsistence level?

Reply

Under the federal act on occupational pensions in the Russian Federation, which came into effect on 1 January 2002, the occupational pension currently consists of two parts: basic component and insurance component.

The amount of the basic component is index-linked to inflation growth, in addition to which it can also be set by federal laws enabling it to be brought gradually closer to pensioners' minimum subsistence level.

The insurance component of the occupational pension is index-linked on a quarterly basis as long as prices rise every quarter by not less than 6 per cent. If the price rise is lower, but not less than 6 per cent per half-year, the indexation is done once every six months. Should prices rise by less than 6 per cent over a particular half-year, the indexation is done once in the year.

The amount of the insurance component may be indexed additionally from 1 April of a specific year, if the annual growth index for the average national monthly salary exceeds the overall indexation rate for the insurance component in that same year.

Under new pension legislation adopted in order to give effect to the pension reform, payments to disabled children and to pensioners in various categories, including those living in far northern and similar regions, those with dependants and those working, have been increased considerably.

During 2002, price increases led to two index-linked adjustments in the basic and insurance components of occupational pensions: by 6.5 per cent from 1 February and by 9 per cent from 1 August. In accordance with the above-mentioned measures, the average

pension amount for 2002 increased in real terms by 16 per cent to reach the pensioner's minimum subsistence level.

From 1 February 2003, the basic component rose by 6 per cent, and from 1 April 2003 the insurance component rose by 12.6 per cent. Further pension increases are included in the budget of the Russian Pension Fund for 2003.

Article 133 of the Russian Labour Code stipulates that the minimum wage must not be lower than the worker's minimum subsistence level.

Question No. 19

What are the concrete steps taken by the State party to ensure equal pay for work of equal value, given the fact that the average monthly pay of women in large and medium enterprises is about 30 per cent lower than that of their male colleagues (paragraph 99 of the report).

Reply

The main reason for the differences in men's and women's pay continues to be the large wage differentials between separate industries, and sometimes between individual enterprises. Data produced in October 2001 show that the highest monthly pay was earned in the gas industry (15 142 roubles), followed by the oil industry (14 535 roubles). The lowest pay levels were in agriculture (1 481 roubles), education (1 862 roubles), and the health service, physical training and social welfare (1 959 roubles).

In 2001, by comparison with 1999 the average calculated monthly salary of workers in the branches of the economy (not counting small enterprises) increased by a factor of almost 2.2. For women it rose 2.15 times, and for men 2.2 times. The proportion of women's wages to men's in 2001 was 63 per cent.

It is estimated that in the medium term (2002-06), the average calculated monthly salary will increase by a factor of 2.4.

Question No. 20

Please provide detailed information about the law entitled "(Compulsory social insurance against industrial accidents and occupational diseases)". Please indicate what measures the State party has taken to address the persistent problem of industrial accidents, injuries and deaths and of working conditions which do not meet occupational health and safety standards.

Reply

Insurance against industrial accidents and occupational diseases is a new project in the Russian Federation which is still undergoing development and improvement. One of the main tasks involved in this important strategic undertaking is to upgrade the system of compulsory insurance against industrial accidents and occupational diseases so as to raise the effectiveness of the mechanism and provide an economic incentive for practitioners of such compulsory insurance to lower occupational risk levels.

Compulsory social insurance against industrial accidents and occupational diseases is carried out in accordance with Federal Act No. 125-FZ of 24 July 1998, entitled "Compulsory social insurance against industrial accidents and occupational diseases".

This act sets out the legal, economic and organizational bases of compulsory social insurance against industrial accidents and occupational diseases, and specifies the compensation procedures to be used in cases of injury to the life and health of workers going about their normal duties. The experience gained from its implementation confirms the necessity and timeliness of its adoption.

The insurance system for workers suffering industrial injury came into effect in January 2000. The act's adoption marked a significant advance, making it possible to address the problem of payments for damages, including to workers who suffer injuries or occupational diseases in enterprises which have been or are being wound up.

In accordance with the act on industrial injuries and occupational diseases, 57 million workers were insured in 2002, and the number of persons receiving monthly insurance compensation exceeded half a million.

With a view to reducing the number of industrial accidents and occupational diseases, the Federal Government gives yearly approval to the procedures and conditions for the partial financing of measures intended to prevent injury and disease in the workplace out of the insurance contributions made for those purposes.

Russia's medium-term (2002-04) socio-economic development programme provides for further refinement of the compulsory insurance system against industrial accidents and occupational diseases.

To that end, the programme contains the following proposals: the adoption of additional measures for improving working conditions and industrial hygiene, in order to halt the rise in unfitness for work caused by industrial injuries; increasing the performance and number of preventive, rehabilitative and medical activities funded from the resources of the compulsory social insurance fund against industrial injuries and occupational diseases; optimizing the system of occupational risk scales used for the various types of economic activity, by introducing differentiated (actuarial) amounts of insurance contribution to the compulsory scheme relating to industrial accidents and occupational diseases; optimizing the system of compulsory insurance and balancing commitment rates and types, and avoiding duplication and overlapping in work involving extrabudgetary governmental funding; involvement of non-governmental insurance bodies in order to end the monopoly and improve the quality of the services provided

under the compulsory scheme of social insurance against industrial accidents and occupational diseases.

Question No. 21

What are the reasons for the State party not ratifying ILO Conventions No. 102 of 1962, No. 121 of 1964, No. 128 of 1967, No. 30 of 1969 and No. 168 of 1988? Does the State party intend to ratify those conventions?

Reply

The Russian Federation has not ratified ILO Convention No. 102 of 1962 and No. 130 of 1969 (relating to sickness or pregnancy and birth benefits), mainly for the following reason.

In terms of proportion of population coverage and proportion of former salary paid, Russia's existing system social security system not only meets, but greatly exceeds the standards of the above-mentioned conventions.

Moreover, under paragraph 1, article 16, and article 50 of ILO Convention No. 102 of 1962 and articles 22 and 23 of ILO Convention No. 130 of 1969, the benefits in question must be provided in the form of regular payments calculated in accordance with the provisions of article 65 or article 66 of Convention No. 102 and articles 22 and 23 of Convention No. 130.

The main concept and criterion for assessing the sufficiency of the regular payments (benefits in respect of sickness, or pregnancy and birth) is the ratio of the beneficiary's salary to the salary of a skilled (male) worker. In Russia, the idea of the skilled worker for the purposes of applying Conventions Nos. 102 and 130 does not exist, hence it is difficult to evaluate the sufficiency of these regular benefit payments in respect of sickness, or pregnancy and birth.

The reason for this situation is that, in its classification of the types of skill and worker in the Russian economy, Goskomstat (State statistics committee) uses the occupational groups listed in the All-Russia classification of occupations developed by the Ministry of Labour's Employment Institute and the Central Employment Bureau. The All-Russian Scientific Research Institute for Classification, Terminology and Information in relation to Standards and Quality, a division of Gosstandart (State standards bureau), adopted and brought into force Gosstandart Decision No. 298 of 3 December 1993.

The use of the All-Russia classification does not provide for the concepts of typical skilled and unskilled workers.

Under the provisions of article 65 or article 66 of ILO Convention No. 102 and articles 22 and 23 of ILO Convention No. 130, the above-mentioned benefits must be paid to the average beneficiary at the rate of at least 45 per cent and 60 per cent, respectively.

Under current circumstances, it is possible to assess the sufficiency of these regular benefit payments required under the above-mentioned conventions in relation to the average salary of all persons employed in the branches of the economy and/or with the minimum subsistence level for the entire Russian working population.

The average monthly salary of 2 969 roubles, established in 2001 for the purpose of calculating the benefits relating to temporary incapacity for work, represents over 90 per cent of the average salary for all branches of the economy (3 282 roubles). The average amount of the benefit for temporary work incapacity in 2001 was 82.4 per cent of the average monthly salary, which corresponds to a 75 per cent replacement level in relation to the average salary for all branches of the economy (variations from 54 per cent to 90 per cent replacement level).

However, in some cases the replacement level can be considerably lower. This is because the minimum wage set from 1 July 2001 was 300 roubles per month, whereas it was 450 roubles per month from 1 May 2002. Since a minimum level of temporary incapacity benefit was not set, owing to the repeal of the Russian Labour Code, the replacement level from 1 May 2002 can hardly amount to more than 8 per cent of the average salary for all branches of the economy in 2001.

It is also highly important to note that there exists a group of workers whose temporary incapacity benefit, based on the indicator for average replacement level, does not exceed the minimum subsistence level for the working population of the whole Russian Federation. These people account for around 40 per cent of Russia's working population.

Question No. 22

Please provide data on the impact of Federal Act No. 178 of July 1999 which seeks to guarantee the population's social rights, particularly with respect to the disadvantaged and marginalized groups of society, namely women, young people, pensioners, older persons, people with disabilities, families with many dependants and the unemployed.

Reply

The Government is concentrating its efforts on improving the effectiveness of its State social security provision; this includes improving the existing legislation and carrying out a thorough and meticulous demarcation of the powers and responsibilities of the various executive organs involved. To supplement the existing "State social assistance" act, the State Duma has adopted, and the Council of the Federation approved, a draft act entitled "Procedure for calculating the income of needy families or needy persons living alone, for the purpose of providing them with State social assistance". The

bill paves the way for a single method of calculating the income of needy citizens and of establishing a set of documents for use in effecting the various payments.

Matters relating to the demarcation of powers and, especially, the direct funding of social assistance will be made clearer following the adoption of a bill introducing amendments and additions to the federal act entitled "General organizational principles of the legislative (representative) and executive organs of the Russian Federation's constituent entities". This bill was adopted at the first reading by the State Duma (Decision No. 3663-IIISD of 21 February 2003).

Question No. 23

What specific measures, legislative or otherwise, have been adopted (a) to protect women victims of domestic violence, and (b) to address the problems of street children, child labour, child pornography and exploitation.

Reply

(a) women victims of domestic violence

In the constituent entities of the Russian Federation there is a system of institutions that offers skilled care for women and child victims of domestic violence.

As of 1 January 2003, the number of such family and child centres operated by the social services bodies of the Russian Federation's 89 constituent entities had increased by 315 over the previous year to reach 3059 (at the beginning of 1994 there were 107, in 1996 - 1421, in 1999 - 2134, in 2001 - 2444, and in 2002 - 2744).

At the beginning of 2003, there were 18 women's crisis centres in the Russian Federation operating under the jurisdiction of the social protection agencies. In 2002 they helped 45 000 women who were in difficulties or had suffered violence.

By comparison with 2001, the number of women's crisis centres increased twofold, all operating as adjuncts to various kinds of public social services institutions. By the beginning of 2003, there were 142 women's crisis centres.

The victims of violence can receive help at centres run by the State or by NGOs. There are now 40 public women's crisis centres, which operate in close contact with the executive organs of the constituent entities or the organs of local self-government.

Within the framework of the special federal programme entitled "Youth of Russia" (2001-05), the network of social protection covering young people, youth clubs and young family centres is being expanded.

The youth service and youth clubs offer the following psychological and social support for women aged up to 30: counselling, teaching, medical aid, rehabilitation, psychological diagnosis, social support, information, legal advice, cultural and recreational advice; they also help with finding temporary accommodation and short and long-term employment.

The 300 institutions of the family, child and youth services work to prevent and prepare for various types of family problems, including domestic violence towards women. With a view to improving the effectiveness of the family and child services and developing a sound basis for their operations, the Ministry of Labour has published guidelines entitled "Psychological support for victims of domestic violence" and "New programmes to prevent and prepare for domestic violence".

The Russian Ministry of Internal Affairs, in association with the European Institute for Preventing and Tackling Crime and the United Nations, has published a handbook entitled "Strategies for preventing violence in the family", which contains the combined experience of several countries' law enforcement agencies in these matters. The handbook gives help for training and enhancing the skills of the interior ministry officials and other organizations' employees working in this field.

In order to obtain a fuller and more objective idea of the scale of violence towards women and children and the help being provided for the victims of violence, the Interior Ministry has introduced a category in its departmental statistics to cover crimes for which there are survivors (F. 1-P "Information on crimes entailing violent acts towards the victims"), which contains data on the victims of crime; The Ministry of Health keeps statistics on sexual offences against women and children which are based on data provided by forensic medical experts; the Ministry of Labour has developed indicators for the numbers of clients who have been subjected to sexual crimes and received help from the family and children's services (by type of institution); these are sent to Goskomstat for inclusion in national statistical reports.

(b) addressing the problems of street children, child labour, child pornography and exploitation

Addressing the problems involving the neglect and abandonment of children is seen by the State as a complex issue whose solution lies in mobilising all the public

organizations that are concerned with children. These are issues that demand special attention.

In 1999, the federal "Fundamentals of the system for preventing neglect of and offences against minors" act was adopted; the act lays the foundations for the legal regulation of matters arising in connection with neglect and offences against minors, and with the protection of their rights. It defines and strengthens the position and role of each department, organ and institution within the overall preventive system.

In 1999-2002, the Government carried out a series of urgent measures to overcome child neglect, under the "Plan of urgent steps to further strengthen the measures for preventing child neglect and abandonment for 2002".

Since 1997, a special federal programme has been in operation, entitled "Prevention of neglect and offences against minors"; its objective is to strengthen the material and technical resource base of the system's services and institutions, and develop a sound scientific foundation for the social rehabilitation work done by institutions to help minors in need of social rehabilitation.

This led to the adoption of measures intended to improve the State system for preventing child neglect and the mechanisms used by all bodies in the system of neglect and abuse prevention, to account for all groups of children at risk, to develop the system of institutions concerned with the social rehabilitation of neglected children, including drug addicts, to devise modern institutional techniques and social rehabilitation methods, and to publish methodological and training materials on various aspects of the preventive, safety-protective and rehabilitative work carried out with young people living in difficult circumstances. The corresponding plan for 2003 is being drafted. It proposes improvements to the legislation that regulates the prevention of child neglect, that databanks on children and families at social risk should be established in the constituent entities, programmes of voluntary work with street children, and the introduction of new working methods based on family lines for children abandoned without parental care.

In 2002, a Government Decision approved the special federal programme "Children of Russia" for 2003-06, which contains a subprogramme called "Preventing neglect of and offences against minors". It places emphasis on measures to develop new forms and techniques of prevention.

At the beginning of 2003, the State social welfare system had 1 084 specialized institutions catering for minors in need of social rehabilitation, including 531 children and young peoples' shelters and 526 social rehabilitation centres for minors (almost 37% more than in 2000).

Organized summer activities and the efforts to maximize children's and young people's use of spare time, especially in the school holidays, are effective prevention measures. Every year the Government adopts appropriate decisions every year. In 2002, for example, the following decisions were adopted: " Children's recreation, health and activities in 2002", "Approval of rules for the disbursement of resources from compulsory social insurance to pay for travel to permanent children's rehabilitation camps in the country" and " Funding the recovery of young orphans and children in need from the resources of the national social insurance fund".

In 2002, around 1.8 million youngsters aged 14-17 were given temporary work, and over 10.7 million children and young people found an organized recreational activity.

The Russian Federation has special legislation on work done by minors. It sets the minimum age at which young people may be hired for work, defines their working conditions and the types of job they may do, and provides additional guarantees and benefits for young people in order to ensure their labour rights and protect their health at work.

Under the new Russian Labour Code, the age at which children may be hired for work is raised from 15 to 16. In some circumstances the law permits hire for work at the

age of 14, subject to the agreement of the parents, adoptive parents or guardians. In this case, only light work which does not harm health or interrupt education is permitted.

Under article 265 of the Labour Code, it is forbidden to use the labour of persons under the age of eighteen years in work under harmful and (or) hazardous conditions, in underground work or in work the performance of which may be detrimental to their health and moral development (gaming activities, work in night cabarets and clubs and the production and transportation of and trade in alcoholic beverages, tobacco products and narcotic toxic preparations). It is prohibited for employees under the age of eighteen years to carry or move heavy objects in excess of the maximum norms which are established for them.

There now exists a list of types of heavy work and work in harmful or hazardous conditions for which it is prohibited to engage persons under the age of eighteen years. The list was established by Federal Government Decision No. 163 of 25 February 2000.

The list was compiled on advice from the federal executive organs, the executive organs of the constituent entities, workers' associations, the All-Russian trade union federations, and the industrial medicine scientific research institute and scientific centre for children's health of the Russian Academy of Medical Science.

The maximum permissible loads to be moved or lifted by hand by persons under the age of eighteen years are set by Federal Government Decision No. 7 of 7 April 1999.

These standards were formulated on the basis of scientific research and experimental data produced by the scientific centre for the protection of children's and young people's health of the Russian Academy of Medical Science, and also of the permissible health criteria for working types and conditions in young people's occupational training and employment (SanPiN 2.4.6.664-97)

The standards on the carriage of heavy goods by hand are age-differentiated, with separate requirements for each year (age 14, 15, 16, 17) to allow for age and development and the gradual physiological improvements that lead to physical fitness for work.

The problem of respect for the rights of young people at work still has to be resolved. The offices of the federal labour inspectorate carry out special checks on compliance with the labour and industrial hygiene regulations that apply to young people. If the checks reveal abuses, the necessary steps are taken to deal with them.

Sharing the international community's concerns about children's involvement in the worst forms of labour, the Russian Federation has ratified (8 February 2003) ILO Convention No. 182, on prohibiting and taking urgent measures to eradicate the worst forms of child labour.

The existing federal legislation bans on the following worst forms of child labour: the use of coercive labour, trafficking in children, the involvement of minors in prostitution, and illegal activities.

Involvement in prostitution through the use or threat of force, blackmail, and destruction or damage to property is a criminal offence under Russian law; the organization and maintenance of premises for the pursuit of prostitution is also punishable by law (articles 240 and 241 of the Russian Criminal Code).

Involving a minor in prostitution, vagrancy or begging is a criminal offence, even if it is not accompanied by threats or other types of violent action. A parent, teacher or other person responsible for the child's upbringing who commits such an act incurs increased criminal liability (article 151 of the Criminal Code).

The law prohibits the illicit manufacture, for the purposes of distribution or publicity, of pornographic materials or objects (article 242 of the Criminal Code).

On 27 June 2002, the State Duma adopted on first reading a federal act entitled "Amendments and additions to the Russian Criminal Code". The act provides for the strengthening of criminal liability for crimes relating to the commercial exploitation of children and their use in the pornography industry, and extends the number of acts against minors' sexual inviolability which are punishable in law.

The Administrative Offences Code which came into effect on 1 July 2002 for the first time establishes administrative liability for procuring. The code contains a number of new regulations designed to discourage the involvement of minors in the worst forms of labour: administrative liability for non-fulfilment of one's obligations in bringing up children has been broadened (previously, liability applied only to conscious non-fulfilment); administrative liability for non-fulfilment of obligations to preserve and protect the rights and interests of minors has been introduced, and the penalties for such offences increased.

In order to protect minors from commercial sexual exploitation, measures are being taken to prevent family upheaval and child neglect and abandonment. A network of social institutions is being developed to provide psychological and pedagogical services of a preventive nature, and to provide emergency assistance. Particular focus is being placed on the relatively new women's crisis centres and departments, of which there are still only few. Similar departments are being opened for girls.

Further work is being done on accession to the international legal instruments concerned with ending child trafficking, child prostitution and pornography. In 2000, the Russian Federation signed the Convention against transnational organized crime and its Protocol concerning the prevention and eradication of trafficking in people, especially women and children, and punishments thereof. The work on their ratification has begun.

International adoptions of Russian children involve the risk of potential child trafficking. In 2000 the Russian Federation signed the 1993 Hague Convention on child protection and cooperation in international adoption, and is working on its ratification. A

series of legislative measures has been adopted to regulate the transfer of children for adoption by foreign citizens, strengthen the controls on the living conditions and upbringing of Russian children adopted by foreign citizens, and regulate the activities of the foreign adoption agencies and organizations on Russian soil and monitor their compliance with the legislation (the federal government acts entitled "Approval of the rules on transferring children for adoption, and monitoring the living conditions and upbringing provided by adoptive families on Russian soil and by foreign citizens or stateless persons", "Activities of the foreign child adoption agencies and organizations on Russian soil and monitoring their implementation", and "Interdepartmental commission on matters relating to the adoption by foreign citizens of children who are Russian citizens").

Question No. 24

What are the measures, legislative or otherwise, taken by the State party to combat the problem of trafficking in women and forced prostitution?

Reply

One of the most prevalent forms of violence in relation to women involves sexual violence and the related activity of forced prostitution.

Article 240 of the Russian Criminal Code criminalizes the act of entrapping others into prostitution. Under part 1 of article 240, those found guilty of committing this crime (entrapment in prostitution through the use or threat of force, blackmail, destruction or harm to property, or by deception) are liable to receive a fine of between 200 and 500 times the minimum wage, or the salary or any other income received by the convicted person over a 2-5 month period, or to imprisonment of up to four years.

Part 2 of article 240 concerns the same crime committed by a group of persons. The punishment is a fine of 700-1000 times the minimum wage, or the salary or other income received by the convicted person over a period of 7 months to one year, or imprisonment of between three and six years.

Under article 241 of the Russian Criminal Code, organizing or maintaining premises for the pursuit of prostitution is punishable by a fine of between 700 and 1 000 times the minimum wage, or the salary or other income received over a period of seven months to one year, or to imprisonment of up to five years.

The illegal export and exploitation of women and their entrapment or forcing into prostitution are criminal offences addressed by article 126, "Abduction of people", article 132, "Violent actions of a sexual nature", and article 133, "Coercion into actions of a sexual nature", and others.

Owing to the essentially concealed nature of this type of crime, Russia has still not developed consistent practical experience of implementing these articles of the Criminal Code.

Matters relating to violence against women are regularly reviewed at Russian and international meetings and conferences. Examples of such occasions were the transnational working seminar on the illegal export of women (June 1998, Budapest), the round table on cooperation between governments and NGOs to prevent the export of women (July 2000, Moscow) and the conference on measures to tackle all forms of slavery (May 2001, Copenhagen).

Within the operational framework of the Council of Baltic Sea States (CBSS), a number of "contact officers", including some from Russia's Interior Ministry, are occupied with specific cases geared to preventing the export of women for the purpose of sexual exploitation. In the period 2000-02, as a result of direct contacts between those Russian officials and police representatives from other countries, girls were freed from illegal detention in Turkey, Greece, Italy and other countries.

During 1998-2002, joint operations were conducted with other CBSS countries to prevent illegal migration and the export of women. Following a decision by the operations committee of the CBSS, Interpol is analyzing instances of exports carried out for the purposes of prostitution, with a view to mapping the export flows.

The mass media are working actively with NGOs to prevent transboundary trafficking of women and children. In Kazan (Tatarstan Republic), for instance, the public enterprise fund has set up a joint creativity group with television journalists to produce a video against the export of women from Tatarstan. In Perm region, the "Kungur" TV broadcast a seminar on people-trafficking and a documentary film called "Bought and sold". Several Russian TV channels have broadcast items on trafficking in women.

At the decision of local governments, specialized units are being set up as part of the internal apparatus in a number of regions, to tackle crimes against morality. These currently operate in the cities of Moscow, St Petersburg, Omsk and Chita, and have gathered practical experience of applying the existing legislation to prevent such crimes.

In recent years, Russian law enforcement agencies have worked closely with non-governmental organizations which provide help for the victims of violence (including "Falta", "Sisters", the "Angel coalition" and women's crisis centres. Interpol is gathering information from crisis centre workers about instances of illegal detention and sexual exploitation of Russian women abroad.

With a view to reducing the flow of women illegally transported abroad for sexually exploitative purposes, changes are being proposed to the existing legislation, including the Russian Criminal Code; the aim would be to criminalize the setting up of commercial organizations that lure women into prostitution, and also other forms of sexual service offered in lavatories, saunas, nightclubs and restaurants for illegal ends,

and to establish independent liability for the most dangerous types of crime associated with the illegal export of women.

In 2000, the Russian Federation signed the UN Convention to tackle transnational crime and the protocols thereto concerned with tackling the smuggling of people and export of women. The State Duma is currently working towards their ratification. As part of this work, a bill entitled "Counteracting the trafficking of people" has been drawn up with the aim of stopping violence towards women and their enforced sexual exploitation.

The bill defines the main terms relating to this problem: recruitment, debt-slavery, person subjected to trafficking (victim of trafficking), enforced labour, slavery, people traffickers, blackmail, exploitation, State of origin, State of destination, and transit State; it also gives a classification of the forms of trafficking in relation to type of criminal exploitation.

The bill defines the objectives, main principles and organizational basis of resistance to and prevention of people trafficking, describes the organizations working to prevent trafficking, their jurisdiction and main functions, and also the specialized bodies providing assistance and social rehabilitation for the victims of trafficking.

Special attention is devoted to liability for activities linked to people trafficking. In particular, this applies to the following additions introduced to the Russian Criminal Code: new articles 127-1, "People trafficking"; 127-2, "Disclosure of confidential information on the victims of trafficking"; 127-3, "The use of slave labour", and 127-4, "Recruitment of people for exploitation". These define the make-up of the crimes relating to the trafficking of people, and the punishments, which include prison sentences of 2-5 years, 5-10 years, life imprisonment and the confiscation of property.

The draft act is currently being discussed by Parliament and by public organizations.

Question No. 25

Please indicate what measures have been taken to deal with the increasing level of poverty in the State party.

Reply

The objective of the national socio-economic development programme for the medium term, adopted by the Russian Government, is to reduce social inequality and cut poverty.

Over the past three years, beginning in 1999, Russia has experienced a steady economic revival. Positive economic trends have also been seen in the overall macroeconomic indicators for income and living standards: in 2000 the population's real incomes rose by 12 per cent, and in 2001 by 8.5 per cent. In 2002 the growth in real incomes was 108 per cent, real salary growth 116 per cent, and real pension growth 116.4 per cent.

The increase in people's cash income was to a large extent the result of the robust efforts made to address salary and pension issues and the specific measures taken to raise salaries, pensions and benefits.

The minimum social guarantees of the population's cash income increased by virtue of the measures taken by the Russian Government. From 1 May 2002, the minimum wage rose from 300 to 450 roubles. This meant that in 2002 the ratio of the minimum wage to the value of the subsistence minimum for the active working population was 25 per cent, compared with 15.3 per cent in 2001.

Measures have been taken to increase the wages of public-sector workers. The rate of pay (salary) in the first category of the Unified Wage Scale for public-sector

workers was set at 450 roubles per month from 1 December 2002. From that date, the wage and salary rates for public-sector workers increased by a factor of 1.89.

In the first quarter of 2002 the maternity benefits paid from the Russian Social Insurance Fund were increased. From 1 January, the one-time payment for childbirth was raised from 1 500 roubles to 4 500, and the monthly payment for leave taken to care for a child aged up to eighteen months went up from 200 to 500 roubles.

On 1 January 2002, new pension legislation came into force. It provides for three parts to the occupational age-related pension: basic, insurance-related and cumulative. The new law stipulates that the total of the basic and insurance-related parts may not be lower than 660 roubles per month, including a basic pension of not less than 450 roubles per month (after indexation). During the year pensions were indexed twice: by 6.5 per cent from 1 February and by 9 per cent from 1 August. Overall, in 2002 the average pension amount grew to reach the level of the pensioner's minimum subsistence level.

In order to concentrate resources on the neediest households, the work of reforming social allowances, benefits and payments continues. The intention is to provide social assistance mainly through direct means, and only to those householders whose actual needs place them on a level below the subsistence minimum. The social support reform measures are being carried out as a part of a stepwise, balanced review, to be followed by changes to benefits once suitable payment mechanisms are in place.

The results of the measures taken to increase the population's income, boost employment and guarantee social protection for certain groups show that poverty is being whittled away.

Despite the positive developments concerning income in 2000-02, wide income differentials and large-scale poverty still exist. During 2002, 35.8 million people, or 25 per cent of the population, had an income lower than the subsistence minimum (in 2001 the figure was 39.4 million, or 27.3%).

Over the medium term, until 2004, the aim is gradually to correct the unbalanced structure of income distribution, by achieving growth in the overall volume of people's real incomes (by 5% on average) at the same time as increasing the total share of the middle-income groups. By 2006, it is intended to reduce to 28-30 million the number of people living below the subsistence minimum. If the economy performs well, this level could be even lower.

Question No. 26

What effective measures have been taken by the State party to ensure that a worker earns a salary that is sufficient to enable him/her and his/her family to enjoy a decent standard of living?

Reply

The Government's policy of maintaining relatively low spending on salary increases has facilitated salary growth, following the introduction in 2001 of a flat scale of personal income tax and a regressive-scale single social tax. These tax measures, together with the beginning of a pension reform that is attracting workers into the insurance pension scheme, are stimulating growth in the officially recorded accumulated salaries.

The salary increases were also facilitated by the measures taken to increase the minimum State wage guarantees. Over the period from the beginning of 2001, the minimum wage progressed from 200 to 450 roubles, i.e. by a factor of 2.25. From 1 December 2001, the wage (salary) rates for public-sector workers rose by a factor of 1.9 on average.

These measures to raise the minimum State wage guarantees have had a positive effect on the number of low-paid workers. Statistics supplied by Goskomstat, on worker distribution in relation to accumulated salary, show that the number of workers earning at the level of the subsistence minimum and below fell from 42.5 per cent in April 2001 to 32.8 per cent in April 2002.

In 2003, it is proposed to increase the minimum wage further to 600 roubles per month, and to raise the wages of public-sector workers.

Question No. 27

What are the measures taken by the State party to create favourable conditions for allowing the population to realize its constitutional right to adequate housing? Please provide disaggregated and comparative statistics about the number of the homeless and of forced evictions over the past five years.

Reply

The right to housing has a place among the inalienable civil rights and freedoms. Article 40 of the Russian Constitution states: "Everyone shall have the right to a home. No one may be arbitrarily deprived of a home." Citizens' constitutional right to housing means the guaranteed opportunity for every Russian citizen to be provided with a

permanent home. This right presupposes the legal opportunity to enjoy stable use of the citizen's dwelling, the latter's inviolability, the inadmissibility of the citizen's being deprived of that dwelling, and also the possibility for the citizen to improve his living conditions by acquiring another dwelling. The State's current practice of encouraging house building is creating the conditions for full realization of the right to housing. State housing policy is moving away from the practice whereby State-built housing was distributed among the population; it is now encouraging people to build and buy their own houses and apartments, thereby creating a housing market. As already noted in the special State "Housing" programme, approved by a Council of Ministers Decision dated 20 June 1993, the task of the State's housing policy is to use all means to encourage growth in the proportion of housing stock in private hands, whether citizens or legal persons, through privatization of the existing State and municipal dwellings and the growth of private housing construction.

The regulatory instruments that govern housing include the RSFSR Housing Code of 24 June 1983, the Russian Federation Civil Code and Federal Act No.4218-1 of 24 December 1992, entitled "Fundamentals of federal housing policy". Work is currently under way to draft a new housing code, and new laws have been drafted to regulate the problems of dealing with mortgage funding, protecting the rights and legal interests of citizens and their associations, which contribute the money for house building and acquisition; further legal instruments are being drafted in order to boost housing-market performance and increase the amount of long-term housing credit available to the population. So as to ensure that the Government monitors and controls the progress of the housing reform, the forty or more existing laws and other legal regulations have been supplemented in recent years by a series of federal acts, federal government decisions, procedures and guidelines, all aimed at refining and improving the regulations and laws that underpin the housing sector. The following orders have also been issued by the State Construction Agency, Gosstroy: No. 292 of 29 December 2001, entitled "Measures to implement the special federal "Housing" programme for 2002-10"; No. 290 of 26 December 2001, entitled " Implementation of the "Reform and modernization of communal housing in the Russian Federation" subprogramme in the framework of the

special "Housing" programme"; No. 253 of 9 October 2001, entitled "Distribution of State housing certificates"; No. 130 of 7 June 2001, entitled "Updated guidance for carrying out the presidential "State housing certificates" programme; and Gosstroy Letter No. VP-2567/8 of 17 May 2001, entitled " State support for regional mortgage programmes based on federal budgetary funds". Federal Act No. 4218-1 of 24 December 1992, entitled "Fundamentals of federal housing policy", sets out the main principles behind the realization of citizens' constitutional right to housing.

In modern conditions, the right to housing is given effect by the following means: provision of accommodation for the public from the State and municipal housing stocks under social rental contracts in accordance with the surface area standards for cooperative house construction, or the rental or purchase of accommodation under commercial conditions, or self-build using one's own resources, without any space restrictions. Under article 19 of the "Fundamentals of housing policy" act, citizens are entitled to acquire private dwellings, without restriction on their number, size or cost, by the following methods: privatization, in accordance with the procedure, of occupied accommodation in buildings belonging to the State or municipal housing stock, including those maintained fully by enterprises or under the operational control of institutions (institutional housing stock); house-building, including construction by associations of individual builders; membership of housing and housing and construction cooperatives and condominiums; buying and selling of houses, including through the stock market and auctions; and acquisition by inheritance or other legal means.

Under the "Fundamentals of federal housing policy" act and the Russian Tax Code, tax benefits are available for housing purposes to the following: citizens who build or acquire a dwelling using their own resources or a special-purpose loan; enterprises, institutions and organizations which help their employees to build a house; enterprises which operate a housing fund. The purpose is to encourage investment in the construction, conversion and renewal of housing stock, and in the production of building materials and household items.

The transition to a market economy in the housing sector presupposes that people's demand for housing, especially private, can be met. In order to help the population build or convert on a commercial basis, the Government has devised a housing credit system and procedures for providing the public with loans (State guarantees and others) allowing them to resolve their housing problems using their own resources (Housing loan regulations approved by Presidential Decree of 10 June 1994). Russian citizens may take advantage of three types of bank loan for the purposes of building, converting or buying accommodation: short- or long-term credit for purchasing and building on land intended for house-building (land loan); short-term credit to build (convert) housing, which is made available to fund the building work (building loan); and long-term credit, which is made available for house-buying (house-purchase loan). The banks normally lend around 70 per cent of the cost in all three cases; the remainder comes from the borrower's own resources or from subsidies obtained from the public purse or employers.

The State does not simply proclaim rights; it has assumed a financial and moral obligation to its citizens in the housing sphere, using its own material resources. Article 25 of the "Fundamentals of federal housing policy" act entitles citizens to receive approved compensation (subsidies), concessional loans and loans from governmental and local organs and authorities for the purpose of fulfilling their right to housing. The conditions governing compensation (subsidies), concessional loans, loans, mortgage credits, repayment deferrals, seizure in the event of mortgage non-payment and the indexation of monthly payments to monthly family income are regulated by the Russian Government and the Bank of Russia. Federal Government Decision No. 937 of 3 August 1996, entitled "Provision of free subsidies to build or purchase housing for Russian citizens who need to improve their living conditions", consolidated the regulations bearing the same title. A free subsidy to build or acquire a dwelling may be granted to Russian citizens (according to their wishes) who need to improve their living conditions and are registered, as the law requires, on the housing list of a local authority, organization, military unit or formation, and to persons who are entitled under the

existing legislation to concessional financing for house building or purchase, but have not exercised their right.

A subsidy may be granted by the following; the federal executive organs; the executive organs of the constituent entities; the organs of local self-government; enterprises, organizations, military units and formations. The following categories of citizens may be granted a subsidy from the federal budget: servicemen and persons released from military service to the reserve or retirement; persons who move from the Far Northern and other similar regions who have worked or lived in the aforementioned regions not less than 15 years and who have no residence in other parts of the Russian Federation, and persons who, in accordance with the federal legislation in force until 31 July 1998, acquired the right to receive housing subsidies by virtue of at least ten years' work or residence spent in the Far Northern and similar regions; persons recognized officially as having been forcibly resettled (Procedure on granting forced resettlement subsidy for the building or purchase of housing, approved by Internal Affairs Ministry Decree No. 971 of 9 October 2002); persons suffering as a result of the Chernobyl accident and others, emergencies and natural disasters; persons from the officers and ranks of the tax police; employees from the central machinery of the Federal Ministry of Internal Affairs and the internal affairs ministries (head offices and departments) of the constituent entities; and enterprises, institutions and organizations directly dependent on the Federal Ministry of Internal Affairs; the professional emergency services, including those attached to the federal executive organs; members of Cossack organizations who have pledged themselves to State and other service; young families of few means (one spouse aged under 30); and persons entitled under the federal legislation to concessional funding for house building or purchase, but who have not exercised their right.

A subsidy can be used by citizens as they wish: to acquire a completed dwelling of their choice; as funding for the construction of an individual house in the form of transfers under a personal schedule covering the full period of the work; as funding to purchase an apartment as a contribution to completion of a multi-apartment building constructed to high specifications.

It should be noted that the number of families on the list of those wishing to improve their living situation decreased over the period 1990-2000, from 9.45 million to 5.9 million.

As a means to develop the construction of private individual dwellings, a federal programme called "Your own house" was devised and approved as a component of the State's "Housing" programme (Federal Government Decision of 27 June 1996 on the special federal programme "Your own house"). The programme's aim is to increase the number of individual homes built by the latest techniques involving the use of new types of building materials and methods. According to article 22 of the "Fundamentals of federal housing policy" act, a builder has the right to obtain or purchase land plots in order to construct a dwelling in the areas designated in the relevant town planning documents. The organs of local self-government, taking into account the features of the town and the region, are obliged to grant for use, rental or ownership, or to sell, land plots for house-building, not more than one month after an application made by a physical person, and not more than two months after one made by a legal person. Citizens are entitled to obtain or purchase land plots for house-building irrespective whether there is another dwelling (property in the housing sphere) present, including in other communities. A groundless refusal by the organs of local self-government to allocate and sell land for house-building within the required period is punishable by a fine and other measures provided for in the legislation.

Mortgage credit has played an important role in resolving the housing problem. Following the adoption of the federal "Hypothecation (mortgage)" act of 16 July 1998, citizens with proprietary rights over individual houses or apartments, or rooms in apartment houses, who wish to improve their living conditions, now have the opportunity to obtain a bank loan for a mortgage. Government Decision No. 28 entitled "Measures to develop a mortgage-based housing credit scheme in the Russian Federation" was adopted on 11 January 2000 (with amendments and additions on 12 April 2001 and 8 May 2002).

In order to improve the living conditions of people in rural areas, credit on preferential terms is being offered to rural inhabitants for the purposes of building, converting or buying a dwelling. In particular, citizens who have lived and worked continuously in a village and are recognized as needing to improve their living conditions have the chance to build, convert or buy a dwelling through a long-term (20 year) loan from the federal purse. Repayment of the loan and the interest on it begins in the second year after it is obtained. The interest rate is not more than a quarter of the Bank of Russia's accounting rate. A particular benefit is the fact that the loan can be repaid in the form of agricultural produce (Ministry for the Economy Letters Nos. IM-875/13-1111 and 7-07-07/656 of 24 and 25 September 1996, entitled "Procedure for granting Russian citizens needing to improve their living conditions a repayable loan from the federal budget in order to build, convert or purchase a dwelling in the country").

As a result of the measures taken to increase individual house-building, the individual privately owned dwellings are beginning to dominate as a proportion of the housing stock. The number of homes brought to being through private finance is growing. From the beginning of the housing reform to 2000, a total of 665 000 privately owned homes were created (only 110 000 in 1999).²

In addition to the individual house-building credit scheme, a major factor in the rise of privately owned housing has been people's privatization of the accommodation they occupy in buildings belonging to the State or municipal housing stock. Federal housing policy guarantees people the opportunity to privatize such accommodation free of charge for the purpose of obtaining an initial loan in order to improve their living conditions. Essentially, privatization means that people who rent or lease accommodation in buildings belonging to the State or a local authority (including homes owned by institutions) are entitled, subject to the agreement of all the adults and the minors aged from 15 to 18 years living with them, to assume ownership of that accommodation free of charge. Included in the private ownership agreement are minors entitled to use the accommodation and who live together with the other persons to whom the dwelling is

² Information from the publication "The world in a week", No.4, 2000.

being transferred, or minors who live separately from the other persons involved, but who have not lost the right to use the accommodation in question. Moreover, minors who, through privatisation, become owners of accommodation they occupy, retain the right to privatise once, free of charge, accommodation they occupy in buildings belonging to the State or local authorities, once they have attained the age of majority. In the event of the parents' death, or if the guardianship of the parents is lost, and there remain only minors living in the accommodation, the guardianship and trustee agencies, the heads of institutions for orphans and children left without parental supervision, guardians (trustees), foster parents or other legal children's representatives have three months to register an agreement transferring the accommodation to the children in question. The privatisation procedure is governed by Federal Act No. 1541-1 of 4 July 1991, entitled "Privatisation of Russia's housing stock", to which many amendments and additions have been made in order to improve the legal regulation of the privatisation process (those of 23 December 1992, 11 August 1994, 28 March 1998, 1 May 1999, 15 May 2001, 20 May and 26 November 2002). The act's adoption has resulted in the share of private housing stock rising to 63 per cent by 2000, compared with 33 per cent in 1990, and the share of State and municipal stock falling from 67 to 34.8 per cent.

Housing privatisation offers citizens the opportunity to bring property onto the housing market and freely own, use and manage their homes.

One of the main tasks involved in giving effect to citizens' constitutional right to housing is to strengthen the social protection for the poorer population groups, in respect of both housing provision and payment for communal services. The State assumes the obligation of providing free or low-cost housing for needy people. Citizens who need to improve their living standards are provided with a free (no building costs) apartment in buildings belonging to the State or municipal housing stock, under the terms of a social rental contract. The following categories have such a right: invalids from the Second World War and other similar persons as defined by law; persons disabled through work or since childhood; war veterans; the families of those who perished in their country's service; and families with incomes lower than the official minimum subsistence level.

These people are registered with the organs of local self-government, and wait their turn to be granted free apartments on the basis of social rental agreements. In accordance with the federal "Fundamentals of federal housing policy" act, a stock of social housing is reserved for the more vulnerable sectors of society (the poor, veterans, the disabled, etc.), and also for the categories of people who enjoy special status by virtue of their calling, such as state officials, servicemen and other groups mentioned in the act. The organs of State and local government must provide compensation (subsidies) for citizens to pay for a dwelling that complies with living space standards and the rules on use of communal services, allowing for the family's total income, the existing benefits and the approved budget. Currently, over 7.2 per cent of low-income families receive such subsidies. Local government, as well as businesses, institutions and organizations are obliged, in the event of applications by citizens to substitute accommodation whose area exceeds the standard social norm for accommodation smaller than the norm, to supply them with suitable accommodation. From the moment the application to replace accommodation is made until the time the change takes place, the citizen pays the rate for accommodation that falls within the space regulations, under the terms specified in article 19 of the act.

Renting accommodation is one of the means of satisfying citizens' right to housing. Accommodation in a building belonging to State or municipal housing stock is rented through a social rental agreement concluded between the tenant and the organ of local self-government, and in private homes through a commercial rental agreement concluded between the tenant and the owner. Social rental agreements are open-ended, and may be dissolved at the landlord's request only on the grounds specified in law, and through the courts.

Under article 9.1 of the "Privatisation of Russia's housing stock" act, if citizens who have privatised accommodation constituting their sole place of permanent residence wish, for whatever reason, to transfer the accommodation over which they hold right of ownership, free of obligations, to State or municipal ownership, the respective executive organs, organs of local self-government or persons authorized by them must assume their ownership and terminate the social rental agreements those citizens have signed in

respect of the accommodation in question; this constitutes another guarantee of the application of citizens' housing rights.

Under article 8 of Federal Act No. 159-FZ of 21 December 1996, entitled "Additional guarantees of social protection for orphaned children and children abandoned without parental supervision", (with the amendments and additions dated 8 February 1998, 7 August 2000, 8 April 2002 and 10 January 2003), children in these categories, as well as those under guardianship or trusteeship, who have had a fixed abode shall retain entitlement to it for the entire period that they remain at an educational establishment or social services establishment, or at occupational training establishments, irrespective of type of ownership, and for a period spent in the armed forces or serving a sentence in a place of confinement. Orphans, children abandoned without parental care and children placed under guardianship or trusteeship who have no fixed abode, once they have completed their stay in one of the above-mentioned institutions, shall be provided directly by the organs of local self-government with accommodation equivalent to that occupied previously by them or their parents, and of an area not lower than that specified in the social regulations. Orphans and children abandoned without parental supervision living on Russian territory, and who have no fixed abode, are entitled to have one provided, on one occasion only, directly by the governmental executive organs, either at the place where the child comes to the authorities' attention and is first placed in a family or appropriate institution, or at the place where the child's birth is registered or, if the child's birthplace lies outside Russian territory, at the child's last known place of residence in the territories of the cities and towns of Russia's constituent entities.

A renewed special federal "Housing" programme for 2002-2010 was adopted by Federal Government Decision No. 675 of 17 September 2001. Its objective is to continue the transformations in the housing sector begun in the framework of the original special federal housing programme adopted by Council of Ministers-Government Decision No. 595 of 20 June 1993, and of the Main guidelines on the programme's implementation, adopted by Presidential Decree No. 431 of 29 March 1996. Every year, funds are earmarked for this programme when the new budget is prepared. The legal and regulatory

basis has been established to make additional changes in the housing sphere. Over 230 legislative and other instruments have been approved to regulate matters relating to house-building, communal housing, ownership rights and housing transactions, against the background of a burgeoning housing market. The reforms have fundamentally altered the planning and administrative methods used in ensuring fulfilment of the social guarantees provided for in the legislation in respect of housing for the most needy and other sectors of the population.

As to the subprogramme "Your own house", up to 9 billion roubles have been made available from the federal budget to provide Government security to cover borrowing through the "Mortgage finance agency", an open joint-stock company. The overall amount of federal budgetary funding for the measures taken to subsidize house buying by certain sectors of the population, as dictated by the obligations the State has assumed, comes to 131.6 billion roubles.

The aim of the subprogramme entitled "Housing provision for Russian citizens resettled away for the Baikonur complex" is to provide housing in the Russian Federation for servicemen and civilians released from service spent in the armed forces at the Baikonur space-launch complex, as well as for Russian citizens who work there continuously. Under the subprogramme, accommodation must be found for 14 400 Russian families. Its implementation has cost the federal budget 141.4 million roubles. In addition, throughout the subprogramme the town of Baikonur will receive federal subsidies amounting to 1 327.8 million roubles in connection with the resettlement of Russian citizens.

The task of the "Housing provision for young families" subprogramme is to establish a system of State support for young families, in order to resolve their housing problems as part of a drive to improve the demographic situation in Russia. Implementation costs are expected to be 536 million roubles, out of the federal budget.

Out of the special federal programme entitled "Housing provision for the participants in the efforts to deal with the consequences of the accident at Chernobyl nuclear power plant", which lasted until 2001, has come a subprogramme called "Housing provision for the participants in the efforts to deal with the consequences of radiation accidents and disasters", whose objective is to provide housing for those who took part in the efforts to deal with the consequences of the accidents at Chernobyl and Mayak industrial complex, and for veterans of special high-risk units. The cost to the federal budget of implementing this subprogramme is 1 236.5 million roubles.

Under the subprogramme entitled "Housing provision for refugees and those forced to resettle in the Russian Federation", housing will be provided for people forced to resettle and who are entitled to receive housing under the relevant legislation as a matter of immediate priority. The federal funding allocated for this subprogramme amounts to 7 998 million roubles.

In addition, in order to fulfil the State's existing obligations to certain categories of the population, housing will continue to be provided. The amount allocated in the federal budget for this purpose is 4 396.2 million roubles. This includes money set aside to resolve the housing problems of young scientists, in an effort to preserve and develop Russia's scientific potential.

The aim of the "State housing certificates" subprogramme, approved by Federal Government Decision No. 71 of 20 January 1998 and included in the "Housing" main programme, is to provide permanent homes for citizens released or about to be released from military service or service in the interior ministry agencies or Ministry of Justice penal institutions, and citizens resettled from closed and isolated military towns; these people are provided with subsidies in the form of State housing certificates. Over the period 1998-2002, the State planned to issue 210 000 of these. By the beginning of 2001, only 56 200 had been given out. Accordingly, it has been decided to extend these measures' period of implementation until 2010, for which purpose 103.06 billion roubles have been allocated from the federal budget. During this programme, measures will be

taken to implement the Federal Act entitled "Housing subsidies for citizens who move from the regions of the Far North and other similar locations". This will cost 14.23 billion roubles from the federal budget.

The people who carry out the "Housing" programme make their own attempts to solve their housing difficulties. They have the right to acquire any completed dwelling either on the primary or secondary housing market. They may also make a prior arrangement to acquire a completed dwelling in a building under construction once it is completed, and may acquire accommodation both through free subsidy and by contributing their own resources or loans.

Under Federal Government Decision No. 33 of 22 January 2002, a subprogramme entitled "Resettlement of Russian citizens from dilapidated and dangerous housing stock" was approved. Under article 49 of the Housing Code, if a building containing privatised apartments has to be demolished for reasons specified in the legislation, the apartment owners who are moved from it must be offered, with their consent, accommodation of equal value and with right of ownership, or other compensation. People resettled out of housing which they occupy under a social rental agreement are simultaneously offered other accommodation.

According to paragraph 2, article 687 of the Civil Code, a rental agreement can be dissolved by the courts at the landlord's request, if the tenant fails to pay rent for six months, and if the contract does not specify a longer period. However, if it is a case of a social rental agreement, article 15 of the "Fundamentals of federal housing policy" act provides that citizens can be moved by the courts only if other accommodation that meets the hygienic and technical standards for apartment blocks is provided. The statement of claim must cite a specific dwelling that meets the resettlement requirements. In deciding to dissolve a social rental agreement in relation to resettlement, the judge must, in the conclusion to his judgement, refer specifically to the accommodation which is to be given to the defendants. In Russian legal practice there are many cases in which the courts, having established that a tenant has debts greater than six months rent for good reason,

have refused to comply with a claim for dissolution of a rental agreement, in so doing satisfying the requirements regarding debt repayment.

Question No. 28

What are the steps taken by the State party to regulate the manufacture and sale of food and drink products in order to ensure the quality and safety of those food and drink products on sale?

Reply

The instruments concerned with these issues are Federal Act No. 29-FZ of 2 January 2000, entitled "Quality and safety of food products", Russian Federation Act No. 2300-1 of 7 February 1992 entitled "Protecting consumers' rights", and also articles 200 and 238 of the Russian Criminal Code.

In order to ensure the safety of the foodstuffs on sale and harmonize the requirements on manufactured goods with the international standards, the following rules and standards on hygiene have been drawn up: SanPiN 2.3.2.1070-01 "Hygiene requirements for the safety and dietary soundness of food products".

Question No. 29

What measures, legislative or otherwise, have been taken by the State party to introduce uniform standards and procedures of State funding in respect of health care and institutions, in conformity with the Committee's General Comment No. 14? What steps have been taken to ensure to the population access to the public health care services provided in the large cities? What steps have been taken to ensure to the population access to medication which is of the required standard and is not falsified?

Reply

The Russian Federation has adopted a number of legal instruments to give effect to State policy on reducing the morbidity and mortality rates and stabilizing the epidemiological situation in connection with social diseases. They include the Fundamental Laws on Health Protection No. 5487-1 of 22 July 1993 (with the amendments and additions of 24 December 1993, 2 March 1998, 20 December 1999, 2 December 2000, and 10 January and 27 February 2003), and Federal Act No. 3185-1 of 2 July 1992 entitled "Psychiatric assistance and citizens' rights to receive it".

In order to ensure the population's access to medicines and the provision of medicines for privileged sections of the population, the following have been adopted: Federal Act No. 86-FZ of 22 June 1998 entitled "Medicines" (with the amendments and additions of 2 January 2000, 30 December 2001 and 10 January 2003); Federal Government Decision No. 890 of 30 July 1994 entitled "State support to develop the medicines industry and improve the supply of medicines and medical products to the population and to health care institutions"; and Federal Government Decision No. 782 of 9 November 2001 entitled "State regulation of the prices of medicines", which approved the "Regulations on State control of the prices of vitally needed and highly important medicines".

To ensure that the population receives free medical care in accordance with its constitutional rights, the Government has devised the "Programme of State guarantees for providing the people of the Russian Federation with free medical assistance" (approved by Federal Government Decision No. 1096 of 11 September 1998). This programme covers the list of types of medical care provided free to the population, basic compulsory medical insurance, the contents of medical care, and the procedures for formulating health care funding standards to guarantee the amounts of medical care required.

A special federal programme entitled "Safe motherhood", carried out in 2001-02, has helped greatly to improve the health care indicators for women and children.

Question No. 30

What preventive measures is the State party taking to prevent the spread of HIV/AIDS, especially among prisoners? What are the steps taken by the State party to devote more funds to combat HIV/AIDS?

Reply

In the context of the special federal programme on "Preventing and tackling social diseases (2002-06)", adopted by Federal Government Decision No. 790 of 13 November 2001, two subprogrammes are being carried out: "Urgent measures to prevent the spread in Russia of HIV/AIDS" and "Urgent measures to tackle tuberculosis in Russia".

Under these subprogrammes, a material and technical basis for preventive medicine and methods for prevention, early detection, and treatment are being developed in connection with social diseases. Also, the domestic capacity to produce the drugs to treat such diseases is being expanded, modern diagnostic methods and new-generation drugs are being developed, and health workers' professional skills are being enhanced.

In accordance with article 6 of Federal Act No. 38-FZ of 30 March 1995, entitled "Preventing the spread in the Russian Federation of disease triggered by the human immunodeficiency virus (HIV infection)", the funding of federal and regional special programmes, and of actions by businesses, institutions and organizations, concerned with preventing the spread of HIV infection and the treatment and social protection of HIV-infected people will be provided from: the federal budget and the budgets of the constituent entities; the resources of special funds; resources intended for voluntary medical insurance; and other sources of funding not prohibited by the federal legislation. State funding of activities to prevent the spread of HIV infection is being examined as a matter of priority, bearing in mind the need to protect citizens' personal safety and the safety of society and the State.

Article 9 of the act obliges the donors of blood, biological fluids, organs and tissues to undergo compulsory medical examination. Persons who refuse cannot be accepted as donors. Workers in various professions, factories, businesses, institutions and organizations, a list of which is given is established by Government Decision No. 877 of 4 September 1995, must undergo compulsory medical testing for HIV infection during preliminary and periodic medical examinations carried out in connection with their work. The rules under which such compulsory testing is carried out in order to protect public health and prevent the spread of HIV infection were established by Federal Government Decision No. 1017 of 13 October 1995. The rules on compulsory examination of persons kept in places of confinement are determined by the Federal Government.

Question No. 31

What measures has the State party taken to combat tuberculosis, especially in prisons where the infection rate is reportedly 60 times higher than among the general population?

Reply

The Russian Ministry of Health continues its single-minded work to stabilise the tuberculosis epidemic. The main focus here is on improving the quality of the anti-tuberculosis treatment received by the population, developing a set of preventive measures, and educating the public and medical staff.

The basis for these measures is the above-mentioned subprogramme entitled "Urgent measures to tackle tuberculosis in Russia". The Russian Ministry of Health and the health authorities of the constituent entities regard the programme's implementation as an important step in the struggle against tuberculosis and for improving the organization and raising the effectiveness of care for those suffering.

These measures are being carried out under close cooperation between Russia's ministries of health, justice, economic development and industrial science.

The Russian Ministry of Health provides organizational assistance to the constituent entities and monitors, through the federal scientific research institutes, matters pertaining to tuberculosis and the taking of preventive measures, and the introduction of new diagnostic and healing methods. To this end, in 2002 the specialists from these high-profile institutions visited 28 of the constituent entities.

As part of the special federal programme, funding has been allocated for the compilation of statistics on tuberculosis and to set up a system of epidemiological monitoring.

Since 2002, Russia has been taking active steps to ensure that all the required anti-tuberculosis measures are carried out in the main seats of the infection, among the groups at highest risk of infection and among infected children.

The highest priority is attached to the taking of anti-tuberculosis measures in Ministry of Justice penal establishments, where high levels of disease and infection have been recorded among the inmates.

The constituent entities are currently provided with all the necessary first-level drugs they need to tackle tuberculosis, and a reserve stock is being purchased.

A determined construction and renovation effort is being made with regard to the institutions that treat tuberculosis.

So as to benefit from international experience and attract additional funding for the fight against tuberculosis, the Russian Health Ministry is in close contact with the World Health Organization, the Council of Europe, governments and NGOs.

The measures taken by the Russian Health Ministry and the executive organs of the constituent entities to improve the anti-tuberculosis treatment available for Russian citizens led to the halting of the epidemic in 2001; the main population indicators for tuberculosis are stable. The average annual growth rates for tuberculosis infection fell by 12 per cent and more in 1994 and by 5.6 per cent in 2000, and in 2001 and 2002 the morbidity rate has fallen. In 2002 the rate among children fell by 6 per cent. At the same time, the treatment of tuberculosis has become more effective and the indicators for first-time invalidity on grounds of tuberculosis and tuberculosis-related deaths are falling.

Question No. 33

What are the measures taken by the State party for protecting the rights of patients in mental institutions, especially by ensuring that they are not subjected to any cruel or degrading treatment?

Reply

Under Russian Federation Act No. 3185-1 of 2 July 1992, entitled " Psychiatric help and guarantees of the public's right to receive it", enforced treatment for mentally ill people who represent a threat to themselves and those around them is categorised as a legal method of restricting citizens' rights. However, all the rights of the people suffering from psychiatric disturbances must be respected. Under article 5 of the act, the mentally disturbed enjoy all the civil rights and freedoms provided for in the Russian Constitution, the constitutions of the republics belonging to the Russian Federation, and the laws of the Russian Federation and the Russian republics. The restriction of civil rights and freedoms in connection with mental illness is permissible only under the circumstances stipulated in Russian law. All persons suffering from mental illness enjoy the following rights on being provided with psychiatric help: respectful and humane treatment which excludes

any degradation of human dignity; to be informed of their rights and, in an accessible form and in a manner that takes into account their mental state, to be informed about the nature of their mental illness and the methods used to treat it; psychiatric help under the least restrictive conditions, if possible at their place of residence; containment in a psychiatric ward for only as long as is necessary for their observation and treatment; all kinds of treatment (including at health spas) based on medical evidence; psychiatric help under conditions that meet public health requirements; prior agreement or refusal at any stage regarding their use in tests of medical means and methods, scientific experiments or teaching, or as the subject of photography, videos or cinema films; to request that any specialist involved in the provision of psychiatric assistance be invited, with that person's consent, to work on the medical board on matters governed by the current legislation; the assistance of a lawyer, legal representative or other person as provided for in law. It is prohibited to restrict the rights and freedoms of persons suffering from mental illness merely on the basis of a psychiatric diagnosis, or of being under clinical observation in a psychiatric ward or in a psycho-neurological institution for social control or special training. Officials found guilty of such violations are liable under the legislation of the Russian Federation and of its republics.

The issue of hospitalising people in psychiatric wards against their will on the exceptional grounds listed in the above-mentioned act is decided by the courts in the place where the psychiatric institution is located. The application must be submitted to the court by a representative of the institution in which the person is present. The application must state the legal grounds for the hospitalisation, and must be accompanied by the reasoned conclusions of a board of psychiatrists as to the necessity for the person's extended presence in the psychiatric ward. In accepting the application, the judge may give permission once for the person to remain in the psychiatric ward for the period required by the judge in order to examine the application (article 33).

Hospital psychiatric care must be given under the least restrictive conditions that guarantee the safety of the person and others, while the medical staff must respect his rights and lawful interests. Physical restraint and isolation measures during involuntary hospitalisation and a stay in a psychiatric ward may be used only in the circumstances,

and for the period, when the psychiatrist decides that other methods will not prevent the person's actions presenting a danger to himself or others, and must be carried out under the constant supervision of medical staff. The methods and duration of the physical restraint or isolation used must be recorded in the medical record. Militia officers are obliged to assist the medical staff to carry out involuntary hospitalisation and ensure that conditions are safe for approaching the hospitalised person and examining him. Should it be necessary to prevent actions by the hospitalised person or others that threaten the life and health of those around them, and if a search or check of the hospitalised person is required, militia officers must act in accordance with the RSFSR "Militia" Act (article 30).

Article 37 of this act provides for the rights of patients in psychiatric wards. The patient must be informed of the reasons for and objectives of his admission to the psychiatric ward, his rights and the ward rules, in a language he understands, and this must be entered in the medical record. All patients undergoing treatment or observation in a psychiatric ward are entitled: to apply immediately to the head physician or departmental head on matters concerning treatment, observation, discharge from the ward and the observance of his rights under the act; to submit, uncensored, a complaint and application to the representative and executive organs, the procurator's office, a court and a lawyer; to meet a lawyer in strict privacy; to carry out religious rites, observe religious practices, including fasting, and, by agreement with the administration, keep religious materials and literature; to subscribe to newspapers and magazines; to receive education based on a general school curriculum, or one from a special school for children of impaired intellectual development, if the patient is under 18; and to receive, on the same basis as other citizens, remuneration for work according to its quality and quantity, if the patient is involved in productive labour. Patients also have the following rights which may be curtailed on the recommendation of the attending physician to the departmental head or chief physician in the interests of the patient's health and safety, and in the interests of others' health and safety: to maintain uncensored correspondence; to receive and send parcels, printed matter and money transfers; to use the telephone; to receive visitors; to have and acquire essential items; and to use their own clothing.

The State is setting up a service separate from the health establishments in order to protect the rights of patients in psychiatric wards. The representatives of this service will defend such patients' rights and receive their complaints and depositions, which they may authorise with the administration of the psychiatric hospital in question or send, depending on their nature, to the representative and executive organs, the procurator or the courts (article 38).

Monitoring the activities of the institutions and persons that provide psychiatric care is a matter for the organs of local self-government. Monitoring the activities of psychiatric and neuro-psychological institutions is a matter for the federal health, social service and education bodies and those in the republics (the republics included in the Russian Federation), autonomous regions, autonomous areas, territories, the regions and the cities of Moscow and St Petersburg, as well as the ministries and departments which have such institutions. Supervision of compliance with the law during the provision of psychiatric treatment is the responsibility of the Procurator-General of the Russian Federation, the procurators of the republics in the Russian Federation and the procurators under them (article 45).

Public associations of psychiatrists and other public associations may, in accordance with their statutes (regulations), monitor observance of citizens' rights and legal interests at their request or with their consent while the latter are undergoing psychiatric treatment. The right to visit psychiatric and psycho-neurological institutions must be reflected in the statutes (regulations) of these associations and agreed with the authorities responsible for those institutions. The representatives of public associations must agree the circumstances of a visit with the administration of the psychiatric hospital or psycho-neurological institution, acquaint themselves with their rules, obey them, and sign an undertaking not to break medical confidentiality (article 46).

The actions of medical staff, other specialists, social services and educational staff and medical board members which infringe the rights and lawful interests of citizens

while they are undergoing psychiatric treatment may be the subject of appeal at the discretion of the person concerned, who may complain directly to the court, the body to which the official is answerable, or the procurator. The complaint may be made by the person whose rights and lawful interests are impugned, by his representative, and by an organization in whose rules, or statutes (regulations) is inscribed the right to defend citizens rights; it must be done within a month from the day when it becomes known to the person that action has been taken which infringes his lawful rights and interests. A person who leaves it late for good reason may be reinstated by the body or official examining the complaint (article 47).

Under Ministry of Health Decree No. 419 of 23 November 1999, entitled "Review boards for complaints made by citizens about psychiatric treatment received", a Russian Health Ministry board was set up to examine complaints made by citizens about psychiatric treatment they had received from federal psychiatric and psycho-neurological institutions. The board, under the direction of the psycho-neurological department of the Russian Health Ministry, examines complaints brought by citizens against actions taken by medical staff and other specialists which infringe their rights and lawful interests during psychiatric treatment in institutions belonging to the Health Ministry. The board decides as to the soundness of a diagnosis of mental illness, the treatment carried out, and also of other actions taken by the medical staff in the course of administering the psychiatric care. Within three days of receipt, the complaint is examined by a board consisting of at least three psychiatrists, who make use of the available medical records and visit the institution. The board's reasoned and legally coherent conclusion must be sent within two days of the examination to the psycho-neurological department of the Russian Health Ministry.

There are other regulatory instruments whose purpose is to improve psychiatric care, including the sectoral programme entitled " Reorganization of the psychiatric care network in the Russian Federation (2003-08)", adopted by Ministry of Health Order No. 98 of 27 March 2002, Ministry of Health Decree No. 108 of 8 April 1998 entitled

"Emergency psychiatric care" and USSR Ministry of Health Order No. 225 of 21 March 1988 entitled "Measures to further improve psychiatric care".

Federal Act No. 73-FZ of 31 May 2001, entitled "Activities of State forensic experts in the Russian Federation", provides that in order to perform an expert forensic psychiatric examination a person may be moved to a psychiatric ward or expert forensic ward only on the basis of a court ruling or a judge's decision (article 29), and also that the period to be spent by the person undergoing such examination must be specified; a person may be moved for such reasons for a period of up to 30 days. If necessary, on the basis of a reasoned application by an expert or panel of experts, the person's stay in the medical ward can be extended by 30 days, by decision of a district court judge in the place where the ward is located. In exceptional circumstances, a second such extension is possible using the same procedure. It follows that the total period that a person can remain in this kind of ward for a single forensic examination may not exceed 90 days (article 30).

Article 128 of the Russian Criminal Code, dated 13 June 1996 (No. 63-FZ), makes an unlawful transfer to a psychiatric ward a criminal offence.

Question No. 34

What are the measures taken by the State party to provide professional assistance for the development, treatment and rehabilitation of children with disabilities and to include them in mainstream education?

Reply

In the Russian Federation much attention is devoted to providing support for disabled children. On the basis of the legislation, disabled children are eligible for a list of benefits and are given help and support in many areas. This includes treatment, rehabilitation and special training.

In accordance with article 27 of the Fundamentals of Russian Health Law (No. 5487-1 of 22 July 1993, with the amendments and additions of 24 December 1993, 2 March 1998, 20 December 1999, 2 December 2000, and 10 January and 27 February 2003), disabled persons, including disabled children and those disabled since childhood, have the right to medical and social care, rehabilitation, the provision of medicines, prostheses, prosthetic products, means of conveyance under beneficial conditions, and also occupational training and retraining. Disabled people who are unfit to work are entitled to free medical and social care in State or municipal hospitals, care at home, and, if they cannot satisfy basic living requirements, to care in public social welfare institutions. In order to care for disabled children or persons disabled since childhood until they reach the age of 18, one working parent or his/her nominated replacement may be granted four additional days of paid leave per month, which can be used by one of the named persons or shared among them at their discretion.

Under article 14 of Federal Act No. 195-FZ of 10 December 1995, entitled "Fundamentals of social security for the Russian population" (with the amendments and additions of 10 and 25 July 2002 and 10 January 2003), the social services must provide care for the occupational, social and psychological rehabilitation of disabled persons, persons with impaired capacities, juvenile delinquents and other citizens who have fallen into difficulties and require rehabilitation.

Improvements are constantly being made to Federal Act No. 181-FZ of 24 November 1995, entitled "Social protection for the disabled in the Russian Federation", as amended or supplemented on 24 July 1998, 4 January and 17 July 1999, 27 May 2000, 9 June, 8 August, 29 and 30 December 2001, 29 May 2002 and 10 January 2003.

Under article 9 of the Disabled Rehabilitation Act, a set of medical, psychological, pedagogical and socio-economic measures exists to eliminate or compensate as fully as possible limitations on people's vital activities caused by health problems involving persistent disorder of the vital functions. In Russia there are three main kinds of such provision: 1) medical rehabilitation, consisting of regenerative

therapy, reconstructive surgery and prosthetics; 2) occupational rehabilitation of the disabled, consisting of occupational guidance and training, vocational and industrial adaptation and job placement; 3) social rehabilitation, consisting of social orientation and adaptation to everyday life.

Article 10 of the act stipulates that the basic federal rehabilitation programme for the disabled must cover a list of guaranteed measures, technical methods and services to be provided free for the disabled person from the federal budget. Under article 11, the experts from the State's medical and social services must devise an individual disabled rehabilitation plan, i.e. that best suited to the individual, comprising separate types, forms, amounts, deadlines and procedures relating to the implementation of medical, occupational and other rehabilitative measures designed to reduce or compensate for impaired or lost bodily functions, and reduce or compensate for the disabled person's inability to perform defined types of activity. The disabled individual rehabilitation programme is a compulsory element for the relevant governmental organs, organs of local self-government and organizations, regardless of their legal identity and form of ownership. The individual programmes contain both rehabilitation measures provided free to the disabled person under the basic federal disabled rehabilitation programme, and rehabilitation measures paid for partly by the individuals themselves or by other persons or organizations, regardless of their legal identity and form of ownership. The amount of the measures provided in the latter programme may not be less than what is contained in the basic federal disabled rehabilitation programme. An individual rehabilitation programme is not compulsory for the disabled person; he is entitled to refuse one or another type, form and amount of rehabilitation, and to decline to undergo the full programme. The disabled person is entitled to make his own decision as to the suitability of a specific technical support or type of rehabilitation, including cars, wheelchairs, prosthetic or orthopaedic products, printed matter with a special font, hearing aids, alarms, video materials accompanied by subtitles or sign language, and other such aids. If a technical or other device or service intended for inclusion in the rehabilitation programme cannot be supplied to the disabled person, or if such a person has acquired a

such a device or paid for a service from his own resources, he can be reimbursed the amount, provided the device or service is required.

The State's disabled rehabilitation services comprise a collection of State bodies not attached to any department, local governmental bodies and various levels of institution, all of which are involved in carrying out medical, occupational and social rehabilitation measures. They are coordinated by the Russian Ministry of Labour and Social Protection.

The federal executive organs and the executive organs of the constituent entities are taking into account regional requirements in order to create a network of rehabilitative institutions, develop a system of medical, occupational and social rehabilitation for the disabled, organize the production of technical aids and the development of disabled services, facilitate the growth of non-governmental rehabilitation bodies and funds under various kinds of ownership, and liaise with them all for the benefit of disabled people.

The funding for these rehabilitation measures comes from the federal budget, the budgets of the constituent entities, the federal and regional compulsory medical insurance funds, the Russian Federation Pension Fund and the Russian Federation Social Insurance Fund (as dictated by their regulations), and from other sources not ruled out by federal legislation.

Under article 13 of the "social protection for the disabled" act, disabled persons must be provided with skilled medical care, including the supply of medicines, either free or on beneficial terms. Medical rehabilitation of the disabled is carried out within the framework of the basic programme of compulsory federal medical insurance for the Russian people, from the resources of the federal and territorial compulsory medical insurance funds.

Under article 29 of the act, disabled persons and those disabled since childhood have the right to health-spa treatment under their individual rehabilitation programme, on beneficial terms. By Federal Government Decision No. 1254 of 14 November 1999, approval was given to the regulations on funding the costs of providing individual categories of disabled veterans with free travel to health spas for treatment, and with means of transport, including cash reimbursement for money spent on transportation as an alternative to receiving means of transport; the regulations also cover spending on the manufacture and repair of prosthetic or orthopaedic items for the disabled.

Under article 20 of the act, disabled children and the parents, guardians, trustees and social workers responsible for their care, as well as disabled persons, enjoy the right to free travel on all types of transport in public use in towns and suburbs, except for taxis. Disabled people are given a 50 per cent reduction on the cost of inter-city air, rail, river and car journeys taken from 1 October to 15 May, and during the rest of the year on one occasion (return journey) only. Disabled persons in Categories I and II, and disabled children, enjoy the right to a free return journey once a year to a place of treatment, provided the federal legislation does not stipulate more favourable conditions. Such benefits extend to the companion of a Category I disabled person or disabled child. Federal Government Decision No. 524 of 15 July 2002 establishes the procedure for reimbursing the costs of rail journeys made under such beneficial arrangements by disabled people and veterans travelling in transit through Lithuania, Latvia and Belarus. Disabled children and their companions are entitled to free travel to a place of treatment (examination) by urban and inter-city buses on interregional routes. Disabled people who have a suitable medical condition are provided with a vehicle either free or on beneficial terms. Disabled children at least five years old who suffer from impairment of the locomotive system can be supplied with a vehicle on the same terms, with an adult member of the family having entitlement to drive. The provision and repair of such vehicles and other technical means of rehabilitation belonging to a disabled person are effected on beneficial terms as a special measure. Disabled persons and the parents of disabled children are repaid the cost of using special transport. Disabled persons whose medical condition entitles them to receive a free vehicle, but who do not receive it, and

also those who wish not to receive a vehicle, are given an annual reimbursement of their travel expenses.

Federal Government Decision No. 1254 of 14 November 1999 approved the regulations on funding the costs of providing individual categories of disabled veterans with free travel to health spas for treatment, and with means of transport, including cash reimbursement for money spent on transportation as an alternative to receiving means of transport; the regulations also cover spending on the manufacture and repair of prosthetic or orthopaedic items for the disabled. Federal Government Decision No. 356 of 28 May 1992 sets out measures for the social protection of disabled persons who need special transport.

Article 17 of the act provides that disabled persons and the families of disabled children who need to improve their living conditions are assessed and provided with accommodation in accordance with the benefits stipulated in the legislation of the Russian Federation and of its constituent entities. Disabled persons have the right to additional living space in the form of a separate room, as specified in the list of illnesses established by the federal government. Accommodation occupied by disabled people may be equipped with special equipment and devices as dictated by the individual rehabilitation programme. Disabled children who live in permanent social service institutions because they are either orphans or abandoned are entitled, on reaching the age of 18, to receive accommodation immediately, provided the individual rehabilitation programme provides for the possibility of his becoming self-sufficient and leading an independent life. Disabled persons and the families of disabled children may be granted a reduction of not less than 50 per cent on the cost of an apartment (in buildings belonging to State, municipal and public housing stock) and on the cost of communal services (regardless of the ownership of the housing stock), and, in buildings with no central heating, on the cost of fuel acquired within the limits established for sales to the public. Disabled persons and the families of disabled persons have right of first refusal over land plots for individual house-building, second homes and dachas, and horticultural activities. The procedure for granting such benefits is defined in Federal Government Decision No.

901 of 27 July 1996. The executive organs of the constituent entities and the organs of local self-government are entitled to establish additional privileges for the disabled.

Under article 18 of the act, educational institutions, public social protection bodies, and institutions concerned with communications information, physical training and sport are responsible for the continuous provision of disabled children's education and their adaptation to everyday life. Together with the public social protection bodies and the health authorities, the educational institutions provide a pre-school and extracurricular upbringing and education for disabled children, ensuring they receive a general secondary education and secondary occupational and higher occupational training in accordance with their individual rehabilitation programme. Pre-school disabled children benefit from measures designed for their rehabilitation, and the conditions are created for them to attend any general pre-school facility. For disabled children whose state of health excludes the possibility of attending a general pre-school facility, there are special pre-schools. If it proves impossible to provide an upbringing and education for disabled children in general or special pre-school and regular educational institutions, the education authorities and the schools can, with the parents' consent, teach them at home in accordance with the full school curriculum or their individual programme. The procedure for educating disabled children at home and in non-State educational institutions, and also the amounts of compensation to be paid to the parents for these purposes, are specified in Federal Government Decision No. 861 of 18 July 1996. The cost of placing disabled children in pre-school and regular school institutions is met from the budget of the relevant constituent entity.

Under article 10 of the act, the State guarantees disabled people the necessary conditions for receiving education and occupational training. Disabled people's general education is free, whether in specially equipped regular schools or in special schools, and is regulated by the laws of the Russian Federation and of the constituent entities. The State guarantees disabled people a basic and secondary (complete) education, and initial, intermediate and advanced occupational training in accordance with their individual rehabilitation programme. For disabled people who need special conditions to receive

their occupational training, there are either various types of special training facilities or regular training facilities in which special conditions have been created. Occupational training and instruction in the special training facilities for the disabled is carried out in accordance with national educational standards, using a curriculum adapted to the educational needs of the disabled. The education provided in the special facilities for the disabled is governed by the regulations, legal instruments and organizational procedures of the relevant ministries and other federal executive organs. The national educational authorities provide the pupils, free or on beneficial terms, with special teaching aids and literature, and also allow them to use the services of sign language interpreters.

Under paragraph 3, article 11, of Federal Act No. 125-FZ of 22 August 1996, entitled "Higher and postgraduate occupational training", and article 16 of Federal Education Act No. 3266-1 of 10 July 1992, disabled children and disabled persons in Categories I and II are accepted into State and municipal higher education institutions and establishments offering intermediate occupational training, without having to undergo competitive entry, but provided they pass the entrance examinations.

Under Presidential Decree No. 1157 of 2 October 1992, entitled "Additional State supporting measures for the disabled" (with the amendments and additions of 9 September 1999), disabled children and the children of a parent who is disabled are guaranteed immediate places in pre-school facilities, institutions of preventive medicine and hospitals.

At the beginning of 2002, there were 658 100 disabled children aged under 18 receiving a social pension from Russia's social protection agencies.

Disabled children aged under 18 who have impaired locomotive systems can receive prosthetic and orthopaedic care at 69 prosthetic-orthopaedic institutions. So as to provide assistance for families bringing up disabled children, there are a number of social rehabilitation centres, whose numbers have grown in the past 7 years from 3 to 237. In

addition, some 300 rehabilitation units have been opened at social services family and children centres.

The particular feature of most social rehabilitation institutions is their multidisciplinary capability, which allows them to care for children with many types of disability. These institutions can work with children who have cerebral palsy and locomotive deficiencies, learning difficulties, mental illness, somatic problems, and sight and hearing impairment.

In the framework of a special federal programme entitled "Disabled children", measures have been taken to lay the foundations for resolving the complex problems facing children of limited capabilities and the families who bring them up. In 2002, the programme received 1 852.7 million roubles, including 448.8 million from the federal budget.

In the framework of the programme, rehabilitation equipment has been purchased and supplied to boarding schools for mentally retarded children and children with physical impediments, and to rehabilitation centres (over 2 230 sets of rehabilitation equipment of various kinds and 260 vehicles), and funds have been distributed for the overhaul of disabled children's establishments.

The programme has also paved the way for neonatal screening for phenylketonuria and congenital hypothyroidism.

The implementation of the measures included in the programme has made it possible to lay the foundations for resolving the complex problems of children with developmental abnormalities, to create the conditions for them to enjoy a full life, to integrate them into society, and to build a network of rehabilitation centres for disabled children, equip them with modern rehabilitation aids and vehicles, and to perform medical, pedagogical and social rehabilitation.

Question No. 35

What is the explanation for the high incidence of abortions, gynaecological diseases, and maternal and child mortality? What preventive measures have been taken by the State party to address these problems?

Reply

In recent years in Russia, the levels of maternal and perinatal morbidity and mortality have been in gradual decline. The positive trend in respect of maternal deaths is, in many respects, due to the decline in the number of abortions.

The tasks of protecting mothers and children and lowering maternal and child mortality are carried out in accordance with the master plan to develop health care and medical science in the Russian Federation, the master plan to protect the reproductive health of the Russian population, the master plan on demographic growth in the Russian Federation, the national plans of action and the special federal programmes to improve the health and situation of women and children through interaction by local health authorities and institutions, departments and public organizations.

In the Russian Federation legislative acts have been formulated and adopted to provide social support for mothers and children. Every year, a Government Decision reconfirms the programme of state guarantees on the provision of free medical care for Russian citizens, confirming the types and amounts of assistance available for the population, including for women and children.

The main causes of the high recorded levels of maternal and child mortality are individual conditions relating to the perinatal period, congenital birth defects, insufficiently high rates of decline in infectious diseases and an increase in deaths from accidents, contamination and injuries.

The Russian Ministry of Health has developed and passed on to the constituent entities its "Plan of action for reducing maternal and child deaths in the Russian Federation for 2001-03". The Health Ministry has also set up a "Committee for increasing the effectiveness of the medical care provided for mothers and for children in the first year of life", issued an order entitled "Improving prenatal diagnosis for the prevention of genetic and congenital diseases in children", and developed and begun to implement a subprogramme called "The healthy child". Steps are being taken to further develop the diagnostic basis for genetic health interviews in obstetrics centres, introduce modern techniques into perinatal work, train specialists, and so on. Work has started on the preparation of a master plan entitled "Improving emergency care for mothers and children in the Russian Federation".

Question No. 36

What are the steps taken by the State party to ensure that children of school age are in fact attending school? Have specific measures been adopted to address the problem of the drop-out rates of the young at all levels of the educational system and what are the results, if any, that have been achieved in this regard? What are the measures taken to combat the increase in the drop-out rates of the young due to migration flow, youth delinquency and homelessness?

Reply

The special federal programme entitled "Youth of Russia (2001-05)", which was adopted by means of Federal Government Decision No. 1015 of 27 December 2000, provides the framework for tackling the issues of child neglect, child labour, school-age children's attendance at educational institutions, and how to counteract the rising non-attendance rates caused by migration, juvenile crime and neglect.

The main aims of the above-mentioned programme are to create and develop the legal, socio-economic and organizational conditions for young people's self-realization and spiritual and moral development. The first stage of the programme involves:

- development of a supplementary education system; strengthening the material basis and support for various forms of spiritual and moral upbringing and the intellectual, creative and physical development of children, teenagers and young people;
- creating the conditions for realizing young people's scientific, technical and creative potential, and working with students;
- developing modern techniques for the social services and the bodies working with young people;
- formulating and developing a system of social services and youth clubs to carry out preventive work with groups of teenagers and young people at risk, introducing positive experiences on a wide scale to prevent antisocial behaviour among them, and working to prevent drug addiction and dependence on other psychoactive substances.

In addition, in accordance with the plan of urgent measures to strengthen the prevention of child neglect and abandonment for 2002 (Federal Government Decision No. 154 of 13 March 2002 entitled "Additional measures to strengthen the prevention of child neglect and abandonment for 2002), as well as the decisions of the Interministerial Operations Staff, the Russian Ministry of Education has accomplished the following work.

The Russian Ministry of Education, together with Goskomstat, the Ministry of Internal Affairs and the Ministry of Labour, has developed its first interministerial model for a federal governmental statistical survey relating to children: "Data on the number of children aged 7-15 not being taught in educational institutions and on children of no fixed abode, as of 1 September 2002" (approved by Goskomstat Decree No.21 of 19 March 2002).

In accordance with the established procedure, in September 2002 the regional organs of the Russian Internal Affairs Ministry and Ministry of Labour presented the regional organs of the Ministry of Education with data analysing the state of affairs regarding the number of children found to be absent from school or systematically, and for no good reason, missing lessons, thus making it possible to carry out Paragraph 8 of the above-mentioned decree and paragraph 3 of the Plan of additional urgent measures to be taken by the Russian Ministry of Education to address the problems of child neglect and abandonment (Ministry of Education Order No. 635 of 28 February 2002; Ministry of Education Order No. 2424 of 26 June 2002).

The Russian Ministry of Education sent a letter on methods to the heads of the educational authorities in the constituent entities of the Russian Federation, entitled "Measures to identify and account for children aged between 6 and 15 who do not attend school" (21 March 2002, No. 419/28-5), which contained recommendations on the organization of such activities.

As a result of the work done by the constituent entities to account individually for children of school age, databanks have been set up containing separate information on sex, age, urban or rural residence, type and nature of school, reason for absence and (or) failure to learn.

By 1 September 2002, it was found that 26 220 children and teenagers aged between 7 and 15 were illegally missing school; this represents 0.15 per cent of all youngsters in that age group (14 529, or 0.05%, less than in 1999).

Federal Act No. 71-FZ of 25 June 2002, entitled "Introduction of amendments and additions to the Russian Education Act", requires the organs of local self-government to account for children eligible for compulsory education in schools which teach the general basic educational syllabus.

In the framework of the federal educational development programme, a system of statistical indicators, tools and procedure was devised to account for children in the 7-15 age group not attending school. On that basis, beginning in September 2003 it is planned to introduce yearly statistical surveys of the number of children who do not attend school, as part of a federal statistical programme.

It is proposed to begin work on setting up a databank on school-age children who are absent from or systematically fail to attend lessons in schools for no good reason; this would cover all categories of the children present (residing), including temporarily, in a given territory, including the children of refugee families and those who have been forcibly resettled.

At the level of the constituent entities, the organs of local self-government and State and municipal educational authorities, regulatory and legal instruments have been adopted to control the process of identifying and accounting for school-age children in the "at risk" categories who are absent from or systematically fail to attend lessons for no good reason, with a view to providing them with a compulsory general education.

The above-mentioned instruments set out the responsibilities of the various authorities, institutions, organizations (organs of local self-government, committees concerned with youth matters, education authorities, educational institutions, internal affairs departments, health authorities and hospitals, public social protection bodies, housing (communal housing) enterprises and organizations, and public organizations, in the sphere of children's educational rights.

The above-mentioned bodies assist educational institutions in collecting data on children aged from 6 to 15 and identifying those who are breaking the law by not attending school (this work includes participating in patrols of the schools' immediate surroundings); they identify the pupils who are at risk or who commit anti-social and illegal actions, and inform the educational authorities and institutions; they identify the parents who are failing in their educational responsibilities to their children, and report

them to the committees concerned with young people and the protection of their rights, and also take other measures within their competence.

Matters relating to the sharing of information on children living in difficult circumstances are dealt with on an interdepartmental basis, and decisions on their fate are taken in full cognizance of their specific situation and of the reasons for their problems.

Measures are taken to return pupils to boarding schools from which they have absconded. Teams have been formed whose tasks are to place homeless children for a provisional stay in regular schools and correctional boarding schools, schools for orphans and children abandoned without parental care, psycho-medical social centres and other educational institutions. Children from poor and disadvantaged families are given help to acquire clothes and textbooks (actions such as "Help me be ready for school"), and decisions are taken on transporting children to school from outlying areas.

After analyzing the situation regarding neglected youngsters and those involved in crime, the educational authorities of the constituent entities are working to develop a regional network of educational institutions of various kinds for children with developmental, learning and behavioural and social difficulties, including long-term non-attenders and those with serious gaps in their knowledge. In particular, a network of special educational and training institutes, both open and closed, is being developed.

Also, a network of cadet training schools is being developed (ordinary and boarding types), as well as boarding schools that offer elementary summer courses which prepare children and young people to serve their country in the civilian and military spheres. In 2002, Russia had 631 boarding schools offering a general education (19 more than in 2001), including nine that provided such elementary summer courses (2 more than in 2001), as well as 30 cadet boarding schools (6 more than in 2001).

The higher and intermediate occupational training institutions have commenced activities in respect of preventive work with young people. Plans have been laid whereby

the students and teaching staff of higher education institutes take measures to prevent neglect, abandonment, crime and drug dependency among teenagers and young people (in their immediate region, town, etc.). Many of these institutions sponsor children's homes, boarding schools, social shelters, special education and training institutes, educational colonies, preventive health centres and other types of facility. Volunteer movements are springing up as part of student associations as a means of involving students in the drive to help tackle child neglect and abandonment.

The number of educational institutions providing a supplementary education for children continues to grow, as does the number of their pupils. Since 2000, the number of these institutions has risen from 8 617 to 8 720 (1.2 % increase), and the number of pupils from 7.9 to 8 million (1.75 % increase).

Question No. 38

Please provide updated information about the measures taken, legislative or otherwise, by the State party to ensure that the various nationalities and ethnic groups in the State party preserve their cultural identity, language, education and culture.

Reply

In the Russian Federation special attention is devoted to this issue. Federal Act No. 82-FZ of 30 April 1999, entitled "Guaranteeing the rights of the small indigenous peoples of the Russian Federation" is the main instrument in force in this regard. Under article 4, the federal executive organs, the executive organs of the constituent entities and those of local self-government must, pursuant to the federal legislation and that of the constituent entities, ensure the rights of the smaller peoples to their cultural and socio-economic identity and the protection of their ancestral habitat, ways of life, livelihoods and crafts. Organizations under all forms of ownership, public associations and physical persons are entitled to assist the smaller peoples in realizing their rights to cultural and socio-economic identity, in accordance with the federal legislation and that of the

constituent entities. Article 10 establishes the rights of persons belonging to the small indigenous peoples to preserve and develop their own culture. To these may be added the rights to preserve and develop their native tongues, establish public associations, cultural centres and national and cultural self-regulation, and set up development funds and financial funds in the interests of the small indigenous peoples; to establish, in accordance with the federal legislation and their own material and financial means, study groups consisting of persons from the small indigenous peoples for the purpose of teaching the traditional livelihoods and crafts; to receive and distribute information in native tongues and set up mass means of communication; to observe their traditions and practise religious rites that do not contradict federal laws and the laws of the constituent entities and preserve and maintain religious sites; to establish and develop links with the representatives of other small indigenous peoples living in the other constituent entities of the Russian Federation and abroad.

Federal Act No. 1807-1 of 25 October 1991, entitled "The languages of the Russian Federation's peoples", establishes a number of guarantees. Article 2 provides State guarantees of equality between the languages of the Russian Federation's peoples. This equality consists in the combined rights of peoples and individuals to preserve and comprehensively develop their native language, and in freedom to choose and use their language of communication. The Russian Federation guarantees to all its peoples, irrespective of their numbers, equal rights to preserve and comprehensively develop their native tongue and freely choose their language of communication. The Russian Federation guarantees everyone the right to use his native language and freely choose his language of communication, education, training and creative work, irrespective of his origin, social and property status, race and nationality, sex, education, attitude to religion and place of residence. This equality of languages is consecrated in law. No one has the right to restrict or privilege the use of one or other language, except in the cases specified by federal law. The provisions of this act extend to the citizens of the Russian Federation, and to foreign citizens and stateless persons present on the territory of the Russian Federation.

Under Federal Government Decision No. 629 of 25 August 2001, a special federal programme entitled "Establishing the conditions for tolerance and the prevention of extremism in Russian society (2001-05)" has been approved. In order to achieve this objective, the following actions are planned: development and implementation of a series of effective measures designed to instil tolerant behaviour in the population, counteract extremism and reduce the socio-psychological tensions in society; development and introduction of methods such as monitoring, diagnostics and forecasting of the socio-political situation in Russia, as well as assessment of the risks and consequences of destructive processes in society; development and implementation of measures to stimulate tolerant behaviour and counteract extremism in all its manifestations, including the development of training courses at all levels of education; development of effective socio-cultural techniques for spreading standards of tolerance and counteracting various kinds of extremism, ethnophobia and xenophobia; development of methods and standards to provide a basis for the anti-extremism work; and implementation of a set of measures to improve and enhance inter-ethnic and inter-faith dialogue. The programme runs from 2001-05 in three stages.

In accordance with Federal Act No. 3612-I of 9 October 1992, entitled "Fundamentals of Russian legislation on culture", the Russian Federation guarantees its patronage (protection) for the preservation and rehabilitation of the national cultural identity of its small ethnic communities, through exceptional measures to protect and promote them in the framework of federal government programmes for their socio-economic, ecological, national and cultural development (article 22).

Article 6 of the federal "All-Russian population census" act No. 8-FZ of 25 January 2002 provides that in the republics belonging to the Russian Federation, a consultation among the population may be carried out in the national language of the republic concerned. In places where there live concentrations of small indigenous populations, the consultation may be conducted in the language of a small indigenous population. If a respondent does not speak the language in which the consultation is being conducted, he has the right to use the services of an interpreter.

Federal Act No. 74-FZ of 17 June 1996, entitled "National cultural autonomy", states that a nationally and culturally autonomous area in the Russian Federation is a form of cultural self-determination, being the social unification of Russian citizens who are grouped into individual ethnic communities on a voluntarily self-organized basis for the purpose of resolving by themselves matters such as the preservation of their independence and the development of their language and education. Under article 4 of the act, a nationally and culturally autonomous area has the right: to receive from the State and local government the support needed to preserve national independence and develop the national (native) language and culture; to represent its national and cultural interests before the legislative (representative) and executive organs and the organs of local self-government; to establish means of mass communication for receiving and distributing information in the national (native) language, as prescribed in federal law; to preserve and enrich their historical and cultural inheritance and have free access to national cultural treasures; to follow national traditions and customs and revive and develop national artistic crafts and trades; to establish educational and scientific institutions and institutes of culture and provide for their operation in accordance with federal legislation; to participate, through their representatives, in the activities of international non-governmental organizations; and to establish, on the basis of federal legislation, and support without discrimination humanitarian contacts with citizens and public organizations in foreign states. Other rights in the sphere of education and culture may also be granted by the federal laws and the constitutions (statutes) and laws of the constituent entities with respect to national cultural autonomy. The exercise of such rights must not damage the interests of other ethnic communities. Under article 8 of the act, the Russian Federation assures the social, economic and legal protection of the national (native) languages on Russian territory. The right of Russian citizens to preserve and develop their national (native) language and the freedom to choose and use the language of communication, education and training is established in the Russian Constitution, federal law, the constitutions (statutes) and laws of the constituent entities, and the above-mentioned federal law. Under article 9, the organs of federal government and the governmental organs of the constituent entities: shall be responsible for the operation of State policy on the preservation and development of national (native) languages; shall

provide financial (through the appropriate budgetary and extrabudgetary sources), organizational and other support for national and cultural autonomy by devising and implementing State programmes for the preservation and development of national (native) languages. The federal executive organs and the executive organs of the constituent entities shall assist national cultural autonomy by: publishing books and periodicals, broadcasting on TV and radio, and establishing mass means of communication, in Russian and in the national (native) languages; and exchanging television and radio programmes, audio and video materials and printed matter in national (native) languages among the constituent entities of the Russian Federation, and also between the Russian Federation and foreign states.

Russian citizens who belong to particular ethnic communities have the right to receive their basic general education in their national (native) language and to choose the language of their training and education in the context of the possibilities offered by the education system, in accordance with the legislation of the Russian Federation and of its constituent entities (article 10).

For the purpose of assuring the right to receive a basic general education in one's national (native) language and to choose the language of one's training and education, the nationally and culturally autonomous areas may: set up non-governmental (public) pre-school institutions or groups in such institutions providing instruction in the national (native) language; create non-governmental (public) educational institutions (general educational; initial, intermediate and higher occupational training) with instruction in the national(native) language; found other non-governmental (public) educational institutions giving instruction in the national (native) language; develop syllabuses with the aid of local educational institutions, and also publish textbooks, educational aids and other literature necessary for assuring the right to receive education in one's national (native) tongue; submit proposals to the federal executive organs, the executive organs of the constituent entities and the organs of local self-government on the establishment of 1) classes and teaching groups in State and municipal educational institutions, to be taught in their national (native) language and 2) State and municipal educational institutions

offering instruction in Russian and intensive instruction in the national (native) language and other languages; participate in the development of State educational standards, and of model programmes for State and municipal educational institutions offering instruction in the national (native) language or other languages; organize training and retraining for teachers and other professionals for non-governmental (public) educational institutions; conclude agreements with NGOs from outside the Russian Federation aimed at creating the conditions for exercising the right to receive education in one's national (native) language, including agreements on senior teacher training and for supplying scientific, educational and artistic literature and audio-visual teaching material in the national (native) language; and carry out, in accordance with Russian legislation and that of the constituent entities, other measures to assure the rights to be taught in one's national (native) language, and choose one's language of training and education (article 11).

The federal executive organs and the executive organs of the constituent entities are obliged to assure the rights to receive a basic general education in the national (native) language, and to choose the language of training and education (article 12).

For the purposes of assuring the rights of Russian citizens from certain ethnic communities to preserve and develop their national culture, the nationally and culturally autonomous areas may: establish non-governmental (public) national cultural institutions, such as theatres, cultural centres, museums, libraries, clubs, studios and archives, and secure their operations; organize creative associations and collectives for professional and freelance art, and study circles concerned with the national artistic heritage and the achievements of national culture; take mass-participation initiatives in the national cultural field, such as festivals, competitions, parades and exhibitions; assist in the organization of national studies and the protection of national historical and cultural monuments; create regional, ethnographic and other public museums; establish organizations concerned with national artistic crafts and trades; produce historical, artistic, musical, folkloric and ethnographic literature in national (native) and other languages; set up non-governmental (public) educational institutions to train creative workers, teachers and other professionals in the field of national culture; develop and

submit to the appropriate governmental organs and organs of local self-government proposals for preserving and developing national culture; conclude agreements with foreign NGOs on cultural exchanges and collaboration in the field of national cultural preservation (article 13).

Presidential Decree No. 909 of 15 June 1996 approved the Master plan for the Government's nationality policy, whose Section V concerns "National cultural autonomy for Russia's peoples", according to which national policy must reflect the interests of its citizens and ensure fulfilment of their constitutional rights and freedoms regarding their nationality. These rights and freedoms may be realized by virtue of the many forms in which Russia's peoples achieve national and cultural self-determination, and which take account of their fragmented presence on its territory. One such form of self-determination is the nationally and culturally autonomous area, which enables Russian citizens from many national communities, especially the smaller, scattered peoples and national minorities, to address the issues of preserving and developing their identity, traditions, language, culture and education. Nationally and culturally autonomous areas offer an important means of identifying and answering citizens' ethnocultural concerns, achieving inter-nation stability and preventing conflicts on national soil. As an extraterritorial public entity, the nationally and culturally autonomous area does not infringe the rights consigned to the constituent entities of the Russian Federation under the Constitution, but extends their scope and the responsibilities in the context of carrying out the State's policy on nationality. The organs of local self-government can play an important role in establishing and developing nationally and culturally autonomous areas, by directly conveying the interests of their inhabitants and promoting a more flexible response to their national and cultural concerns.

Through the various forms of national and cultural self-determination, Russia's citizens - independently of the territory in which they live - can realize their right to: establish self-governing public organizations in places where national and ethnic groups are concentrated; form, within the existing law, associations and other public bodies to promote cultural preservation and development, and greater participation by national

groupings in Russia's public and political life; receive support from the Government; through their cultural associations and organizations, turn to the organs of the State and local government and represent their national and cultural interests; set up, in the established manner, All-Russian, regional and local means of mass communication, and use them to receive and distribute information in the native language; take part in the creation and activities of educational and scientific organizations and cultural institutes; familiarize themselves with national cultural treasures and help preserve and develop national crafts and trades and the augmentation of their people's cultural and historical inheritance; participate in cultural cooperation between peoples and ethnic and religious communities and perform religious rites; establish and support without any discrimination free and peaceful cross-border contacts with the citizens of other states with whom they have historical, national, religious and linguistic links; and participate, through their appointed representatives, in the activities of NGOs. The governmental organs are required to assist in the creation of a legal basis for the inception and operation of various forms of national and cultural autonomy at the federal, regional and local levels and to address the problems of the various national communities, including by providing guarantees of their national equality and by dealing with the communications, cultural and educational and other humanitarian needs and interests of the citizens tied to them by nationality.

Question No. 39

What are the steps taken by the State party to ensure that the poorest sections of the population have access to cultural activities.

Reply

In the Russian Federation each person has the right of access to cultural values and access to libraries, museums, archives and other collections in all spheres of cultural activity.

Every year Russia's federal budget allocates considerable sums to fund cultural institutions. Organizations and workers in the cultural world receive various kinds of State support in the form of grants, bonuses, subsidies and targeted distribution of resources. The allocation of funding to maintain culture is effected through a number of presidential enactments, including Presidential Decree No. 1473 of 31 December 2002 entitled "State supporting measures for the musical arts", Presidential Order No. 355-rp of 1 August 2002 entitled "Allocation of resources from the President's reserve fund for the restoration of historical and cultural monuments", Presidential Order No. 290-rp of 17 June 2002 entitled "Allocation of resources to restore historical and cultural monuments in the "Rowboat of Peter I" branch of the Pereslavl-Zalyessk State historical-architectural and artistic museum-reserve", Presidential Order No.140-rp of 4 April 2002 entitled "Awarding of presidential grants to support creative projects of national significance in the realms of culture and art", Presidential Order No. 673-rp of 3 December 2001 entitled "Allocation of resources to the Government of the Dagestan Republic to perform restoration work on the statues of the Narim-Kala citadel", Presidential Order No. 593-rp of 29 October 2001 entitled "Allocation of resources to the administration of Novgorod region for restoration work in the priests' assembly hall of the Iversky Boroditsk monastery" and Presidential Order No. 564-rp of 13 December 2000 entitled "Allocation of resources from the President's reserve fund to the opera and ballet companies of the Novosibirsk State Academy for the purchase of equipment".

All these measures make cultural initiatives accessible to the various social groups. Ticket prices for theatres, museums and exhibitions are affordable by the whole population, including children and teenagers.

In setting their prices, cultural organizations are obliged to include benefits for pre-school children, students, the disabled and those on conscripted military service. Tickets to all State museums, art galleries and exhibition halls for certain categories of the population (including the poor) are always sold at beneficial prices or given away free. This rule extends to children, students, the disabled and others. For example, families with several children are entitled to free entry to museums, parks of culture and

rest, and exhibitions (All-Russian Information Classifier on Social Protection of the Population (OKISZN) OK 003-99 (adopted by Gosstandart Order No. 545-st of 17 December 1999); according to Ministry of Finance and Ministry of Social Protection Orders Nos. 51 and 1-2359-18 of 26 and 29 June 1992, entitled "Funding of social support measures for families with several children", the funding must be provided from the territorial funds for social support of the population. Heroes of the Soviet Union, heroes of the Russian Federation and full knights of the Order of Fame enjoy the right to special use of all the services of the communications institutions and multiple service establishments when visiting cultural and sporting events, and free fast-track entry to State museums, art galleries, exhibition halls and centres (article 7 of Federal Act No. 4301-I of 15 January 1993 entitled "The status of heroes of the Soviet Union, heroes of the Russian Federation and full knights of the Order of Fame"). Students in higher education have the right to free use of State and municipal libraries, and enjoy free entry to State and municipal museums (article 16 of Federal Act No. 125-FZ of 22 August 1996 entitled "Higher and postgraduate occupational training").

Under Federal Act No. 115-FZ of 23 June 1999, entitled "Introduction of amendments and additions to the federal "Fundamentals of Russian Federation cultural legislation" act, persons aged under 18 are guaranteed the right to visit museums free of charge once per month. In accordance with Federal Government Decision No. 1242 of 12 November 1999, entitled "Arrangements for free entry to museums by persons aged under 18", museum authorities must decide which day will be allocated for free visits by under-18's and bring it to their attention; information on the arrangements for such admissions must be displayed in accessible form in the museum and made known in the mass media; on the day designated for such free admissions, normal service will apply to other categories of visitor.

Federal Act No. 181-FZ of 24 November 1995, entitled "Social protection for disabled persons in the Russian Federation", also establishes disabled people's unimpeded access to information. Under article 14, the State guarantees a disabled person the right to receive necessary information. For these purposes, measures are being taken to

strengthen the material and technical basis of the editing, printing and copying concerns involved in publishing special literature for the disabled, and also of the editorial concerns, programmes, studios, businesses, institutions and organizations involved in publishing sound tracks, audio recordings and other sound productions, cinema and video films and other visual material for the disabled. The publishing of regular scientific, instructional, informative and artistic literature for the disabled, including material on tape cassettes and in raised-dot Braille form, is paid for out of the federal budget. Sign language is recognized as a means of interpersonal communication. Subtitling or interpretation for the deaf are being introduced for television, cinema and video. The social protection agencies provide disabled people with assistance in obtaining the services of interpreters for the deaf and technical aids for the deaf and blind.

The governmental organs of the constituent entities and the organs of local self-government also provide financial and organizational help for cultural organizations. Many of the Russian Federation's constituent entities have adopted programmes to preserve and develop culture in the regions, educational, youth policy and social protection programmes, and laws designed to guarantee State support for professional creativity, create the conditions for its development and popular participation in cultural life, preserve regional cultural heritage and the resources of archives, museums and libraries, and their effective use, develop and strengthen the sector's infrastructure, ensure the conditions for providing regional inhabitants with access to the cultural artefacts and information resources of State and municipal museum, library and archive stocks, and concentrate budgetary resources in high-priority cultural development areas.

For example, Moscow Government Decision No. 516 of 30 June 1998, entitled "Organization of free visits to Moscow's cultural institutions for the pupils of schools, refuges, rehabilitation centres and family and child social welfare centres", has brought into effect, since 1 January 1999, free visits to the City of Moscow's museums, exhibition halls and theatres for organized groups of pupils from schools, refuges, rehabilitation centres and family and child social welfare centres. Decree No. 426-RP-98 of 14 May 1999, issued by the first minister of the Moscow Government and the president of the

Moscow Federation of Trade Unions, entitled "Arrangements for children's leisure and teenagers' activities for the summer of 1999", introduced free visits to the city's museums and exhibition halls for the summer holiday period and cheap group excursions on application for schools, youth clubs depending on place of residence. Under Tambov regional law No. 112-3 of 26 April 2000, entitled "Social guarantees for orphans and children abandoned without parental supervision", those categories of children were granted the right to visit free of charge State and municipal cinemas, museums, art galleries, exhibitions, mass cultural events, sporting events, subject to the availability of unfilled places, and also to free travel on public transport, except for taxis (article 15).

It must also be mentioned that every citizen, regardless of sex, age, nationality, education, social situation, political convictions or attitude to religion has the right to use the library services of the Russian Federation. This right has been assured by the creation of a network of freely accessible State and municipal libraries which provide the main library services free of charge. All library users are entitled to library access and to free choice of libraries as their requirements and interests dictate. In the State and municipal libraries, users have the right to be served and obtain documents in the Russian language, as the national language of the Russian Federation, and in the language of the given Russian Federation republic. National minorities have the right to obtain documents in their native language through the state library system. Blind and partially-sighted people have the right to be served and obtain documents on special information media at special state libraries and other commonly accessible libraries.