



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Pre-sessional working group

25-28 May 2010

Implementation of the International Covenant on Economic, Social and Cultural Rights

List of issues to be taken up in connection with the consideration of the fifth periodic report of the Russian Federation (E/C.12/RUS/5), concerning articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights

I. General framework within which the covenant is implemented

1. Please provide any additional and updated information on the specific measures, legislative or otherwise, that the State party has taken to implement the suggestions and recommendations contained in the Committee's previous concluding observations.
2. Please provide any updated information on the ways in which the domestic legal system provides an effective remedy to persons whose rights under the Covenant have been violated.
3. Please provide updated information on the number and content of petitions received by the Ombudsman alleging violations of economic, social and cultural rights by public authorities, at federal, state, regional and local levels, and the manner in which they have been acted upon.
4. Please provide updated information with regard to the measures, legislative or otherwise, taken by the State party to combat the widespread and massive corruption and organized crime in all spheres of public life and especially amongst the judiciary.
5. Please indicate what steps the State party has taken to disseminate the Committee's previous concluding observations widely among all levels of society, in particular among State officials, the judiciary and civil society organizations, to translate and publicize them as far as possible and to involve national human rights institutions, non-governmental organizations and other members of civil society in the process of discussion and preparation of the present report, before its submission to the Committee.
6. Please provide information on whether the State party intends to ratify the following Conventions and Protocols: the Convention on the Rights of Persons with Disabilities and its Optional Protocol; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the International Convention for the Protection of the Rights of

All Migrant Workers and Members of Their Families; International Labour Organization Conventions Nos. 135 (on Workers' Representatives) and 169 (on Indigenous and Tribal Peoples).

II. Issues relating to the general provisions of the covenant (arts. 1-5)

Article 2, paragraph 2 – Non-discrimination

7. Please provide information on the steps taken by the State party to ensure that “small indigenous minorities” of the North are part of the decision-making process on matters of their concern.

8. Please provide information on whether the State party intends to abolish the practice of permanent registration (attachment) to a specific geographic location, which prevents citizens, in particular, ethnic minorities such as Roma, Caucasians and other indigenous PEOPLES from enjoying to the fullest and without discrimination their social, economic and cultural rights.

9. Please provide detailed information on the legislation and policies of the State party regarding refugees and asylum-seekers, and indicate what measures, legislative or otherwise, it has taken to protect the rights of these persons to economic, social and cultural rights during the status determination process and to facilitate their social integration. Please also indicate steps taken to overcome the problems faced by persons with temporary asylum status in relation to access to unemployment allowances, legal assistance, interpretation and translation of documents, and access to education for their children.

Article 3 – Equal rights of men and women

10. Please provide information on whether the draft federal law “On State Guarantees of Equal Rights and Freedoms, and Equal Opportunities, for Men and Women in the Russian Federation” was adopted in accordance with recommendation 42 of the Committee’s previous concluding observations.

11. Please provide updated information on positive measures taken to ensure equitable representation of women in elected posts in federal, State, regional and local legislative bodies in implementation of existing relevant laws (State party report, paras. 33-36).

III. Issues relating to specific provisions of the Covenant (arts. 6-15)

Article 6 – Right to work

12. Please provide additional disaggregated data on measures, legislative or otherwise, taken to address the problem of high rates of unemployment in the State party, in such groups as “small indigenous minorities” of the North, and people of pre-pensionable age. Please describe the specific measures taken by the State party to reduce the persistent level of unemployment in the republics of the northern Caucasus and Central Asia, where there is a labour surplus and where the level of registered unemployed persons is significantly higher than the national average (State party report, para. 50).

13. Please provide updated information on employment statistics for persons with disabilities, distinguishing between the open labour market and special employment. How

many persons with disabilities are actually employed in the State party? Please provide disaggregated data by type of disability. How many persons with disabilities found jobs after vocational training? Why does the State party's legislation restricts the number of persons with disabilities that can be employed to a maximum of four per cent in enterprises with more than 100 employees (State party report, paras. 62-72)?

Article 7 – Right to just and favourable conditions of work

14. Please provide updated information on the earnings of women and men in the private and public sectors. Please also provide information on measures taken or planned to raise awareness and understanding among workers and employers of the right to equal remuneration for women and men for work of equal value. With regard to paragraph 114 of the State party report, please provide statistical data concerning cases of recourse to the court based on violations of the right to equal remuneration for women and men.

15. Please provide updated information on the status of implementation of the State party's self-set goal of raising the pay of teachers, doctors, cultural workers, scientists and others by at least one and a half times, over three years (State party report, paras. 38-39).

16. Please provide statistical data on judicial practice for the protection of victims of discrimination in employment. How effective (in particular, how accessible, and fair) has this practice been in providing for restoration of rights, reparation of material damage and compensation for moral harm? What is the amount of compensation usually awarded by courts for the benefit of victims of discrimination? What impact have court decisions had in preventing repetition of discriminatory actions in the future by the same employers, potentially against the same persons (State party report, para. 75)?

17. Please provide information on measures, legislative or otherwise, taken to establish an accessible, effective complaint procedure to rigorously investigate migrant workers' complaints of abuse, irrespective of the migrant workers' migration status or contractual status. Please also provide information on whether efforts have been undertaken by the State party aimed at inspecting and prosecuting employers who confiscate passports, deny workers legal contracts, withhold wages or commit other violations of State party law (State party report, paras. 76-79).

18. Please provide information on measures, legislative or otherwise, taken to protect the rights of workers in the informal labour market with a view to creating the conditions for unimpeded implementation of migrants' rights, and protecting migrants' legal rights and interests. Please provide updated statistical data on illegal labour migration and the informal economy.

19. Please provide information on whether the State party has in place, or has plans to adopt, legislative measures (e.g. under criminal law) to effectively prevent and combat sexual harassment in the workplace. Please also provide updated information on court cases based on allegations of sexual harassment in the workplace.

Article 8 – Trade union rights

20. Please explain the reasons why the State party failed to implement recommendation 49 of the Committee's previous concluding observations on the need to revise Article 410 of the Labour Code in order to reduce the quorum required for a strike ballot?

21. Please provide information on measures, legislative or otherwise, taken to effectively protect the rights of trade union leaders performing their functions voluntarily from undue pressure and from dismissal in connection with their public activities. Please also provide

information on concrete sanctions imposed on employers found guilty of anti-union discrimination.

Article 9 – Right to social security

22. Please provide updated information on measures, legislative or otherwise, taken to overcome the problems of the present social security system. Please also provide detailed information on measures, legislative or otherwise, taken by the State party to increase the proportion of the working population covered by social security schemes in the informal economy.

23. Please provide information on measures, legislative or otherwise, taken to increase the size of the basic pension component beyond the minimum subsistence level and to increase the level of the minimum pension. Please provide updated and detailed information on the number of internally displaced pensioners affected by the loss of accrued contribution-based old-age pension benefits as a result of the conflict in Chechnya, and on measures taken to enable them to obtain their due pension.

Article 10 – Right to marry and found a family, protection of the family, mothers and children

24. Please provide information on whether specific legislation criminalizes domestic violence and on measures, legislative or otherwise, taken by the State party to effectively protect women and children against domestic violence. Please provide statistical data on court cases relating to domestic violence (State party report, paras. 170-175).

25. Please provide updated statistical data, disaggregated by sex and age, of the number of people trafficked and on the number of persons convicted of this crime. Please also provide information on the number of child victims of trafficking for sexual or economic exploitation who have been rehabilitated and socially integrated, and also measures taken by INTERPOL and Europol in the State party relating to the elimination of the trafficking of women and children for economic or sexual exploitation. Please explain whether the legislative and other measures taken to protect victims and prosecute perpetrators sufficiently address the problem of trafficking in human beings (State party report, para. 120).

26. Please describe the efforts made by the State party to prohibit and punish corporal punishment of children in the family, and in schools and other institutions.

Article 11 - Right to an adequate standard of living

27. Please provide additional disaggregated data on measures taken by the State party to ensure an adequate standard of living for everyone, including measures to reduce the current rate of inflation, and also to address the wide gap in incomes prevailing in the State party.

28. Please provide information on the conditions of poverty existing in the State party and explain what comprehensive strategy has been adopted by the State party to combat poverty, and evaluate the effectiveness of any measures taken in this respect.

29. Please provide information on measures, legislative or otherwise, taken to address the problem of homelessness, such as by ensuring that adequate resources are set aside for the provision of social housing, with priority given to the most disadvantaged and marginalized individuals and groups.

30. Please provide information on the measures, legislative or otherwise, taken by the State party to register Roma settlements lacking recognized tenure and upgrade living conditions to ensure the dignity of the inhabitants, and secure legal access to water, electricity and gas in these Roma settlements.

31. Please explain the justification for different compensation programmes for people dispossessed of housing in Chechnya as a result of the armed conflict and provide data on the number of applicants for compensation due to loss of housing and property. Please explain the remedies available for people dispossessed of housing in Chechnya as a result of the armed conflict who were tenants of social housing or housing provided by their employer, or did not manage to privatise their dwellings before the outbreak of conflict (State party report, para. 225).

Article 12 – Right to the highest attainable standard of physical and mental health

32. Given the substantial aggravation of the situation in the health care services of the small indigenous minorities of the North, in particular, those living in Nanai District (Settlement of Naikhin, Nanai District, Khabarovsk Krai), please indicate what concrete measures the State party has taken to provide them with health care services.

33. Please provide information on efforts to ensure that indigenous persons participate in the formulation, planning and implementation of culturally appropriate measures, legislative or otherwise, for their enjoyment of the highest attainable standard of physical and mental health.

34. Please outline the measures, legislative or otherwise, taken to deal with the problems raised by the reform of the national health insurance system, to ensure that the cost of medicines is refunded to patients and to provide full access to health care for the most disadvantaged and marginalized sections of the population, and to speed up the renovation and modernization of hospitals.

35. Please provide updated information on the measures, legislative or otherwise, taken by the State party to ensure access to high-cost and complex medical care, such as transplantation, and complex prosthetics for seriously ill individuals, specially children. Please also provide information on access provided by the State party to rare medicines not included in the list of medicines approved by Order No. 665 of the Ministry of Public Health of 18 September 2006.

36. Please provide detailed information on the prevalence of drug use by injection, and its impact on HIV, hepatitis C and tuberculosis prevention and treatment in the State party. Please indicate whether the WHO/UNODC/UNAIDS technical guide for countries to set targets for universal access to HIV prevention, treatment and care for injecting drug users (2009) and the nine interventions contained in its comprehensive package have been implemented in the State party.

37. Please indicate whether the State party intends to provide evidence-based drug dependence treatment and take measures to lift the ban on the medical use of methadone and buprenorphine for the treatment of drug addicted persons, introduce maintenance therapy programmes and end practices that arbitrarily discriminate against registered drug users. Please clarify whether the State party has adopted evidence-based harm reduction programmes, for example for injecting drug users suffering from tuberculosis and hepatitis C, in particular, by fulfilling its promise to provide funding to prevent the closure of needle-exchange programmes previously supported by the Global Fund. Please also provide information on whether the State party has reformed its narcotics control regulations as

recommended by the World Health Organization (WHO) and the International Narcotics Control Board (INCB).

38. Please provide information on the measures, legislative or otherwise, taken to reduce infant and maternal mortality, to provide sex education, to promote awareness of safe contraceptive and reproductive methods and ensure that abortions are carried out under adequate medical and sanitary conditions.

Articles 13 and 14 – Right to education

39. Please complement the information provided in paragraph 362 of the State party report with disaggregated comparative data on the level and scope of school attendance and early drop-out rate among children of disadvantaged and marginalized groups such as ethnic minorities and children with disabilities.

40. Please provide updated information on measures, legislative or otherwise, taken to address the problem of widespread school non-attendance due to migration, homelessness and neglect.

41. Please provide updated information on “The Russian Language Federal Target Programme for 2006-2010”, aimed at ensuring the right of Russian citizens to learn their native language and providing opportunities for foreign nationals, including migrant workers, to learn Russian as a foreign language. Please also provide information on measures taken to facilitate the social adaptation of children of migrants, and refugees and to this end meet schools’ needs for teaching materials, textbooks and teacher training.

42. Please provide information on the programme for consolidation of rural schools. How has the implementation of this programme influenced the accessibility and quality of education for children living in rural areas?

Article 15 – Cultural rights

43. Please provide updated information on how the enjoyment of the right to participate in, and benefit from, cultural life, such as access to cultural activities and cultural goods and services, is ensured for low-income persons and for groups such as persons with disabilities, older persons, immigrants, persons from ethnic, religious and linguistic minorities, and “small indigenous minorities” of the North, in line with the Committee’s general comment No. 21 (2009) on the right of everyone to take part in cultural life (State party report, paras. 377-416).
