

**MATERIALS PREPARED BY RUSSIAN NGOs**  
**FOR THE UNIVERSAL PERIODIC REVIEW OF RUSSIA**  
**IN THE UNITED NATIONS HUMAN RIGHTS COUNCIL**

This collection of materials has been produced in August-September 2008 by a coalition of Russian NGOs for submission to the United Nations Office of the High Commissioner for Human Rights in the course of preparation of Universal Periodic Review of implementation of international obligations by the Russian Federation in the UN Human Rights Council. The materials have been prepared in accordance with the Office of the HCHR guidelines and include recommendations and references to more detailed reports and publications. The coalition includes the following NGOs: SOVA Center for Information and Analysis, Center for the Development of Democracy and Human Rights, “Public Verdict” Foundation, “Memorial” Human Rights Center, Institute for Human Rights, Moscow Helsinki Group, Center for Social and Labor Rights, “Golos” Association, Glasnost Defense Foundation, Youth Human Rights Movement, Center “Demos,” “Social Partnership” Foundation, “Perspektiva,” “Civic Assistance to Refugees and Forced Migrants” Committee, and Interregional Committee Against Torture.

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**General Dynamics of the Situation with Human Rights. International Cooperation in the Field of Human Rights**

1. The change of the character of the political regime in Russia in the last few years has lead to deterioration of the situation with human rights:
  - a) adoption of changes in the domestic legislation substantially limiting all fundamental rights and freedoms, often under the pretext of security concerns;
  - b) development of “ideological” law-making: substitution of legal provision with ideological concepts;
  - c) domination of selective application of laws for political and economic expediency;
  - d) decreasing of transparency and accountability of authorities, growth of abuse of laws and impunity of public officials, weakening of mechanisms of protection and restoration of rights. As a result, mistrust of the public to the legal mechanisms and efficiency of democratic procedures is growing.

2. Interaction of the Russian Federation with intergovernmental organizations on the issues of human rights has been becoming increasingly formal:

- a) As a rule, recommendations of the UN treaty bodies based on their review of Russian reports, are not implemented and not published. Invitations to the key UN special rapporteurs are not being issued.
- b) Recommendations on general measures contained in the rulings of the European Court on Human Rights, are practically not implemented. Procedure of official publication of the decisions of the European Court on Human Rights and implementation of general measures contained in them has not been established in the Russian legislation and the administrative practice.
- c) Reports of the Council of Europe Committee for the Prevention of Torture have not been published.
- d) Cooperation with the OSCE/ODIHR on the issues of human rights and democracy has been virtually terminated while ODIHR itself has been a subject of unjustified attacks by Russia;
- d) A position of the Russian Federation on the issues of mass human rights violations in different regions of the world and on the issues of reforms of intergovernmental organizations dealing with human rights debated in intergovernmental organizations has been increasingly non-constructive.

3. Russia has not ratified:

- Protocols to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) ## 6 and 14;
  - Rome Statute of the International Criminal Court;
  - European Social Charter;
  - International Convention for the Protection of the Rights of the Disabled;
  - a number of important conventions of the International Labour Organisation, including #102 (“Minimum Standards of Social Security”) and #128 (“Disability, Old Age and Loss of Benefits”)
- Russia has neither signed, nor ratified:
- Optional Protocol to the International Convention against Torture;
  - Protocol #12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

*Recommendations:*

- ratify the above mentioned international documents and eliminate these and other discrepancies between national and international human rights legislation;
- develop effective cooperation with intergovernmental organizations on the issues of human rights in Russia and in different regions of the world as well as on reforms of intergovernmental organizations dealing with human rights; increase government’s responsibility in this field;
- guarantee implementation of general measures contained in the decisions of the European Court on Human Rights concerning Russia and establish a mechanism of control of such measures;
- issue invitations for visiting Russia to the UN special rapporteurs on terrorism and human rights, on the situation of human rights defenders, as well as prepare a visit of the UN special rapporteur on torture on the conditions adopted by the UN Commission on Human Rights<sup>1</sup>.

## **State Institutions for Human Rights Protection**

National system comprises federal and regional ombudsmen, Presidential Council on the Development of Civil Society and Human Rights and human rights commissions attached to the regional governors’ offices. Their jurisdiction, composition and efficiency are dependant on the position of the executive power, which can not be effectively controlled due to the lack of respective mechanisms. For example, the federal ombudsman is not entitled to bring cases to courts upon receiving complaints about human rights violations and does not have influence on the legislation.

*Recommendations:*

- create effective mechanisms of ombudsmen’s work.

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<sup>1</sup> See an attached memo “Information on the Compliance of the Terms of the Visit of the UN Special Rapporteur on Torture to the Penitentiary Institutions with the Russian Legislation”, April 2008, “Public Verdict” Foundation.

## **Freedom of Associations. Interaction between Human Rights NGOs and the State.<sup>2</sup>**

1. High level public officials treat human rights NGOs with hostility and have repeatedly stated that NGOs serve hostile foreign interests, represent a threat to the state, are engaged in “impermissible political activity”, provide assistance to spies and terrorists.
2. Major amendments to the NGO legislation in 2006 provided broad and ambiguously formulated powers to the registration service allowing its interference in the NGO activities, made reporting more complicated and liquidation procedure simplified.
3. Pressure on NGOs has been increasing: growing number of refusals in registration of new NGOs based on official’s discretion, paralyzing inspections, liquidations of NGOs as well as selective harassment with the use of other laws such as anti-extremist, tax, on public assemblies, copyright, etc.
4. There has been an increase of number of threats to and physical assaults on human rights activists, mostly by radical nationalists. Inaction of the authorities in such cases is rather typical.

### *Recommendations:*

- stop attacks of human rights defenders by public officials and state-controlled mass media as well as harassment of NGOs.
- eliminate ambiguous and non-legal provisions in NGO-related laws and regulations. Limit powers of the controlling bodies and re-orient them on assisting NGOs instead of putting pressure on them.
- conduct thorough investigation of all cases of threats to and assaults on human rights defenders;
- develop cooperation with the Special Representative of the UN Secretary General on Human Rights Defenders and other international bodies in this field.

## **Freedom of Assembly**

Although the law established a procedure of notification by organizers of an assembly to the local authorities, in practice authorities require their “approval” of the event. Moreover, authorities try to derange peaceful assemblies by various means, including:

- by putting forward unacceptable conditions instead of registering the notification and negotiating proposed time and place<sup>3</sup>;
- by terminating assemblies and detaining their participants in the case of any offence;
- by the use of unlawful reasons for forbidding assemblies or punishing the organisers and participants, for example: “creating obstacles for the rest or the movement of other citizens”, “wrong” theme of the assembly, inconsistency between the slogans and the submitted topic of the event, etc;<sup>4</sup>
- by preventive detainment of the participants before assemblies<sup>5</sup>;
- by fabrication of administrative cases against the organizers and participants of assemblies.

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<sup>2</sup> See the following reports: “Freedom of Association and the Situation of NGOs in Russia”. Center for the Development of Democracy and Human Rights, April 2008, <http://www.mhg.ru/english/B23B4E2>.

“Control and Punishment: Human Rights Implications of Russian Legislation on NGOs”. Moscow Helsinki Group and Human Rights without Frontiers, February 2008, <http://www.mhg.ru/files/008/hrwf.pdf>.

- New Legislation: NGOs and the Russian Registration Service – Five Problems of Interaction. Inter-Regional Human Rights Group/Voronezh-Black Soil Region, Moscow Helsinki Group, and International Youth Human Rights Movement, February 2008, [http://ngo.hrworld.ru/download/ngo\\_5problems\\_e.doc](http://ngo.hrworld.ru/download/ngo_5problems_e.doc).

- Choking on Bureaucracy. State Curbs on Independent Civil Society Activism. Human Rights Watch, February 2008. <http://hrw.org/reports/2008/russia0208/russia0208webwcover.pdf>

<sup>3</sup> “Freedom of Assembly in the Russian Federation in 2007: the Contrast between Law and Practice”, statement at the EU-Russia consultations on human rights, <http://www.mhg.ru/files/008/7eng.doc>

<sup>4</sup> “Freedom of Assembly in Contemporary Russia (in Russian)”, [http://www.library.cjes.ru/online/?b\\_id=788](http://www.library.cjes.ru/online/?b_id=788), “Freedom of Assembly During the Election Campaign to the 5<sup>th</sup> State Duma” (in Russian), [http://demos-center.ru/images/freedom\\_of\\_assembly.doc](http://demos-center.ru/images/freedom_of_assembly.doc)

<sup>5</sup> “The Chronicle of Persecution of Human Rights Activists: Human Rights Violations on the Eve of the G-8 summit in Saint Petersburg in July 2006”, [http://resist.ru/doklad\\_legal\\_tim.doc](http://resist.ru/doklad_legal_tim.doc)

*Recommendations:*

- introduce into the legislation a presumption in favour of assembly;
- introduce into the law a reconciliation procedure between the organizers of assemblies and public authorities that would provide parity of the sides;
- ensure the right of journalists and human rights activists to freely observe and document assemblies;
- guarantee that assemblies are conducted in the viewing and listening distance of their audience.

## **Freedom of Speech and Information**

1. All main TV channels are under effective state control, do not provide necessary information and plurality of opinions but conduct a state propaganda, which was especially obvious during the crisis in South Ossetia.
2. A space for free information is shrinking. There are signs of the state control over the majority of important print media. A pressure on the Internet media is also becoming evident: web-sites are being banned, bloggers are being found guilty in extremism.
3. The parliament does not discuss a draft law on the right for free access to information. Instead a new strict law on mass media is being prepared.
4. Criminal prosecution for defamation substantially limits freedom of expression of critical opinions.
5. Numerous attacks at and murders of journalists remain unpunished.

*Recommendations:*

- abandon the policy of the state control over mass media;
- adopt a law on the right of citizens for free access to information.
- decriminalise defamation (abolish articles 129 and 130 of the Criminal Code)
- conduct thorough investigations of attacks at and murders of journalists, identify their organisers.

## **Electoral System**

1. Rights of citizens to form a political party are limited through unreasonably high requirements on its membership and a ban on regional parties. Parties are subjects to excessive and selective control.
2. Registration of parties and candidates for elections depends on electoral commissions and courts that are under effective control of the executive power.
3. Administrative pressure during elections has been dramatically increasing:
  - campaigning for candidates by public officials;
  - sending orders to enterprises and public offices to make voters voter for a specific party;
  - use of violence against candidates and NGO observers;
  - confiscation of parties' campaign materials and preventing their dissemination with the use of fabricated excuses.

*Recommendations:*

- liberalize legislation on political parties and the system of registering parties and candidates for elections;
- change the system of formation of electoral commissions on all levels to ensure their independence from executive power;
- restore legislative provisions for domestic and international elections monitoring.

## **Racial Discrimination<sup>6</sup>**

1. Pressure of the authorities on individual ethnic groups: persecutions of Georgians in 2006, restrictions of Chechens' rights, demolition of Roma settlements and evictions of Roma.
2. Prejudiced policing: selective stops of "visual minorities", surveillance of certain ethnic communities.
3. Legislation on foreigners bars immigrants from a legal status in Russia and puts former USSR nationals lawfully resident in the country in a position of illegal migrants without a real chance to regularize their position.
4. Refugee status is not granted almost to any asylum seekers or persons who had a refugee status in the past.
5. No efficient ban on discrimination.
6. Non-fulfillment of guarantees towards indigenous peoples, the threat to their access to the necessary natural resources; lack of support to vulnerable groups (Roma).

### *Recommendations:*

- Investigation of cases of discrimination, punishment of the perpetrating officials, compensation of damages.
- Establishment of efficient anti-discriminatory mechanisms, revision of migration and registration legislation and the law on foreigners, ban on ethnic profiling, a simplified legalization of the actually permanent residents.
- Real guarantees to indigenous peoples; real support and integration of Roma, immigrants and other vulnerable groups.

## **Hate Crime and Hate Speech<sup>7</sup>**

1. The number of hate crimes has recently been growing by 20% a year. The crimes become increasingly crueler; often involve usage of weapons and explosives. The organisations instigating to discrimination and violence as a rule act openly and with impunity.
2. Prosecution of such crimes is getting more active; however, it falls far behind the scale of hate crimes and racist propaganda.
3. Some officials cooperate with racist organisations and/or allow statements, overtly intolerant to particular ethnic groups. For example, propaganda campaigns against opponents on the international arena lead to hate speeches against respective ethnic groups living in Russia.

### *Recommendations:*

- organise effective registration of hate crimes;
- intensify counteraction to such crimes and to the organized racist activity.

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<sup>6</sup> Compliance of the Russian Federation with the Convention on the Elimination of All Forms of Racial Discrimination: Russian NGOs' Alternative Report. 2008. <http://xeno.sova-center.ru/6BA2468/6BB4254/B8954EB>

<sup>7</sup> Compliance of the Russian Federation with the Convention on the Elimination of All Forms of Racial Discrimination: Russian NGOs' Alternative Report. 2008, <http://xeno.sova-center.ru/6BA2468/6BB4254/B8954EB>. Galina Kozhevnikova. Radical Nationalism and Efforts to Counteract It in 2007. SOVA Center, 2008, <http://xeno.sova-center.ru/6BA2468/6BB4208/AC15D1E>; Galina Kozhevnikova. Spring-2008: Depression and Déjà Vu. SOVA Center, 2008, <http://xeno.sova-center.ru/6BA2468/6BB4208/B90F8C0>.

## Human Rights Violations in the Context of the Fight against Terrorism and Extremism<sup>8</sup>

1. In the legislation the definition of extremism is very broad and unclear; it mixes terrorism with hate crime and harsh forms of protests and criticism. At the same time it stipulates strict sanctions against citizens, organisations and mass media.
2. The number of unlawful prosecutions of political, public and religious (especially Muslim<sup>9</sup>) groups, mass-media and individuals on extremism charges is growing. Increasingly more often a criminal prosecution is initiated as a retaliation measure for criticism of authorities, the police or the army. Torture is often used against the suspects and the accused.<sup>10</sup>
3. Charges in terrorism against organisations and citizens are often fabricated. As a part of obligations taken under agreements of Shanghai Cooperation Organisation, individuals, sometimes without trial, are expelled to the countries where torture will be used against them (Uzbekistan, China).<sup>11</sup>

### *Recommendations:*

- review anti-extremism legislation; define extremism as very dangerous actions involving use of force or instigation to its use;
- stop or reconsider the cases on extremism which involved human rights violations;
- exclude torture of asylum seekers charged with extremism and their expulsion which are contrary to the international commitments of Russia as well as other forms of abuse of laws against them.

## Counter-Terrorism and Human Rights: Situation in the North Caucasus<sup>12</sup>

The following methods of “counter-terrorist operations”, especially in the North Caucasus, characterise transformation of the “fight against terrorism” into the state terror:

1. Disproportionate use of force in “special” and “counter-terrorist” operations.
2. Methods used against assumed combatants of illegal armed groups: extra-judicial executions, kidnapping, involuntary disappearances; torture,<sup>13</sup> fabrication of criminal cases.
3. A system of organised impunity for officials who commit crimes during “counter-terrorist operations”.
4. Fabrication of criminal cases on “Islamic extremism” which is still going on, even outside the North Caucasus.<sup>14</sup>

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<sup>8</sup> General source: Alexander Verkhovsky. Anti-Extremist Legislation, its Use and Misuse. SOVA Center, 2008 <http://xeno.sova-center.ru/6BA2468/6BB4208/B577A2C>.

<sup>9</sup> Fabrication of “Islamic Extremism” Criminal Cases in Russia: The Campaign Continues. Memorial Human Rights Center, Civic Assistance Committee, 2007 (<http://www.memo.ru/2008/09/04/0409082.htm>); Fabrications of “Islamic extremism” Criminal Cases in Russia: The Campaign Continues. An Update. Civic Assistance Committee, 2008 <http://www.publicverdict.org/eng/articles/library/1050908.html>.

<sup>10</sup> Torture of Suspects and Convicts in the Framework of the Campaign of Fabrication of Criminal Cases on “Islamic Extremism”. Civic Assistance Committee, 2008. [http://hro1.org/files/Torture\\_ENG.doc](http://hro1.org/files/Torture_ENG.doc).

<sup>11</sup> Chronicles of Illegal Expulsions of Refugees from Russia to the Countries of Their Origin. Civic Assistance Committee, 2008 ([http://hro1.org/files/Timeline\\_ENG.doc](http://hro1.org/files/Timeline_ENG.doc)); Agreements of the SCO as the “Legal” Basis for the Extradition of Political Refugees. Civic Assistance Committee, 2008. [http://hro1.org/files/SCO\\_ENG.doc](http://hro1.org/files/SCO_ENG.doc).

<sup>12</sup> See the following reports: “Counter-Terror: Russian Practice”. Reports of Russian human rights organizations at the hearings of the International Commission of Jurists, 2007, <http://www.memo.ru/2008/09/04/0409081eng/index.htm>; “The Situation in the North Caucasus. Autumn 2007 - Spring 2008”. Memorial Human Rights Center, April 2008. <http://www.memo.ru/2008/04/18/1804083.html>; “Ingushetia 2007: What Is Coming Next?”, Memorial Human Rights Center, January 2008: <http://www.memo.ru/2008/06/19/1906085.htm>.

<sup>13</sup> Torture of Suspects and Convicts in the Framework of the Campaign of Fabrication of Criminal Cases on “Islamic Extremism”. Civic Assistance Committee, 2008, [http://hro1.org/files/Torture\\_ENG.doc](http://hro1.org/files/Torture_ENG.doc).

### *Recommendations:*

- conduct investigation by national and international bodies of crimes committed during the “counter-terrorist operations” (including investigation of the hostage rescue operations in the Moscow Nord-Ost theater in 2002 and the school in Beslan in 2004);
- permit visits of the UN special rapporteurs and delegations of the European bodies;
- bring legislation on counter-terrorist operations and their implementation in accordance with the UN and European standards;
- withdraw from the agreements of the Shanghai Cooperation Organisation against “terrorism”, “extremism” and “separatism” which are based on the priority of state interests over human rights and the principle of “non-interference into domestic affairs” in case of human rights violations.<sup>15</sup>

## **Torture and Cruel Treatment**

1. Russian criminal law does not include the internationally recognised definition of torture. Use of torture is treated as “abuse of power”, which does not reflect the gravity of torture consequences and prevents from comprehensive assessing the scale of the problem<sup>16</sup>.
2. Torture and cruel treatment are extensively used by investigative bodies in order to obtain necessary testimonies<sup>17</sup>.
3. The investigation of crimes by officials, including torture, is ineffective, slow and lacks thoroughness which let the guilty evade the punishment. Very often officials responsible for ineffective investigation are not punished<sup>18</sup>.
4. The court decisions on compensation to victims of official crimes, including torture, are implemented untimely<sup>19</sup>.

### *Recommendations*<sup>20</sup>:

- introduce a definition of torture into the RF Criminal Code in accordance with the article 1 of the UN Convention against torture
- work out and undertake a set of measures which will ensure an effective investigation of torture complaints, punishment of the guilty and rehabilitation of the victims, monitoring and assessment of the scale of the use of torture.

## **Situation in the Penitentiary System**

1. Since 2004 the number of prisoners has grown from 763 to 895 thousand people. The human rights situation in the penitentiary system has deteriorated. The number of protests of prisoners against cruel violence, torture and humiliating treatment by employees and the “discipline and order control groups” consisting of prisoners, is rising. The Federal Penitentiary Service has justified actions of its employees when they used excessive violence, including cases of murders of prisoners.

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<sup>14</sup> Fabrication of “Islamic Extremism” Criminal Cases in Russia: The Campaign Continues. Memorial Human Rights Center, Civic Assistance Committee, 2007 (<http://www.memo.ru/2008/09/04/0409082.htm>); Fabrications of “Islamic extremism” criminal cases in Russia: campaign continues. Update. Civic Assistance Committee, 2008. <http://www.publicverdict.org/eng/articles/library/1050908.html>.

<sup>15</sup> Chronicles of Illegal Expulsion of Refugees from Russia to the Countries of their Origin. Civic Assistance Committee, 2008 ([http://hro1.org/files/Timeline\\_ENG.doc](http://hro1.org/files/Timeline_ENG.doc)); Agreements of the SCO as the “legal” basis for the extradition of political refugees. Civic Assistance Committee, 2008 ([http://hro1.org/files/SCO\\_ENG.doc](http://hro1.org/files/SCO_ENG.doc)).

<sup>16</sup> See article 4 of the Russian NGO Shadow Report on the Observance of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by the Russian Federation for the period from 2001 to 2006: <http://www.publicverdict.org/eng/articles/library/5291106.html>

<sup>17</sup> “Investigation and Judicial Decisions on torture cases: An analysis of Cases executed by the Foundation”, see attached.

<sup>18</sup> See art. 12 of the Russian NGO Report: <http://www.publicverdict.org/eng/articles/library/8291106.html> and attached paper.

<sup>19</sup> See article 14 of the Russian NGO Shadow Report: <http://www.publicverdict.org/eng/articles/library/11291106.html>

<sup>20</sup> See more detailed recommendations of Russian NGOs: <http://www.publicverdict.org/eng/articles/library/17291106.html>.

2. Penitentiary system has become less transparent. NGO representatives are not allowed any more to visit prisons in many regions.

*Recommendations:*

- create effective public commissions, rather than their imitation, under the 2008 law on public control;
- abolish “discipline and order control groups” consisting of prisoners;
- ensure thorough investigation of the use of excessive violence and murders in colonies;
- introduce a broader use of punishment alternative to imprisonment;
- minimize the keeping in custody of persons under investigation.

## **Liberty and Security of Person**

1. Police and other law enforcement bodies deny detained suspects with procedural rights by:

- refusal to document exact time and date of detention;
- falsification of proof of administrative offence in order to substitute detention of suspect by administrative punishment;
- violation of detainees’ rights to inform relatives and have access to lawyer and doctor.

2. Detention on remand is used excessively, in particular:

- decisions on arrest often is not well motivated and supported by relevant arguments;
- arrest is applied to those suspected or accused in non-grave crimes;
- term of detention on remand is often unreasonably long.

*Recommendations:*

- introduce public supervision over all detention facilities.
- bring to account and punish officials responsible for detainees’ rights violation.
- introduce into practice alternatives to arrest.

## **The Judicial System**

1. Judicial system lacks independence. Judicial independence is jeopardized by:

- Concentration of powers in the hands of courts’ chairpersons. Courts’ chairpersons distribute cases among judges, have power to promote judges or institute disciplinary proceedings against him/her, etc. However, courts’ chairpersons are not elected by judges themselves but appointed by executive authority. In addition, courts’ chairpersons are not rotated.
- Deficiencies in the disciplinary proceedings increasing prospects for arbitrary dismissal of judges: vague and unclear definition of grounds to dismissal of judges in the law, not transparent enough proceedings in qualification boards, competent to dismiss judges.

2. Citizens are precluded from participation in the administration of justice:

- Civil, administrative and commercial cases are considered only by professional judges;
- The jury have jurisdiction only over limited categories of criminal cases.

3. The equality of arms principle in criminal proceedings continues to be a simple formality:

- The law does not oblige the judge to provide documents and information to defense lawyers;
- The law does not provide enough grounds for establishment of independent forensic expertise;
- The law does not define in what form the defense lawyers can produce evidence;
- Defense lawyers face pressure from the prosecutors.

*Recommendations:*

- adopt a system of elections and rotation of courts' chairpersons;



- provide a clearer definition of legal grounds for dismissal of judges;
- increase transparency of proceedings in the qualification boards;
- increase public participation in the administration of justice;
- provide legislative and other conditions for practical exercise of the rights of the defense for collection and presentation of evidence in criminal proceedings;
- cease pressure by prosecutors on the defense lawyers.

## Economic and Social Rights

1. The level of retirement benefits is low.<sup>21</sup> This is not merely an issue of poverty and of the right to social security, but also of the right to life, of respect for human dignity, and of the prohibition of degrading treatment.<sup>22</sup>
2. There are massive violations of the right to work in safe conditions where health and safety rules are observed, and these violations result in a very large incidence of injuries and occupational diseases.<sup>23</sup>
3. Lawful strikes are practically impossible because of the restrictive legislation on strikes. Almost all strikes are declared illegal.<sup>24</sup>
4. The income and wage gap between different social groups is extremely large. The living standard of most working people is low.<sup>25</sup>

### *Recommendations:*

- ratify the European Social Charter;
- ratify the ILO Convention #102 and set the level of the pension payments at a minimum of 40% of the average wage;
- concentrate on improving production technologies and health and safety; increase liability for violation of health and safety regulations and improve the enforcement of such liability;
- liberalise legislation on strikes.

## Vulnerable Groups

### *People with Disabilities*

1. The rights of people with disabilities to education, work and a barrier free community are limited by legislative deficiencies, lack of government policy and discriminatory practices.<sup>26</sup>
2. Most children with disabilities receive their education in isolation at home or are segregated in special schools or even labelled as “uneducable.”<sup>27</sup>

<sup>21</sup> Key figures indicating retirement benefits. Data of the Federal State Statistics Service: [http://www.gks.ru/bgd/regl/b07\\_13/IssWWW.exe/Stg/d02/06-11.htm](http://www.gks.ru/bgd/regl/b07_13/IssWWW.exe/Stg/d02/06-11.htm).

<sup>22</sup> Resolution of the European Court of Human Rights on the admissibility of complaint A.D. Budina vs. Russia, 12.08.08: <http://cmiskp.echr.coe.int/tkp197/view.asp?item=14&portal=hbkm&action=html&highlight=&sessionId=13101323&skin=hudoc-en>

<sup>23</sup> Data of the Federal Labour and Employment Service: <http://www.rostrud.info/activities/nadko/operativsved/>

<sup>24</sup> K. Clément. The Rise of Labour and Trade Union Movement. Institute for Collective Action, 2007. <http://ikd.ru/node/3510>

<sup>25</sup> Data of the Federal State Statistics Service: Per capita income: [http://www.gks.ru/bgd/regl/b08\\_11/IssWWW.exe/Stg/d01/07-09.htm](http://www.gks.ru/bgd/regl/b08_11/IssWWW.exe/Stg/d01/07-09.htm); Living standards data: [http://www.gks.ru/bgd/free/B08\\_00/IssWWW.exe/Stg/d07/6-0.htm](http://www.gks.ru/bgd/free/B08_00/IssWWW.exe/Stg/d07/6-0.htm).

<sup>26</sup> Materials on discrimination of wheel-chaired people (in Russian). Regional public organisation of partially disabled people “Perspektiva”, 2008. <http://pravo.perspektiva-inva.ru/index.php?521>

<sup>27</sup> Conference materials on inclusive education (in Russian). Regional public organisation of partially disabled people “Perspektiva”, 2005. <http://www.perspektiva-inva.ru/index.php?id=308>

3. Regional disability legislation on accessibility and on employment quotas is not effective due to the lack of implementation mechanisms. Many disabled people are forbidden from working by government regulations.

*Recommendations:*

- ratify the International Convention on the Rights of the Disabled;
- elaborate and adopt long-term national programs on inclusive education, open market employment and accessibility for people with disabilities.

### ***Discrimination Based on Sexual Orientation and Gender Identity***<sup>28</sup>

1. The cases of inaction or unlawful actions by the law-enforcement bodies upon the complaints of gays and lesbians constitute a common practice.
2. The ongoing campaign against homosexuality limits the rights of gays and lesbians for freedom of convictions and their free expression, including the freedom of assembly<sup>29</sup>. In 2007 there were two cases of unlawful refusal to register NGOs of sexual minorities.
3. Legislation lacks a clear description of the procedure of the change of the sex, nor does it have a definition of the sex.

*Recommendations:*

- prohibit discrimination on the ground of sexual orientation and gender identity;
- work out and introduce in practice a procedure of the change of the sex.

### ***Rights of the Military Servicemen***

1. Deliberately false medical examination of conscripts, disinformation and extortion of bribes usually accompany the process of conscription to the army<sup>30</sup>.
2. Soldiers continue to suffer from widespread violence from elder fellow-soldiers and officers (including for money extortion and illegal forced labour unrelated to army service duties<sup>31</sup>), which sometimes result in deaths or suicides. Due medical and legal assistance are not provided.
3. Conscription soldiers are forced to sign contracts at a mass scale. However, contract soldiers are not protected from the same abovementioned human rights violations<sup>32</sup>.

*Recommendations:*

- improve legislation on the military service with a focus on protection of human rights;
- enhance control over investigation of violations in the army; ensure protection of witnesses and victims;
- open the army to the public control.

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<sup>28</sup> Discrimination Based on Sexual Orientation and Gender Identity in Russia, 2007. Russian LGBT Network. <http://www.lgbtnet.ru/news/detail.php?ID=3453>

<sup>29</sup> Declaration on Breaking Civil Rights for Self-Expression, Information Search and Circulation, 2007. Russian LGBT Network. <http://www.lgbtnet.ru/news/detail.php?ID=3447>

<sup>30</sup> Report "On Violations of Human and Citizen's Rights and Freedoms During the Army Conscription in the Russian Federation in 2007 (in Russian). Public initiative "Citizen and Army", 2007 (<http://www.army-hr.ru/library.htm?cat=20>)

<sup>31</sup> "A Redundant Soldier. Report on Illegal Use of Soldiers Labor for the Aims Unrelated to the Service Duties (in Russian). NGO Coalition "For a Democratic Alternative Civil Service", 2007, <http://ags.demokratia.ru/library/?content=book&id=99>

<sup>32</sup> "Violations of Rights of Contract Soldiers in the Course of Signing a Contract" (in Russian). Public initiative "Citizen and Army", 2008 [http://www.army-hr.ru/mnews/data/files/Doklad\\_kontrakt.doc](http://www.army-hr.ru/mnews/data/files/Doklad_kontrakt.doc).