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RUSSIAN FEDERATION

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SIXTH PERIODIC REPORT OF THE RUSSIAN FEDERATION ON ACTION TAKEN AND PROGRESS TOWARDS RESPECT FOR THE RIGHTS SET FORTH IN THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

CONTENTS

INFORMATION CONCERNING PARTICULAR ARTICLES OF THE COVENANT

Article 1

1. The federal concept of the State structure in the Russian Federation is grounded in a balance of the interests of equal constituent entities, having regard for their ethnic individuality and their geographical and other characteristics. The right to self-determination within the Russian Federation is given substance through various ethnic autonomous areas and autonomous ethnic cultural organizations.

2. Of the 89 equal constituent entities of the Russian Federation, 21 republics, 1 autonomous province and 4 autonomous areas are virtual nation-States.

3. The combination of the principles of self-determination and federalism proclaimed in the Constitution of the Russian Federation is enshrined in the federal law of 4 June 1999 that defines the principles and procedure governing the apportionment of jurisdiction and authority between the State authorities of the Russian Federation and their counterparts in the constituent entities of the Federation. The Act guarantees the equality of the constituent entities of the Federation in the apportionment of jurisdiction and authority, declares encroachment on the rights and interests of the constituent entities inadmissible and ensures the alignment of the interests of the Federation and its constituent entities. Together with other legislation adopted pursuant to it, the Act has largely done away with earlier doubts about the effective coordination of activities between the Federation and its constituent entities.

4. The role of local self-determination within the system of elected bodies in the Russian Federation has increased substantially. Over the past few years, the necessary legal foundations have been laid, in accordance with international standards, for local self-determination to be introduced and to function. Local self-government is playing an ever-increasing role in the establishment of civil society in the Russian Federation, being both a means of bringing such a society about and an inseparable component of such a society.

5. Russian State policy attaches particular importance to introducing and developing ethnically targeted legislation providing legal protection in accordance with the principles of international and Russian law, for the most vulnerable ethnic cultural communities. Since the adoption of the Constitution of the Russian Federation, Russian legislation has officially termed such ethnically vulnerable groups “ethnic minorities” (article 71 (c) and article 72, paragraph 1 (b), of the Constitution), “small indigenous peoples” (article 69 of the Constitution or, as in the federal Small Indigenous Peoples of the Russian Federation (Guarantees of Rights) Act No. 82 of 30 April 1999, “small peoples”) and “small ethnic communities” (article 72, paragraph 1 (l), of the Constitution). The Communities of Small Indigenous Peoples of the North, Siberia and the Russian Far East (General Principles of Organization) Act No. 104 of 20 July 2000 specifically introduces the new term “small indigenous peoples of the North, Siberia and the Russian Far East”. The term was also given significantly greater weight by the special legal status of such peoples. The Constitution of the Russian Federation draws a clear distinction between these sets of peoples: whereas it links the regulation and protection of the rights of “ethnic minorities” with the regulation and protection of human and civil rights and freedoms, the rule of law, law and order and the question of nationality as a whole, it links the

rights of "small indigenous peoples" and "small ethnic communities" with rights to land and other natural resources, which are seen as the bedrock of the life and activities of peoples living in a given territory, and with the protection of their traditional habitat and way of life. Russian legislation guarantees small indigenous peoples a wide range of rights over the use of their lands, control of their productive use in their traditional habitat and maintenance of their traditional activities and way of life.

Article 2

6. Violating equality of human or civil rights or freedoms on the grounds of sex, race, nationality, language, attitude to religion or other circumstances is a criminal offence (article 136 of the Criminal Code).

7. A significant event in the development of the Russian legal system has been the inclusion in labour law of provisions prohibiting discrimination at work. In particular, article 3 of the Labour Code (Federal Act No. 197 of 30 December 2006) provides that a person's labour rights and freedoms may not be restricted on grounds of race, colour, nationality, language, origin, place of residence, attitude to religion or political beliefs. The article not only sets out equal opportunities for the enjoyment of labour rights but also provides for the possibility of compensation for moral damages for persons subjected to discrimination on aforementioned grounds.

8. The implementation of the federal special-purpose programme for the development of the judicial system in the Russian Federation over the period 2002-2006 introduced positive changes in the workings of the judicial system. Laws and regulations on procedures and measures providing for the protection of individual rights and access to justice were adopted. The number of judges, administrative and auxiliary staff, was increased substantially, a system of lay magistrates was put in place and judges' pay was significantly increased.

9. The federal special-purpose programme for the development of the judicial system in the Russian Federation over the period 2007-2011 is directed at the further development of judicial reform in the Russian Federation, envisaging the formation of an independent and autonomous judiciary as a separate branch of State power in the Russian Federation. The Programme also seeks to increase the efficiency and quality of justice, develop an organizational framework for the judicial system, provide increased staffing and financial resources, promote openness and transparency in the judicial system and improve guarantees for the autonomy of the courts and the independence of judges as prerequisites for the functioning of a democratic State governed by the rule of law. At the same time, the legislation of the Russian Federation is being brought into line with international law and international human rights standards, which will ultimately serve to extend the range of judicial protection of the public's rights and freedoms and improve access to justice.

10. The openness of the judiciary is conditional on accountability to and control by society, openness on the part of the judges themselves and the implementation of an anti-corruption policy, which will involve:

(a) Establishing information resources comprising legal databases and databanks containing judicial decisions and the practice of the ordinary courts;

(b) Providing open access to such databases and databanks, at the same time ensuring that the necessary balance can be maintained between the requirements of individuals, the general public and the State in respect of the free exchange of information and essential restrictions on the dissemination of information;

(c) Taking account of public opinion on the work of the courts on the basis of regular public monitoring of the quality and efficiency of their work over the period 2007-2011.

11. An automated system is being introduced for the work of the courts, with a view to cutting down substantially on the time required to hear cases, eliminating loss of documents, providing swift and easy access to information and improving the quality and efficiency of the work of the courts, in particular the electronic justice system.

12. In order to put the organization of the work of the courts on a modern footing, it is proposed to and draw on international experience and provide for the establishment in the ordinary courts of reception units staffed by professionally trained lawyers, who will handle requests and applications submitted by the public. Once such applications have been processed, cases will be distributed among the judges in a prearranged order and judges will have no contact with applicants. It will also not be permitted for judges or their assistants to meet participants in a case before the start of judicial proceedings.

13. With a view to achieving transparency and preventing corruption in the judicial system, consideration is being given to the possibility of requiring judges to make an annual declaration of their income, assets and property commitments, in accordance with the provisions of chapter 7 of the Family Code.

14. It should be noted that the courts have cut down delays in hearing civil cases, which is an encouraging trend. Thus the courts' failure to observe the deadline for hearings fell from 8.3 per cent of civil cases in 2004 to 6.9 per cent in 2005 and 6 per cent in 2006. Also in 2006, 96.6 per cent of all completed criminal cases that came to trial were heard within the time frame laid down by law; of those cases, 39,570 (3.2 per cent) were heard in trials that lasted for over six months. The average duration of criminal trials remained unchanged and was 2.6 months in the courts of the constituent entities of the Russian Federation, two months in district courts and two months in magistrates' courts.

15. The process of establishing the institution of trial by jury has largely been completed in the Russian Federation. This form of trial is currently used in all constituent entities of the Russian Federation, except the Chechen Republic, where the compilation of jury lists has been postponed to 1 January 2010, in accordance with Act No. 241 of 8 December 2006.

16. Over the period 2004-2006, courts in the Russian Federation sat with a jury in 12-13 per cent of the cases for which the law provides for the possibility of trial by jury (chapter 42 of the Code of Criminal Procedure). In 2004, courts with juries heard 631 cases relating to 1,332 people; of that total, 572 cases resulted in judgements, in which 1,008 people were convicted and 204 acquitted. In 2005, courts with juries heard 618 cases relating to 1,389 people; of that number, 532 cases resulted in judgements, under which 955 people were convicted and 204 acquitted. In 2006, there were 707 cases relating to 1,319 people; of those, 607 cases ended in the conviction of 1,079 people and the acquittal of 227. This means that,

in 2004, 16.4 per cent of people in jury trials in which judgement was reached were acquitted, compared with 17.6 per cent in 2005 and 17.4 per cent in 2006. In 2004, judgements issued by courts sitting with a jury were overturned in the case of 151 people (12.5 per cent), of whom 68 had been convicted and 83 acquitted. In 2005, judgements were overturned in relation to 173 people (14.9 per cent), of whom 101 had been convicted and 72 acquitted. In 2006, judgements were overturned in relation to 172 people (13.2 per cent), of whom 82 had been convicted and 87 acquitted.

17. The organization of the judicial system in the Chechen Republic is proceeding well. There are currently 15 district (municipal) courts in operation, in addition to the Supreme Court of the Chechen Republic, and there were 65 judges as at 1 July 2007. The total number of cases heard by all the courts in the Chechen Republic in 2004 was 3,034, relating to 3,029 people; judgements were reached in 2,386 cases, of which 2,563 were convictions and 14 acquittals. In 2005, 2,757 cases were heard relating to 3,050 people; judgements were passed in 2,298 cases, of which 2,539 were convictions and 21 acquittals. In 2006, 2,757 cases were heard relating to 3,050 people; judgements were reached in 2,298 cases, of which 2,539 were convictions and 21 acquittals.*

18. Following numerous recommendations by international organizations, the Russian authorities have decided to reform the Procurator-General's Office with a view to ensuring its independence and impartiality. Federal Act No. 87 of 5 June 2007 on Amendments to the Code of Criminal Procedure of the Russian Federation and to the Federal Act on the Procurator's Office of the Russian Federation, which entered into force on 7 September 2007, contains provisions to reform procurator's offices in the Russian Federation by separating their functions of criminal investigation and supervision of criminal proceedings. The Act provides for the creation of an Investigative Committee attached to the Procurator's Office, which will comprise the existing Central Investigative Department, the investigative departments of each constituent entity of the Russian Federation and, having equal status with them, specialized investigative departments, including military ones, along with district and municipal investigative offices and specialized investigative offices of equivalent status, again including military ones. President Vladimir Putin signed the Decree establishing the Investigative Committee attached to the Procurator's Office of the Russian Federation on 2 August 2007. The Committee has a status equal to that of the Procurator-General's Office itself. The head of the Committee also acts as the deputy Procurator-General but is equal to him in rank and is appointed in the same way, that is, by the Federation Council, on the recommendation of the President. The required organizational arrangements are currently in hand to set up the Committee and its structural units and to get it operational.

Response to paragraph 8 of the concluding observations of the Human Rights Committee on the fifth periodic report of the Russian Federation

19. All cases considered under the Optional Protocol are intensively scrutinized by the relevant departments of the Russian Federation, in particular judicial bodies, including the Presidium of the Supreme Court, and procurator's offices. In assuming its commitments under the Protocol,

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* *Translators note*. The figures are as given in the original text.

the Russian Federation recognized the competence of the Human Rights Committee to receive and consider communications from persons subject to its jurisdiction who claim to be victims of a violation of any of the rights set forth in the International Covenant on Civil and Political Rights. It is also generally recognized, however, that the Committee does not have the functions of a court or a body endowed with quasi-judicial powers. It is for that reason that its decisions are termed "views" and are of a recommendatory nature. These views carry great weight in the eyes of the competent bodies of the Russian Federation. They are taken seriously by the Russian authorities, who are unable to ignore them, even where they are at variance with the Russian approach. All views are given profound and detailed consideration. That is what the relevant Russian bodies did in response to the Committee's Views in the cases of *Lantsova v. Russian Federation* and *Gridin v. Russian Federation*. The substance of the two cases was resubmitted to meticulous scrutiny. At the same time, the Russian Federation unwaveringly asserts the basic principle of the objectivity, independence and impartiality of the main bodies exercising oversight functions in response to the Committee's enquiries, the Supreme Court and the Procurator-General's Office of the Russian Federation. They alone have direct access to all the case files, initiate detailed on-the-spot checks and have wide opportunities to establish the truth in cases in which the facts may be clarified only by making full use of the expert potential of the relevant courts and analysing all the circumstances and details involved. These procedures were carried out with regard to both cases and the Human Rights Committee was informed of the results within the required time.

Article 3

Response to paragraph 9 of the concluding observations of the Human Rights Committee on the fifth periodic report of the Russian Federation

20. The Constitution of the Russian Federation sets out the principle of equality, by which it means that women and men enjoy a full range of rights to enable them to make their contribution to the country's political, economic, social and cultural development and benefit from its results. The Russian Federation attaches particular importance to the active participation of women in the life of society, the advancement of women and the creation of favourable conditions for the attainment of equality between men and women.

21. The national mechanism for improving the status of women and enhancing gender equality currently comprises both legislative and executive bodies. In the State Duma, the Committee on Women, the Family and Youth is active, while the Social Commission for Ensuring Equal Rights and Equal Opportunities for Men and Women in the Russian Federation is attached to the Office of the Chairman of the Federation Council.

22. At the federal level, the Interdepartmental Commission on Equality between Men and Women in the Russian Federation was set up in June 2006. The Commission, which comprises representatives of federal ministries, constituent entities of the Russian Federation and social and scientific organizations, coordinates work on improving Russian legislation relating to the attainment of equal rights and opportunities; conducts gender-based scrutiny of laws and other rules and regulations relating to issues having a material impact on the attainment of social, economic, political or cultural equality between men and women; and contributes to the mainstreaming of gender in the activities of executive bodies at every level. With a view to

coordinating the activities of federal bodies with those of civil society organizations, the Russian Federation has set up the Coordinating Council on Gender Problems, which is tasked with working out agreed approaches to resolving current issues relating to the status of women.

23. In September 2006, the Interdepartmental Commission on Equality between Men and Women in the Russian Federation approved the National Strategy on Equal Rights and Equal Opportunities for Men and Women in the Russian Federation (Gender Strategy of the Russian Federation), which is aimed at achieving real equality by mainstreaming gender in State administration, law-making, the education system and other areas.

24. The integrated approach to resolving the problem of the status of women can also be seen in the work of the interdepartmental commissions set up by republic governments, governors and heads of regional administrations in 44 constituent entities of the Russian Federation.

25. The problem of promoting women to managerial posts in State bodies and to decision-making positions in general takes on particular significance in the light of the administrative and management reforms initiated in 2004.

26. In the current Government of the Russian Federation, two federal ministries are held by women: the Ministry of Health and Social Development and the Ministry of Economic Development and Trade. A number of women are serving as deputy federal ministers and State secretaries. One woman is a governor. At the level of regional government bodies, the representation of women in such posts is substantially higher. Women constitute the majority of State employees at the federal and regional levels.

27. The number of women in elected posts in federal legislative bodies remains insignificant. There are seven female senators in the Federation Council (in 2002, there were six). In the State Duma, female deputies make up 10 per cent of the total number of parliamentarians (the figure in 2002 was 8 per cent). Women are, however, represented in all parliamentary parties.

28. In order to promote women in politics, a number of political parties, including the Russian Democratic Party Yabloko, the Russian Party of Life, the Social Democratic Party of Russia and the Union of Right Forces, and a number of civil society organizations, have set up the all-party association Women in Politics.

29. In spite of the underrepresentation of women in politics at the federal level, efforts made to improve the level of women's participation in government structures have resulted in a significant increase in the number of women in law-making bodies in constituent entities of the Russian Federation. Out of 89 such entities, only 5 have no women representatives: Chelyabinsk, Magadan, Novosibirsk, Perm and Tyumen. In the Republic of Adygeya, the Koryak Autonomous Area and the Ust-Ordynsk Autonomous Area, the legislative bodies are headed by women.

30. Substantial changes have been made to federal electoral legislation in the Russian Federation (see information on article 25). Article 8 of the federal Political Parties Act states that one of the basic principles governing the activities of political parties is to provide men and women of all ethnic groups who are nationals of the Russian Federation with equal opportunities to be represented in the parties' governing bodies, on their lists of candidates for

elected office and in other elected positions in State and local government bodies. Amendments to electoral legislation are intended to promote women's participation in the activities of political parties and extend their representation in the parties' governing bodies, on their lists of candidates for elected office and in other elected positions in State and local government bodies, among other objectives.

31. Russian legislation provides for equality for women in the field of labour relations by granting them the same rights and opportunities as men in receiving occupational training, remuneration and promotion at work. There are currently 58 million women aged between 15 and 72, as against 52.3 million men. Of these, 60.6 per cent of women and 70.9 per cent of men are economically active.

32. Despite the encouraging trends in the development of the economy as a whole, the most "female" fields of activity remain those in the State sector: health, social welfare, education, culture and art, where wage levels are still relatively low. Women's average gross monthly wage is 64 per cent of men's. The Government of the Russian Federation has set itself the goal of raising the pay of teachers, doctors, cultural workers, scientists and others by at least one and a half times over three years. The authorities of the constituent entities of the Russian Federation also have the power to fast-track pay rises in the State sector. Such measures should contribute to the gradual equalization of pay in sectors using predominantly female labour, such as education, health, culture and social protection.

33. There is virtually no difference between the general unemployment rates of men and women (of the total number of unemployed, 46 per cent are women and 54 per cent men), but the percentage of women among the registered unemployed is higher, at 56 per cent, than that of men (44 per cent). On average, it takes women six to nine months to find work, whereas for men the corresponding figure is three to six months. The Russian Federation devotes considerable attention to the problems of female employment. Special measures are being developed to facilitate job placement, vocational guidance and retraining for unemployed women. In view of the fact that women take longer to find work than men do, particular attention is devoted to increasing their motivation in seeking work, teaching them job-seeking skills and encouraging them to change careers, retrain and fulfil their professional potential. Efforts are also made to provide psychological help in dealing with the negative emotions that can arise as a result of prolonged unemployment or sudden loss of employment.

34. Amendments and additions have been made to the Federal Act on Fundamentals of Social Services for the Population of the Russian Federation, the Criminal Code and the Code of Criminal Procedure with a view to enhancing the legal guarantees of protection for children, women and elderly family members from any form of cruel treatment.

35. The provisions of the Criminal Code relating to the protection of women and children from any form of violence have been reviewed. A separate chapter of the Code establishes criminal liability for offences against sexual inviolability and sexual freedom of the person. Harsher penalties have been imposed for premeditated offences directed at a person's life, health or sexual inviolability, regardless of the location of such an offence or the existence or absence of kinship between the offender and the victim. Penalties have also been increased for murder, in particular the murder of persons known to be in a helpless state, the seriously ill, the elderly, minors or persons suffering from psychological or other disorders. Causing a person to commit

suicide, deliberately injuring a person's health, assault and battery, cruel treatment or the infliction of physical or mental suffering have been made criminal offences. "Cruel treatment" is primarily understood as a specific way of causing the victim both physical and mental suffering. Provision is made for sentences of varying lengths for offences against sexual inviolability and sexual freedom of the person, rape and other sexual acts. A person who commits offences against the family and minors - inducing minors to commit criminal offences, engage in anti-social behaviour, indulge in the systematic use of alcoholic drinks or narcotic substances or engage in prostitution, vagrancy or begging - is also criminally liable.

36. Decision No. 41 of the State Committee of the Russian Federation on Statistics (Goskomstat) of 13 March 2003 established the procedure for transmitting information on persons who apply to social service institutions dealing with the family and children. The statistics are then processed to provide a breakdown of information, by sex, on the numbers who report criminal violence of a sexual nature.

37. The agencies of the Ministry of Internal Affairs use all available means to improve the situation of problem families, in particularly critical cases applying administrative or criminal procedures. In accordance with the Ministry's rules and regulations, the police devote particular attention to preventive work aimed at averting family violence.

38. There are 3,421 institutions in the social protection system providing social services for the family and children and the number is constantly rising: there were 3,373 in 2004 and 3,315 in 2005. These institutions operate in all the constituent entities of the Russian Federation. Particular increases have been seen in such units as local centres providing social assistance for the family and children. These are multidisciplinary institutions providing a range of different social services.

39. In addition, there are 23 crisis centres for women and two for men in the Russian Federation, managed by social protection agencies. There are also 117 crisis units within social service institutions and 22 hostels for women with minor children. In crisis centres, women and girls who find themselves in difficult situations or have been subjected to violence are provided with free psychological, legal, medical or educational services and given access to welfare facilities. Crisis facilities are also being set up to help girls and young women subjected to sexual violence and exploitation.

40. Victims of violence may receive assistance not only in State institutions but also in institutions founded by women's NGOs. Women's social organizations have, to date, set up 50 crisis centres for women, working closely with the authorities of the constituent entities of the Russian Federation and local authorities.

41. In a number of entities of the Russian Federation, advocacy groups and civil society organizations are active in protecting women from violence in all its forms and manifestations, and local legislation is being drawn up on the prevention of violence against women and children. More than 485 telephone hotlines have been set up, where people can get urgent psychological help and support, as well as advice from qualified counsellors, lawyers, and other specialists.

42. Detailed information on the implementation of article 3 of the Covenant is contained in the sixth and seventh periodic reports of the Russian Federation to the Committee on the Elimination of Discrimination against Women (CEDAW).

Article 4

43. The issues relating to the restriction of certain human rights and freedoms in the event of a state of emergency have been resolved, in keeping with the international obligations of the Russian Federation, in the new constitutional States of Emergency Act of 30 May 2001, as amended on 7 March 2005. Under this Act, measures taken during a state of emergency which entail changes in or restrictions on established human rights and freedoms must be kept within the limits dictated by the severity of the situation. Such measures must, however, be consistent with the international human rights commitments of the Russian Federation and must not involve any discrimination against individuals or population groups solely on grounds of sex, race, nationality, language, descent, property and employment status, place of residence, attitude towards religion, beliefs, membership of voluntary organizations or other considerations. A separate provision of the Act defines the obligations of the Russian Federation as regards compliance with article 4, paragraph 3, of the Covenant in the event that a state of emergency is declared.

Article 5

44. In keeping with article 30 of the Universal Declaration of Human Rights and article 5 of the Covenant, the Constitution of the Russian Federation affirms that the list of human and civil rights and freedoms is open-ended and that new rights can be added to those already proclaimed.

45. The Constitution rules out the use of legislation to remove from the list rights and freedoms proclaimed in the Constitution and the international legal instruments with which the Russian Federation has undertaken to comply.

46. The Constitution also identifies values, the repudiation of which is tantamount to abuse of human and civil rights and freedoms. These include the foundations of the constitutional order, national defence and State security, public morals and health, and the rights and legitimate interests of others.

Article 6

Response to paragraph 11 of the concluding observations of the Human Rights Committee on the fifth periodic report of the Russian Federation

47. Under the Criminal Code, the death penalty may be imposed for the following offences: aggravated homicide (art. 105, para. 2); an attempt on the life of a State or public figure (art. 277); an attempt on the life of a person administering justice or conducting a preliminary investigation (art. 295); an attempt on the life of a law enforcement officer (art. 317); and genocide (art. 357). The death penalty may not be handed down for any other act constituting a criminal offence under current legislation, war crimes included.

48. As required by article 20, paragraph 2, of the Constitution, Constitutional Court Decision No. 3 of 2 February 1999 established a moratorium on death sentences irrespective of whether cases are tried by jury or by a panel of three professional judges. According to the Judicial Division of the Supreme Court of the Russian Federation, the courts have not since sentenced to death any persons convicted of the above-mentioned offences in a final judgement.

49. In 2006, 45 individuals were sentenced to life imprisonment (0.005 per cent of the total number of persons sentenced that year). Each of those individuals had been convicted of aggravated homicide, a criminal offence under article 105, paragraph 2, of the Criminal Code.

50. The Federal Assembly is considering de jure abolition of the death penalty and accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights.

Response to paragraph 13 of the concluding observations of the Human Rights Committee on the fifth periodic report of the Russian Federation

51. During the period of the counter-terrorism operation in the Chechen Republic, the courts have tried 187 criminal cases involving 224 law enforcement officers, 173 of whom were sentenced to various types of penalty. In the same period, the Chechen Republic courts have heard four criminal cases in which law enforcement officers were charged with the use of unlawful investigative methods and with killings, disappearances and torture of civilians.

52. In the case of the killing of civilians by unidentified persons in the village of Alkhan-Yurt in the Urus-Martan district of the Chechen Republic on 18 December 1999, criminal proceedings were instituted on the basis of evidence of an offence contrary to article 105, paragraph 2 (a), of the Criminal Code (Homicide). On 18 October 2006, the pretrial investigation was suspended under article 208, part 1, paragraph 2, of the Code of Criminal Procedure (Failure to identify the whereabouts of the accused).

53. A criminal case was opened in connection with the killing of Mr. K.A. Khashiev, Ms. L.A. Khashieva, Mr. R. Taimaskhanov and others at 107 Neftyanaya Street, Grozny, by unidentified persons between 19 and 21 January 2000, on the basis of evidence of an offence contrary to article 105, paragraphs 2 (a), (e), (f) and (g), of the Criminal Code (Homicide). The Staropromyslovsky District Procurator's Office in Grozny has suspended its investigation several times; the case was resumed most recently on 20 July 2006.

54. The investigation has uncovered information on other offences committed by unidentified persons against inhabitants of the Katayam neighbourhood in the Staropromyslovsky district of Grozny; accordingly, materials, including information on the discovery of 34 corpses, on killings, on the kidnapping of one person and on the disappearance of one inhabitant of the district, were extracted from the case file. Having reviewed all these materials, the Staropromyslovsky District Procurator's Office initiated criminal proceedings.

55. A criminal investigation was opened into the disappearance of Ms. L.S. Mustrigova, Ms. T.A.K. Aslambekova and Mr. S. Shishkhanov on 11 January 2000, on the basis of evidence of an offence contrary to article 126, paragraphs 2 (a), (d) and (g) of the Criminal Code

(Kidnapping). On 12 September 2006, the Staropromyslovsky District Procurator's Office suspended the pretrial investigation into the case because of the failure to identify the person or persons to be charged.

56. The Chechen Republic procuratorial bodies are working to prevent kidnappings in close cooperation with presidential and government staff, the Chechen Republic Parliament and the Human Rights Commissioner for the Chechen Republic, as well as various human rights organizations.

57. To ensure that more kidnapping cases are solved, the Chechen Republic procuratorial bodies regularly monitor unsolved cases to check that the appropriate work is being carried out by the local internal affairs agencies and to ascertain the quality of such work.

58. With a view to increasing the effectiveness of efforts to prevent, investigate and solve kidnappings, the Chechen Republic Procurator's Office, in conjunction with the law enforcement agencies, has drawn up a comprehensive programme on preventing kidnappings and tracing missing persons for 2006-2011.

59. In the first five months of 2007, 66 kidnappings were reported to Chechen Republic law enforcement agencies (compared with 98 in 2006) and 74 instances of unlawful deprivation of liberty (compared with 115 in 2006). In 2007, the Chechen Republic procuratorial bodies initiated 18 criminal investigations (30 in 2006) into the kidnappings of 22 individuals (37 in 2006). As at 1 June 2007, over the entire duration of the counter-terrorism operations Chechen Republic procuratorial investigators had sent 109 criminal kidnapping cases involving 164 accused persons for trial.

60. With rare exceptions, kidnappings in the Republic are nowadays carried out by criminal gangs which specialize in kidnapping for ransom or other - usually financial - gain.

61. According to the Chechen Republic Procurator's Office, there is no credible evidence to indicate that any official or individual acting in an official capacity has been involved in, incited, colluded in or consented to any kidnapping or enforced disappearance in the Chechen Republic, including during counter-terrorism operations.

Article 7

62. The fourth periodic report of the Russian Federation to the Committee against Torture and the comments by the Russian Federation on the conclusions and recommendations adopted by the Committee against Torture following its consideration of that report give detailed information on compliance by the Russian Federation with article 7 of the Covenant.

63. Between 2003 and 2006, the Russian courts convicted 9,957 persons of cruel treatment under article 117 of the Criminal Code, including 3,481 of aggravated cruel treatment under paragraph 2 of the article. Of the persons convicted of cruel treatment, 943 committed the offence in conjunction with another more serious offence. Between 2003 and 2006, 12 individuals were found guilty of coercion to testify under article 302 of the Criminal Code; of those, 9 used physical force in committing the offence.

Response to paragraph 12 of the concluding observations of the Human Rights Committee on the fifth periodic report of the Russian Federation

64. Articles 91 and 92 of the Code of Criminal Procedure, along with other provisions of criminal-procedure law, govern the procedure for detaining and questioning suspects. The law prohibits any kind of informal questioning which involves the use of torture or cruel treatment. Moreover, article 9, paragraph 2, of the Code of Criminal Procedure (Respect for the honour and dignity of the individual) clearly states that none of the parties to a criminal proceeding may be subjected to violence, torture or other cruel or degrading treatment.

65. The Office of the Procurator-General of the Russian Federation is taking steps to ensure that all reports of crimes, including reports of the obtaining of evidence from suspects or accused persons through the use of torture or cruel treatment, are logged and properly investigated.

66. In cases of exceeding official powers, abuse of authority or unlawful use of physical force, criminal proceedings are opened and the alleged perpetrators are prosecuted.

67. Authorized procuratorial officials monitor compliance with the law in remand centres at least once a month and in correctional institutions at least once every three months.

68. The procuratorial bodies of the Russian Federation examined 41,096 complaints in 2006 from remand and convicted prisoners and their representatives about non-compliance with the law, and 37,744 complaints in 2005 by institutions and other bodies of the penal correction system. Of the complaints made, 2,224 (5.4 per cent) were upheld in 2006 and 2,370 (6.3 per cent) in 2005. Of the total number of complaints made in 2006, 3,936 concerned unlawful coercion of remand and convicted prisoners by prison officers; 91 (2.3 per cent) were upheld. In 2005, 5,167 such complaints were processed, and 102 (2 per cent) were upheld.

69. Pursuant to procuratorial recommendations made in the light of both routine monitoring and investigations into specific complaints, 2,110 prison officers were disciplined in 2006, including 105 who were dismissed. In the same year, 109 prison officers were found guilty of offences committed while on duty. In 2005, of the 4,850 prison officers disciplined (including 72 who were dismissed), 71 were found guilty of offences committed while on duty.

Response to paragraph 14 of the concluding observations of the Human Rights Committee on the fifth periodic report of the Russian Federation

70. In order to regulate counter-terrorism activities the federal Act on Combating Terrorism of 25 July 1998 established the relevant legal and organizational framework and a procedure for coordinating the activities of the federal authorities, the authorities of the constituent entities of the Russian Federation, voluntary associations and organizations irrespective of the form of ownership, officials and individual citizens. The Act also set forth the rights and duties of and guarantees for citizens in relation to counter-terrorism efforts.

71. The federal Counter-Terrorism Act was adopted on 6 March 2006 to improve the legal framework for countering terrorism in all its manifestations and forms, in the context of the implementation by the Russian Federation of Security Council resolutions and of the relevant international treaties ratified by the country and to enhance international cooperation. The Act

establishes basic principles for countering terrorism, the legal and organizational basis for preventing and combating terrorism and minimizing and/or eliminating the consequences of manifestations of terrorism, and the legal and organizational basis for the use of the Armed Forces of the Russian Federation in counter-terrorism efforts. The Federal Act on Combating Terrorism was superseded by the federal Counter-Terrorism Act on the latter's entry into force.

72. The federal Counter-Terrorism Act makes no provision for perpetrators to be exempted from paying compensation for harm caused by their offence. Compensation is paid in the manner prescribed by law to any person who has suffered as a result of the offence.

73. Meanwhile, article l8 of federal Counter-Terrorism Act No. 35 of 6 March 2006, as amended on 27 July 2006, provides that the State shall, in accordance with the procedure laid down by the Government of the Russian Federation, pay compensation to natural or legal persons that have suffered harm as the result of a terrorist act. Compensation for moral harm resulting from a terrorist act is paid by the persons committing the act (para. 1). Compensation for harm caused in the course of lawful activities to prevent a terrorist act is, in accordance with the legislation of the Russian Federation, paid out of the federal budget under the procedure laid down by the Government (para. 2). No compensation is paid for harm caused in the course of lawful activities to prevent a terrorist act to the health or property of a person participating in such an act or for harm caused by the death of such a person (para. 3).

74. The investigation into the criminal case involving terrorism and hostage-taking in the Moscow Ball-Bearing Factory Palace of Culture (the Dubrovka Theatre) looked into the circumstances of the provision of medical assistance to the hostages following their release, the use of firearms by the Special Services and the killing of the terrorists. As a result of these inquiries, decisions were issued on 31 December 2002 and 16 June 2003 not to bring criminal proceedings against the medical staff of the Moscow Department of Health or the Special Services personnel who had taken part in liberating the hostages. The lawfulness and validity of these decisions were confirmed by decisions of the Zamoskvoreche District Court in Moscow, which have now entered into force.

75. The provisions of the Federal Act on Combating Terrorism relating to compensation for harm occurring as the result of a terrorist act, which were cited by the general courts in considering cases relating to compensation for harm occurring as the result of the terrorist acts of 23-26 October 2002 in the Dubrovka Theatre, were reviewed by the Constitutional Court of the Russian Federation.

76. Constitutional Court Decision No. 523 of 27 December 2005 ruled that the meaning of the provisions of the Act under constitutional law and within the framework of current laws and regulations was unambiguous and thus did not breach the constitutional rights of the complainants. The Constitutional Court added the following observation, however. By including in the Act provisions on the procedure for compensating harm occurring as the result of a terrorist act, the State had taken upon itself responsibility, depending on the nature of the harm caused, for the actions of third parties, thus acting as a guarantor for compensating the harm suffered by the victims, since they would, in many cases, have no practical possibility of realizing their right to compensation - the perpetrator of the harm being dead, lacking financial resources, or not having been identified - or else such compensation, being deferred, would not be appropriate to the urgency of the situation. The question of restoring as soon as possible rights

that had been breached as a result of the limited or non-existent resources of those actually responsible for paying the compensation, or the impossibility of identifying them within a reasonable period of time, was thus resolved through legislation. In this case, the State took upon itself the responsibility of paying compensation for harm by virtue of being a body acting in the public interest, pursuing the aims of maintaining social ties and protecting society. In establishing a system of compensation, the State acted not as the perpetrator of harm (which would require full compensation for the harm caused) or as an obligor under a delictual obligation but as a public body representing general interests and as the administrator of a budget established and expended in the common interest.

77. Thus, in accordance with Moscow Government Order No. 1645 of 28 October 2002 on assistance to the victims and the families of persons killed as a result of the terrorist acts in Moscow BallBearing Factory No. 1 Palace of Culture, 7 Melnikov Street, adopted in pursuance of the provisions of the Federal Act on Combating Terrorism, financial payments were made, in equal shares from the reserve fund under Moscow's budget for 2002 and the federal budget, to provide one-off material assistance to the families of those killed as a result of the terrorist acts, in the sum of 100,000 roubles for each death, 50,000 roubles for each individual held hostage in the Dubrovka Theatre and 14,200 roubles for the funeral of each person who died as a result of the terrorist acts and, in addition, to pay the costs of transporting the bodies of the dead out of Moscow (paras. 1 and 2). Financial compensation for the value of personal effects lost was paid out of the reserve fund under Moscow's budget for 2002, in the sum of up to 10,000 roubles, on application, to each person held hostage (para. 3). Sums in the same amounts were paid out of the Russian Federation Government reserve fund to the families of foreign nationals killed as a result of the terrorist acts. One-off payments were made for each death, funeral expenses were paid and compensation was paid to foreign nationals who had been taken hostage (Russian Federation Government Order No. 1521 of 31 October 2002).

78. After considering the provisions of these Acts, the Constitutional Court ruled unfounded the claimants' argument, on the basis of the provisions of the Federal Act on Combating Terrorism and the laws adopted by the authorities of Moscow and the Russian Federation in implementation of the Act, that the State compensation in their individual cases for the harm caused by the terrorist acts, taking the form of standard payments of one-off assistance on an equal basis out of the federal and Moscow budgets, prevented them from enjoying their constitutional rights and freedoms under article 46, paragraph 1, and article 52 of the Constitution of the Russian Federation, since it amounted to inequality and discrimination. The Constitutional Court also stated that the contested legislation did not, in itself, negate the constitutional basis of the State's responsibility or diminish the scope of that responsibility. The relevant categories of individuals were thus not denied the opportunity for the restitution of their breached constitutional rights and freedoms by all means not prohibited by law (article 45 of the Constitution), including protection in a court of law (article 46 of the Constitution).

79. As the practice of the courts shows, persons that suffered as a result of the terrorist acts in the Dubrovka Theatre between 23 and 26 October 2002 were, in individual cases, granted a restitution of their rights in accordance with judicial procedure.

Article 8

80. The Russian Federation ratified the International Labour Organization (ILO) Abolition of Forced Labour Convention, 1957 (No. 105), on 2 July 1999. This led, in December 2003, to the inclusion in the Criminal Code of the Russian Federation of article 127.2, which relates to liability for the use of slave labour. The penalty for using the labour of a person in the exercise of powers pertaining to the right of ownership, where that person is unable, for reasons beyond his control, to refuse to carry out the work or services concerned, is deprivation of liberty for up to five years. Between 2004 and 2006, 15 persons were found guilty of using slave labour and sentenced under article 127.2 of the Code. Of those, 12 were convicted of committing the offence under circumstances that aggravated the penalty, as provided for under paragraph 2 of the article.

81. The law has extended the scope of criminal liability for the moral corruption and exploitation of minors. Thus, enticement of a person known to be a minor to engage in prostitution or coercion to persist in such a practice, or such enticement or coercion by an organized group, is punished by deprivation of liberty for a period from three to eight years (article 240 of the Criminal Code). Action directed at arranging the prostitution of third parties or keeping a disorderly house or the systematic provision of premises for prostitution by persons known to be minors is punished by deprivation of liberty for up to six years.

Response to paragraph 10 of the concluding observations of the Human Rights Committee on the fifth periodic report of the Russian Federation

82. The legal basis for countering trafficking in persons in the Russian Federation comprises the Constitution, which enshrines the basic human rights and freedoms guaranteed by the Universal Declaration of Human Rights, a number of international agreements entered into by the Russian Federation and other national legislation, principally criminal legislation and laws relating to criminal procedure.

83. In April 2004, the Russian Federation ratified the United Nations Convention against Transnational Organized Crime, of 2000, together with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air.

84. In order to prosecute persons engaging in trafficking in persons and to protect the rights of the victims, and with a view to meeting the obligations assumed by the Russian Federation, article 127 (Trafficking in persons) was added to the Criminal Code with the adoption of Federal Act No. 162 of 8 December 2003 on Amendments and Additions to the Criminal Code of the Russian Federation. Under this article, the purchase or sale of human beings or their recruitment, transportation, transfer, concealment or reception with a view to their exploitation is punishable. The purchase or sale of human beings with a view to their exploitation is a necessary condition of criminal liability. Exploitation means the use of persons to engage in prostitution, or other forms of sexual exploitation, slave labour or services, servitude or the removal of organs or tissues.

85. With a view to improving protection for the victims of trafficking in persons, the Federal Act on State Protection for Victims, Witnesses and Other Parties to Criminal Proceedings was adopted on 20 August 2004; it came into force on 1 January 2005. The Act establishes a system of measures to provide State protection for victims, witnesses and other parties to criminal proceedings, including security and social welfare measures for people affected by criminal proceedings involving, among others, trafficking in persons. Under the Act, State protection measures may be extended, before criminal proceedings commence, to persons reporting an offence, witnesses or victims or to other persons assisting in the prevention or exposure of an offence. Immediate family, relations and close friends exposed to unlawful violence in order to influence those involved in criminal proceedings who are themselves under State protection are also eligible for State protection under the Code of Criminal Procedure.

86. Between 2004 and 2006, eight individuals were convicted under article 127 of the Criminal Code for trafficking in persons. Of that number, six were found guilty of committing the offence under the aggravating circumstances set out in paragraph 2 of the article.

Article 9

87. Since the fifth periodic report was submitted, the powers of the judicial authorities to monitor observance of citizens' rights to liberty and security of person at the pretrial investigation stage have been considerably expanded.

88. In accordance with article 9, paragraph 1, of the Covenant, the new Code of Criminal Procedure significantly expands the powers of the judicial authorities to monitor observance of citizens' rights to liberty and security of person at the pretrial investigation stage. Article 125 of the Code provides that an appeal may be made against decisions by the person conducting the initial inquiry, the investigator or the procurator not to institute criminal proceedings or to terminate criminal proceedings or any other decisions, actions or omissions that might infringe the constitutional rights and freedoms of the parties to the proceedings or hinder citizens' access to justice.

89. According to data from official judicial statistics, in 2005 the general courts heard 52,659 appeals against decisions by the person conducting the initial inquiry, the investigator or the procurator not to institute criminal proceedings or to terminate criminal proceedings and against other decisions and actions taken by them in the course of the preliminary investigation. The appeals were upheld in 14,687 cases (28 per cent), 79 of which related to the rights and interests of minors. In 2006, the general courts heard 60,265 such appeals, a quarter of which (15,089) were upheld.

90. In accordance with article 9, paragraphs 2 and 3, of the Covenant, the new Code of Criminal Procedure stipulates the judicial procedure for decisions on imposing detention in custody or extending a period of detention in custody. Under article 108 of the Code, detention in custody may be imposed by the courts in the case of a person suspected or accused of offences for which the law provides penalties of over two years' deprivation of liberty, where there is no possibility of applying another, milder preventive measure. In exceptional cases, this form of preventive measure may be adopted for a person suspected or accused of an offence punishable by less than two years' deprivation of liberty, where any one of the conditions set out in the article is met.

91. In 2005, the courts heard 277,208 applications from procurators, investigators or persons conducting the initial inquiry for a person to be detained in custody. Of those, 254,554 were granted and 7,930 rejected. Also in 2005, the courts reviewed 180,577 case files with applications to extend a period of detention in custody, of which 177,848 were granted and 2,729 refused. In considering 555 applications for remand in custody, in the same year, the courts granted 518 and rejected 29. In 2006, the number of applications heard by the courts from procurators, investigators or persons conducting the initial inquiry for a person to be detained in custody fell by 1.8 per cent from the 2005 level to 272,117. Applications were granted in 91.4 per cent of cases. Of the applications considered, 71.1 per cent related to persons who had committed serious or particularly serious offences. In 2006, the courts heard 870 applications for a person to be placed under house arrest, which was 56.8 per cent more than in 2005. The courts granted 95.3 per cent of such applications.

92. The courts also considered 212,031 applications to extend a period of pretrial detention in custody. This was a 19.2 per cent increase on the 2005 number. The courts granted 98.3 per cent of the applications, 85.1 per cent of which related to persons who had committed serious or particularly serious offences.

Article 10

Response to paragraph 15 of the concluding observations of the Human Rights Committee on the fifth periodic report of the Russian Federation

93. Improvements in detention conditions for persons suspected or accused of offences, or already convicted, are effected in accordance with the federal special-purpose programme for the development of the penal correction system for 2007-2016, which was authorized by Government Decision No. 540 of 5 September 2006. Measures envisaged under the programme between 2007 and 2009 include the completion of the construction of seven remand centres, started under the federal special-purpose programme for the reform of the penal correction system for 2002-2006; the upgrading of detention conditions, from 2010, in 97 older remand centres; and the construction in 24 constituent entities of the Russian Federation of a new design of remand centre, in which detention conditions will be in conformity with international standards. Implementation of programme measures on the construction and reconstruction of correctional institutions will improve detention conditions for convicts. The financial outlay planned for the programme measures amounts to over 54.6 billion roubles, of which 42.3 billion roubles is earmarked for remand centre premises.

94. The Procurator-General's Office conducts systematic checks on compliance with the law by the staff of institutions and other bodies of the penal correction system. In order to increase the effectiveness of monitoring compliance with the law in enforcing sentences and detaining in custody persons suspected or accused of offences, the Procurator-General's Office issued an order on 30 January 2007 on the system of monitoring compliance with the law by the administrations of penal bodies and institutions or remand centres for the detention in custody of persons suspected or accused of offences. Under the terms of this order, the procurators of the constituent entities of the Russian Federation personally monitor compliance with the law in remand centres and correctional institutions. Where the managers of institutions or establishments, of the penal correction system are found to have breached the law, a

recommendation of dismissal is made, objections are lodged to unlawful legal acts and persons wrongly confined in punishment cells are released. Law enforcement personnel who are guilty of breaching the rights of detainees and convicted persons are disciplined.

95. The Russian Federal Penal Correction Service is taking steps to strengthen due process of law in penal institutions and to bring detention conditions for remand and convicted prisoners into line with the requirements of Russian legislation and universally recognized international standards. The area per person in a remand centre, which, according to health and safety standards, should be 4 square metres, was increased to 3.7 square metres in 2007, up from 3.5 square metres in 2006.

96. With a view to honouring the obligations that it undertook on joining the Council of Europe to make penal correction policy less strict and respect citizens' rights in places of enforced detention, the Russian Federation has almost doubled the funding for the Federal Penal Correction Service over the past three years. Capital and running repairs are being carried out in practically every remand centre. For this purpose, 503.5 million roubles were set aside in 2006, which is 62.3 million roubles more than in 2005.

97. In order to meet the requirements of article 73 of the Penal Enforcement Code of the Russian Federation, under which a sentence of deprivation of liberty should be served locally, three correctional institutions, with 920 places, have been opened and 24 colonies with an overall capacity of more than 20,000 inmates have been converted for other kinds of regime.

98. Under Federal Act No. 9 of 5 February 2007 on the Termination of Article 33, Part 2, Paragraph 2 (vi), of the Federal Act on the Pretrial Detention of Suspects and Accused Persons, the provision stating that foreign nationals and stateless persons should be held apart from other suspects or accused persons, where conditions permitted, was deleted. With this amendment, the provisions of article 33 were brought into line with the fundamental constitutional principle of equality before the law.

99. Under Federal Act No. 10 of 5 February 2007 on Amendments to the Federal Act on Institutions and Establishments Enforcing Penalties Involving Deprivation of Liberty and Other Legislative Acts of the Russian Federation, the prohibition on the use by suspects and accused persons confined to a punishment cell of books, newspapers, magazines and other literature was lifted.

100. Pursuant to Federal Act No. 91 of 6 June 2007 on Amendments to Articles 103 and 141 of the Penal Enforcement Code of the Russian Federation and to the Federal Act on Institutions and Establishments Enforcing Penalties Involving Deprivation of Liberty, federal State unitary enterprises operating in institutions enforcing penalties involving deprivation of liberty are being converted into labour adjustment centres for convicted persons. As a result of these reforms, the activities of the productive sector of the penal correction system will be focused primarily on the resolution of social problems relating to a prisoner's preparation for normal life and work after release.

101. Public monitoring of institutions and establishments of the penal correction system is being extended. Under Federal Act No. 104 of 19 June 2007 on Amendments to Article 38 of the Federal Act on Institutions and Establishments Enforcing Penalties Involving Deprivation of Liberty, the list of persons entitled to visit correctional institutions and remand centres without special permission for monitoring purposes has been expanded to include the human rights commissioners of the constituent entities of the Russian Federation.

102. Presidential Decree No. 842 of 4 August 2006 on organizational procedures for citizen councils attached to federal ministries, federal services and federal agencies whose activities are under the management of the President of the Russian Federation and federal services and federal agencies subordinate to such federal ministries is currently being implemented.

103. Order No. 32 of the Russian Federal Penal Correction Service of 26 January 2007 established a citizen council to assist the Service in addressing shortcomings in the activities of the penal correction system. The council's main aims are to encourage civil society to participate in resolving the problems facing the penal correction system and in protecting the rights and lawful interests both of existing and former penal correction staff and also of convicts and suspects and accused persons held in remand centres.

104. In order to involve people from a wide range of social strata in resolving the problems of the penal correction system throughout the Russian Federation, citizen councils have also been set up in local management offices of the Service. This will be of significant assistance to regional efforts to pursue the reform of the system, guarantee human rights in places of detention and improve conditions in penal institutions.

105. The handling by institutions and establishments of the penal correction system of communications from suspects, accused and convicted persons, personnel of the Federal Penal Correction Service and others is regulated by Federal Act No. 59 of 2 May 2006 on the Procedure for Reviewing Communications from Citizens of the Russian Federation and an updated version of the Act taking the form of Administrative Regulations on the discharge of the State's responsibilities with regard to the procedure for considering proposals, applications and complaints from convicted persons and persons detained in custody, authorized by Ministry of Justice Order No. 383 of 26 December 2006.

106. With a view to implementing administrative reform, Presidential Decree No. 359 of 16 March 2007 on amendments to certain legislative acts of the President of the Russian Federation concerning improvements to the State administration of justice set out a new procedure for the submission of petitions for pardon. The work of coordinating action on petitions for pardon was transferred from the Ministry of Justice of the Russian Federation to the Federal Penal Correction Service.

107. With a view to improving the procedure for receiving, registering and checking communications regarding offences and incidents in institutions and establishments of the penal correction system, Ministry of Justice Order No. 250 of 11 July 2006 stipulated that any information, including information from medical staff, tending to show that an offence has been committed must be recorded and followed up, so that the rights of the injured parties may be restored and the perpetrators of the offence sanctioned.

108. The results of the reform of the penal correction system were highly commended by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. A delegation from the Committee visited places of detention in the North Caucasus region of the Russian Federation from 25 April to 4 May and from 4 to 10 September 2006. In its public statement on the outcome of the visit, issued on 13 March 2007, the Committee commented that there had been definite progress with regard to material conditions of detention and that the Russian authorities displayed an open attitude on matters related to conditions of detention. Moreover, the Committee had received no allegations of ill-treatment of prisoners by staff of the penitentiary establishments visited.

109. As for the inspection of penal establishments by representatives of other international bodies, these are carried out in accordance with the norms of international law, international agreements and Russian legislation. In view of the fact that the terms of reference of international organizations other than the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment are not governed by international agreements, their representatives are required to visit penal establishments and talk to detainees in accordance with the procedure laid down by Russian legislation.

110. The specific conditions for visits to remand centres and correctional institutions by representatives of Russian civil society organizations are set out in the draft federal act on public monitoring of human rights in places of enforced detention and on assistance from civil society organizations with their functioning. The draft act is currently undergoing further revision before its second reading, following corrections indicated by the President and the Government of the Russian Federation.

Article 11

111. Russian legislation makes no provision for the imprisonment of people who are unable to meet contractual obligations of any kind. The Civil Code indicates that imprisonment for such offences is inadmissible.

Article 12

112. The right of any person lawfully within the territory of the Russian Federation to liberty of movement and freedom to choose a place of temporary or permanent residence is set out in article 27, paragraph 1, of the Constitution, as one of the fundamental human and civil rights in the territory of the Russian Federation.

113. With a view to enabling nationals of the Russian Federation to exercise their rights and freedoms and to perform their obligations vis-à-vis other citizens, the Citizens of the Russian Federation (Liberty of Movement and Free Choice of Place of Residence in the Russian Federation) Act introduced registration of citizens according to their place of temporary or permanent residence within the Russian Federation. Registration involves a requirement of notification. In other words, citizens are obliged simply to notify the relevant bodies of their place of residence and submit the documents required for registration, while the registration bodies, for their part, are obliged to register them.

114. One effective way of protecting a citizen's right to liberty of movement and freedom to choose a place of residence is through the justice system. A person may apply to the courts to prevent a violation of his or her rights by hearing his or her appeal against registration officials in connection with the implementation of legislation on the procedure for registering citizens by place of residence. Another course is to apply for a ruling that laws and regulations adopted by constituent entities of the Russian Federation are invalid and non-binding.

115. For example, the Krasnodar Territory Court issued a ruling on 2 March 2001 that Order No. 877 of 9 December 1999 on the temporary registration of persons of Turkish-Meskhetian nationality in Krasnodar territory, issued by the first deputy head of the Krasnodar territory administration, was invalid and did not constitute a legal precedent. Paragraph 1 of the Order provided for the temporary registration by place of residence, up to 1 August 2000, of persons of Turkish-Meskhetian nationality in Krasnodar territory.

116. In its judgement of 2 March 2001, the Krasnodar Territory Court also ruled that Order No. 236 of 16 June 1997 on measures to strengthen State control over the migration process in Krasnodar territory, issued by the head of the Krasnodar territory administration, was invalid and did not constitute a legal precedent. The Order provided for the establishment of a migration control commission that would act as a supernumeracy body with the power to make final decisions on the granting or withholding of permission to register in the territory.

Response to paragraph 16 of the concluding observations of the Human Rights Committee on the fifth periodic report of the Russian Federation

117. Over the period 2006-2007, according to information provided by the Procurator's Office of the Republic of Ingushetia, no reports or communications were received by the State authorities, review bodies or law enforcement agencies of Ingushetia from members of the public, enterprises, institutions, organizations or officials claiming that pressure was put on displaced persons living in refugee camps in the Republic of Ingushetia to force them to return to the Chechen Republic. The return of internally displaced persons from Ingushetia to Chechnya takes place on a voluntary basis, and alternative accommodation is provided in the event that temporary accommodation centres are closed. As at 25 June 2007, the number of internally displaced persons living in temporary accommodation in the territory of the Russian Federation amounted to 38,615, or 6,958 families. Of these, 34,855 (6,270 families) were in the territory of the Chechen Republic, 19,189 (3,587 families) in 22 temporary accommodation centres and 15,666 (2,683 families) in 12 ethnic communities, while in the Republic of Ingushetia there were 3,760 (688 families), living in 25 ethnic communities. All the temporary accommodation centres are equipped for habitation, provided with electricity, gas, imported water supplies and heating systems. Internally displaced persons have access to the services of health-care institutions. With a view to improving conditions for their educational and cultural development and organizing leisure activities for the children, the Federal Migration Service of the Russian Federation and the Government of the Chechen Republic have jointly set up computer classes, sports halls, library rooms and psychological rehabilitation centres for children in a number of the temporary accommodation centres.

118. The federal budget for 2007 allocated 923 million roubles to provide for internally displaced persons.

119. In the first half of 2007, 28,041 people received assistance in returning to a permanent residence in the territory of the Chechen Republic.

120. The Federal Migration Service of the Russian Federation worked jointly with the relevant federal authorities and the Government of the Chechen Republic to create the appropriate conditions for the repatriation from Georgia of Russian nationals forced to leave their permanent residence in the territory of the Chechen Republic.

121. This operation was carried out in several stages. Joint delegations, comprising representatives of the relevant Russian and Georgian ministries and departments, regularly visited the ethnic communities of refugees in Pankisi Gorge in Georgia in order to hold meetings with representatives of the Chechen community and explain the situation, thereby enabling this group of nationals to gain a more positive outlook on the events occurring in the Chechen Republic. It should be noted that the Office of the United Nations High Commissioner for Refugees (UNHCR) office in Georgia also participated in this work. As a result of these joint efforts, 324 people voluntarily returned to their country. All repatriated Russian nationals were given the necessary assistance; those needing accommodation were placed in hostels in the territory of the Chechen Republic, and measures are being taken to give them humanitarian assistance.

122. An analysis of judicial practice shows that the courts are protecting citizens' right to freedom to choose a place of residence, regardless of their nationality.

Article 13

Response to paragraph 25 of the concluding observations of the Human Rights Committee on the fifth periodic report of the Russian Federation

123. The Russian Federation scrupulously observes its obligations towards foreign nationals and stateless persons seeking refuge in its territory.

124. Over the period 2002-1 June 2007, according to information provided by the Russian Federal Migration Service, the Russian Federation received and processed applications and petitions for refugee status and temporary refuge from over 10,000 people originating from 64 countries. Up to 80 per cent of applications are made in the Moscow region and up to 70 per cent of those are made in Moscow itself. Very few applications from foreign nationals are received by most of the constituent entities of the Russian Federation bordering the Moscow region, such as the provinces of Vladimir, Yaroslavl, Tula, Ryazan, Tver and Smolensk.

125. For various reasons, both objective and subjective, the Moscow region, and the city of Moscow in particular, holds the most attractions for foreign nationals, especially for those seeking refuge. Russian legislation makes no provision for a special mechanism to disperse among the constituent entities of the Russian Federation persons declaring an intention to seek refuge. In response to the large number of applications, the Russian Federal Migration Service Moscow office was forced to draw up a waiting list of persons wishing to apply for refugee status, since it proved impossible to process and consider applications within the time frames laid down by law. When they were first seen, therefore, applicants were invited to submit their

applications on a specific date. In order to normalize the situation, the Federal Migration Service introduced a range of measures aimed at speeding up the procedure for gaining refugee status, particularly in Moscow. The Federal Migration Service requested the UNHCR office in the Russian Federation, and also NGOs working with people seeking refuge in the Russian Federation, to recommend that applicants should submit their applications in other constituent entities of the Russian Federation. In 2005, the Federal Migration Service Moscow office moved to a new, larger building, better adapted to working with people seeking refuge.

126. At the request of the Russian Federal Migration Service, the UNHCR office in the Russian Federation provided the Service's/Moscow office with technical assistance in the form of additional office equipment to process the applications of people seeking refuge. In 2006, letters were sent to 1,480 foreign nationals inviting them to submit an application forthwith. Applications were received from 733 people; the remaining applicants did not appear. Over the first five months of 2007, the Federal Migration Service local offices considered applications for refugee status from 1,128 foreign nationals, which was 3.2 times more than for the corresponding period the previous year. This figure included 749 applications considered in Moscow and 127 in the Moscow region.

127. The Russian Federation is currently processing applications for refugee status for foreign nationals in the Russian Federation, on the basis of their actual location, immediately or within a reasonable time frame (for example, allowance is made for the time required to find interpreters for applicants speaking unusual languages or to receive permission to visit applicants held in detention centres).

128. There is currently no problem in the Russian Federation with identifying guardians for unaccompanied children seeking refuge in the Russian Federation or giving them access to the procedure for attaining refugee status. It is relatively uncommon for unaccompanied minors to apply for refugee status in the Russian Federation. There have been no such applications in Moscow between 2002 and the present day. Between 2005 and 2007, three minors seeking refuge - one from Iraq and two from Ethiopia - applied to the Russian Federal Migration Service office for St. Petersburg and Leningrad province. To ensure that their rights and lawful interests were protected, an application was made to the Labour and Social Welfare Committee of the St. Petersburg administration for guardians to be appointed. A minors' transit centre was requested to accommodate them. A representative of the centre subsequently became their guardian.

Article 14

129. Since submitting its fifth periodic report to the Human Rights Committee, the Russian Federation has made substantial progress towards genuine implementation of constitutional rights and freedoms in criminal proceedings, as required by the International Covenant on Civil and Political Rights.

130. The question of the professional activities of judges was considered by the plenum of the Supreme Court of the Russian Federation, which, on 31 May 2007, issued Decision No. 27 on the practice of consideration by the courts of cases relating to challenges to the rulings of qualified colleges of judges on disciplinary action against judges of general courts.

131. The plenum of the Supreme Court of the Russian Federation considered the question of assuring citizens' rights in accordance with the norms of international humanitarian law and, on 10 October 2003, it adopted Decision No. 5 on the application by the general courts of the universally recognized principles and norms of the international law and international agreements of the Russian Federation. In particular, the Decision issued the following instructions to the courts:

> "1. In the Russian Federation, human and civil rights and freedoms are recognized and guaranteed in accordance with the universally accepted principles and norms of international law and in conformity with the Constitution of the Russian Federation (art. 17, para. 1)."

132. Under article 46, paragraph 1, of the Constitution of the Russian Federation, everyone is guaranteed judicial protection of his or her rights and freedoms. On that basis, and pursuant to article 15, paragraph 4, article 17, paragraph 1, and article 18 of the Constitution, human rights and freedoms in accordance with the universally recognized principles and norms of international law and the international agreements of the Russian Federation are directly valid within the jurisdiction of the Russian Federation. They determine the purpose, content and application of legislation, constitute the basis for the activities of the legislature, the executive and local government and are assured by the justice system.

133. As a result of the judicial and legal reform being carried out in the Russian Federation, the constitutional right to judicial protection is not subject to any restrictions and the courts' competence extends to all cases, without exception, relating to the protection of rights, freedoms and legitimate interests. In all such cases, the courts are fully competent to rule on issues such as rights, as well as on the facts, which was not previously the case.

134. The effect of this has been that, since the judicial reform began, the number of civil cases heard by the general courts has grown considerably. Thus, the number of cases relating to applications by citizens to challenge acts or decisions by State and local government bodies and officials has grown thirtyfold; over 60 per cent of such appeals were upheld by the courts.

135. The judicial reform has also involved the adoption of federal constitutional laws on the Constitutional Court of the Russian Federation, on commercial courts in the Russian Federation and on military courts in the Russian Federation and the federal laws on the lay magistracy in the Russian Federation, on the Judicial Division of the Russian Federation Supreme Court and on the activities of lawyers and the legal profession in the Russian Federation, among others.

136. It is intended to adopt federal constitutional legislation on the general courts and the Supreme Court of the Russian Federation. Proposals have been put forward on the establishment of administrative and other specialized courts, such as labour or family courts.

137. To make the justice system more accessible and effective, the number of judges has been increased over the years of the judicial reform.

138. A considerable contribution to the development of the justice system in the Russian Federation and the continuing progress of the judicial and legal reforms has been made by various judicial bodies, especially the All-Russian Congress of Judges, the Council of Judges of the Russian Federation and the Higher Qualification Board of Judges of the Russian Federation.

139. The legal basis for the activities of these judicial bodies is the federal Judicial Bodies in the Russian Federation Act of 14 March 2002.

140. With counter-terrorism operations under way in the Chechen Republic, particular attention is devoted by the courts to the investigation and review of cases involving offences committed by military personnel against the local population. Every year, military courts review a considerable number of cases in this category. In 2002, they reviewed 28 cases involving 43 service personnel; in 2003, 25 cases involving 30 service personnel; in 2004, 30 cases involving 30 service personnel; in 2005, 22 cases involving 31 service personnel; in 2006, 29 cases involving 31 service personnel; and, in the first six months of 2007, 1 case involving 1 service member. Over the period between 2002 and the first half of 2007, cases in this category were heard at first instance by military garrison courts in Astrakhan, Vladikavkaz, Grozny, Volgograd, Makhachkala, Nalchik and Pyatigorsk. A total of 135 cases relating to criminal offences committed by service personnel against local populations were heard by military courts over that period. As a result, 166 service personnel were found guilty and received various penalties. There were 26 officers among those convicted. All those who had committed serious offences - a total of 49 people - were sentenced to various terms of deprivation of liberty.

Article 15

141. The Russian Criminal Code that took effect on 1 January 1997 sets rules on when criminal laws apply that are fully consistent with article 15 of the Covenant. Article 9 of the Code states that guilt and liability to punishment are determined by the criminal law in effect at the time an act is committed. Under article 10, a law decriminalizing an act, reducing the penalty or otherwise improving the situation of an individual who has committed an offence has retroactive force, that is, it applies to individuals who committed the act concerned before the law took effect, including people currently serving sentence and people who have completed their sentences but have a criminal record. A law making an act an offence, increasing the penalty or otherwise exacerbating an individual's situation does not have retroactive force. If an enforceable penalty is reduced by a new criminal law, it is subject to reduction within the limits laid down by the new law.

Article 16

142. Recognition as a person before the law is guaranteed to citizens within the territory of the Russian Federation by the Constitution (chap. 2) and the Civil Code. Due regard is had to rights guaranteed by the main international human rights agreements. The Civil Code has substantially increased citizens' legal competence. In keeping with new economic conditions, it provides for the possibility of citizens' owning any kind of property, engaging in business and any other kind of activity not prohibited by law, conducting any transactions not prohibited by law and entering into obligations.

143. There are limits to citizens' exercise of their legal competence. In exercising his or her civil rights and liberties, a citizen must not violate the rights and legitimate interests of others as established by law or damage the environment.

Article 17

144. The new Russian Labour Code, which took effect in February 2002, offers important guarantees of non-interference in private life. Among other things, it stipulates that employers and their representatives are not entitled, as they process an employee's personal data, to obtain or process personal information about the employee's political, religious or other beliefs and private life. In circumstances directly related to labour-relations issues, an employer may, in accordance with article 24 of the Constitution, obtain and process personal information about an employee only with the employee's written consent (art. 86).

145. The rights covered by this article are protected by criminal law in the Russian Federation. The circulation of information known to be false which impugns the honour and injures the dignity of another person or damages his or her reputation (slander) is a criminal offence under Russian legislation (article 129 of the Criminal Code).

146. The disparagement of another person's honour or dignity (defamation) is also a punishable offence, under article 130 of the Criminal Code.

Article 18

147. Freedom of religion, the right to profess any religion, to freely hold and disseminate religious beliefs and to act in conformity with them - is guaranteed by the Constitution and protected by criminal law. Thus, three people were convicted under article 148 of the Criminal Code, for unlawful obstruction of the activities of religious organizations or voluntary associations between 2002 and 2006. Moreover, article 55, paragraph 3, of the Constitution states that human and civil rights and freedoms may be restricted by federal law only insofar as this is necessary to protect the foundations of the constitutional order, public morals and health, the rights and legitimate interests of others, national defence and State security. Constitutional rights, including the right to freedom of religion, must thus be exercised in such a way as not to violate the rights and interests enshrined by law of other citizens, society and the State. Consequently, the establishment of a religious association whose activities entail the infringement of the identity or rights of others, or participation in such an association, is prohibited and subject to the penalties provided for under article 239 of the Criminal Code, which relates to such activities.

148. According to official court statistics, 17 people were convicted between 2003 and 2006 of setting up a religious or voluntary association whose activities involved violence against citizens or incitement to refuse compliance with civic duties or to commit other unlawful acts, or of organizing such an association. Almost half of that number - eight individuals - were convicted in 2005. Of the 17 convicted, 16 were found guilty of organizing associations whose activities involved violence against citizens or incitement to refuse compliance with civic duties or to commit other unlawful acts and only one of participating in the activities of such an association.

Response to paragraph 17 of the concluding observations of the Human Rights Committee on the fifth periodic report of the Russian Federation

149. Pursuant to the federal Military Obligations and Military Service Act, the duration of military service is 24 months for those called up before 1 January 2007, 18 months for those called up between 1 January and 31 December 2007 and 12 months for those called up since 1 January 2008. The duration of compulsory military service has thus been halved. The duration of alternative civilian service has also been halved, to 21 months.

150. Pursuant to article 5 of federal Alternative Civilian Service Act No. 113, of 25 July 2002, the duration of alternative civilian service is 1.75 times longer than the period of compulsory military service laid down in the federal Military Obligations and Military Service Act, while for those performing alternative civilian service in organizations of the Russian armed forces or other troops or military formations or bodies it is 1.5 times longer.

151. In our view, these rules cannot be considered as being of a punitive nature but are due to the preferential treatment and special conditions enjoyed by those performing alternative civilian service as compared with those performing compulsory military service. Federal Alternative Civilian Service Act No. 113 provides those undergoing alternative civilian service with social guarantees and compensation in line with the specific nature of their work activities and leave as laid down by the Labour Code, while salaries are paid in accordance with the salary system obtaining in the organization in question. Under article 19, paragraph 1, of Act No. 113, the human rights and civil freedoms of those undergoing alternative civilian service are, however, subject to certain restrictions, which are set out in federal constitutional legislation, the Act itself and other federal laws. The nature of these restrictions arises out of the special features of alternative civilian service, which is a specialized form of employment activity, serving the interests of society and the State.

152. The duties to be carried out by those performing alternative civilian service are guaranteed - first and foremost, by the very right established by law to do alternative civilian service rather than compulsory military service - to be compatible with their beliefs and religion. Moreover, in accordance with article 4, paragraph 5, of Act No. 113, the allocation of jobs, occupations or duties that a person performing alternative civilian service may undertake, and the location of such alternative civilian service, takes into account the person's education, specialization, qualifications, previous work experience, state of health and family situation.

153. Alternative civilian service may be undertaken with organizations of the armed forces or other troops or military formations or bodies, or else in civilian organizations attached to the federal authorities, authorities of constituent entities of the Russian Federation or local government bodies.

154. Under article 4, paragraph 4, of the Act and Government Decision No. 750 on the organization of alternative civilian service, of 11 December 2003, the authorities draw up, and review on an annual basis, lists of jobs, occupations or duties to which those undergoing alternative civilian service may be assigned and organizations where such service may be

undertaken. The criteria and priorities for compiling such lists are established with the assistance of the Ministry of Defence, on the basis of the interests of society and the State. In those circumstances, and in view of the information available, there are currently no plans to review existing legislation.

Article 19

155. In the Russian Federation, there are no restrictions on searching for, receiving, producing or circulating information, nor on the establishment, possession, use or control of a media outlet, with some exceptions established by law. The Constitution (art. 29, para. 5) prohibits censorship, thereby ensuring freedom of the press. At the same time, the Constitution prohibits abuse of freedom of expression, if it involves the violation of other people's rights.

156. There is a prohibition on abusing the freedom of the press to divulge information constituting a State secret or any other secret specially protected by law, to call for a coup d'état or a forcible change in the constitutional order and the integrity of the State, to incite ethnic, class, social or religious intolerance or discord, to engage in war propaganda or pornography, to propagate the cult of violence or cruelty, to promote terrorist activities or to disseminate extremist materials.

157. In addition, it is prohibited for journalists to take advantage of their rights in order to conceal or falsify information of public significance, disseminate rumour under the guise of reliable information or collect information for the benefit of a third party or a non-media organization. It is also prohibited for journalists to use their right to disseminate information with the aim of defaming a person or a category of person on the grounds of sex, age, race, ethnicity, language, attitude to religion, occupation, place of residence or work or political conviction.

158. It is extremely important for journalists and editors of the print and audio-visual media to comply with the law, in view of the influence wielded by the media on the formation of public opinion.

159. Breaches of media legislation are punishable under criminal, civil (property) and administrative or other law.

160. State bodies and organizations and voluntary associations, and their officials, inform the media about their activities in various ways, including press conferences.

161. Refusal to provide information that has been requested is permissible only where such information contains facts constituting a State, commercial or other secret specially protected by law (article 40 of the Mass Media Act). On the other hand, news media may not divulge information contained in communications and other materials submitted to them by an individual on condition of non-disclosure. They are, moreover, obliged to maintain the confidentiality of a source of information and may not name the person providing it, except where ordered to do so by the courts.

162. Breaches of the law on the media and journalists are also punishable under civil or criminal law in cases of criminal assault or crimes against property (abduction of journalists, damage to or destruction of a journalist's tools of trade, unlawful appropriation of property belonging to journalists or editors, psychological coercion or physical violence).

163. The procuratorial bodies monitor media activities for breaches of the law and on that basis determine whether there is any evidence of offences under the Criminal Code, such as defamation or slander by the media (art. 129, para. 2, and art. 130), obstruction of journalists in their legitimate pursuits (art. 144), public calls for a forcible change in the constitutional order and incitement to ethnic, racial or religious hatred (arts. 280 and 282).

164. Civil liability arises in the cases provided for by the Civil Code. Such a process is set in motion by the submission of a writ by the interested party, seeking, for example, damages for material or moral harm caused by the activities of the media or as a result of those activities.

165. Administrative liability for offences infringing the rights of others is incurred where the established procedure for the collection, storage, use or dissemination of personal data is breached (article 13.11 of the Code of Administrative Offences of the Russian Federation).

166. Administrative liability is incurred for abuse of the freedom of the press (article 13.15 of the Code of Administrative Offences), obstructing the distribution of materials by the media (article 13.16 of the Code), violating the procedure for manufacturing and disseminating materials by the media (article 13.21 of the Code) and violation of the procedure for declaring publication data (article 13.22 of the Code).

167. Measures to deal with breaches of the law relating to the media are also contained in the Mass Media Act. Under article 15 of the Act, a media outlet's registration certificate may be ruled invalid if it was obtained by deception or if there is no publication or broadcast for over a year. The operations of a media outlet may be suspended or terminated, at the request of the registration authority, if it has, on more than one occasion over a period of 12 months, breached the requirements of article 4 of the Act and if the registration authority has issued written warnings to the owner and/or editor-in-chief.

168. A media outlet's operating licence may be rescinded if it has been obtained by deception, if licensing regulations have been breached on more than one occasion or if a commission finds that there has been a clandestine licence transfer (article 32 of the Act).

169. Questions relating to the invalidity of a registration, the suspension or termination of operations, the rescinding of a licence and other matters may be addressed by the procurator in a submission to the registration or licensing authority. In addition, the procurator may apply to the courts direct, in accordance with the procedure set out in article 35, paragraph 3, of the Federal Act on the Procurator's Office of the Russian Federation and in legislation on civil procedure.

Response to paragraph 18 of the concluding observations of the Human Rights Committee on the fifth periodic report of the Russian Federation

170. Existing Russian legislation and, in particular, Mass Media Act No. 2124-1, of 27 December 1991 provides the means to maintain and strengthen media independence.

Article 29 of the Constitution and article 3 of the Mass Media Act guarantee the freedom of the press, prohibit censorship and ensure freedom of thought and expression for all. The Act also enshrines the right to set up a mass media outlet independent of the State, in both printed and electronic form. The procedures for registering a media outlet or licensing a television or radio station are not subject to any discriminatory restrictions. The registration of a media outlet may be ruled invalid only by decision of a court.

171. Any impediment to the lawful activities of a media outlet by an individual, official, State institution or voluntary organization through the imposition of censorship, interference with editorial activities, infringement of editorial independence or the unlawful suspension or termination of the activities of a media outlet is defined by the Mass Media Act as an infringement of freedom of the press and may incur criminal or other liability.

172. The Social Forum attached to the office of the President of the Russian Federation, consisting of leading representatives of business, science, culture and the media, has been operational since 2004. In its turn, the Board has set up the Media Commission, chaired by the editor-in-chief of the *Moskovsky Komsomolets* newspaper, Mr. P.N. Gusev. Among other tasks, the Commission has been given powers to monitor the situation with regard to freedom of expression in the media in the Russian Federation.

173. The overwhelming majority of printed and electronic media registered in the Russian Federation are not controlled by the State. In point of fact, State television and radio companies make up 10 per cent of the total number of such companies in the country. The proportion of periodicals in private ownership is around 80 per cent. Although Gazprom is a State company, NTV is not a State television company.

Response to paragraph 19 of the concluding observations of the Human Rights Committee to the fifth periodic report of the Russian Federation

174. Under the Federal Act on Combating Extremist Activities, a media outlet's activities may be terminated by decision of a court, where:

(a) The media outlet in question is engaging in extremist activities resulting in breaches of human and civil rights and freedoms or causing harm to the individual, public health, the environment, public order, public security, property, the legitimate economic interests of natural and/or legal persons, society or the State, or constituting a real threat of causing such harm (art. 11, para. 2);

(b) The founder and/or editor-in-chief of a media outlet which distributes extremist materials or whose activities are found to show evidence of extremism is issued a warning regarding the inadmissibility of such actions or such activity, with an indication of the specific grounds for such warning, and the warning is not ruled unlawful, or the breaches have not been eliminated within a specified period, or new evidence is found within 12 months of the issuance of the warning, establishing the existence of elements of extremism in the outlet's activities (art. 8, para. 3).

175. The available material relating to the cassational and oversight practices of the Supreme Court of the Russian Federation and to its review practices when acting as a court of first instance shows conclusively that the activities of media outlets have been terminated by the courts only where there existed sufficient grounds to do so.

176. Individuals committing offences that may be viewed as manifestations of extremism are criminally liable under the Criminal Code but not under the Federal Act on Combating Extremist Activities, which applies only to legal persons. The forms taken by such activities, listed in article 1 of the Act, correspond closely, however, to the relevant articles of the Criminal Code. Thus, legal persons are liable only for actions which, if committed by natural persons, would be termed offences. This means that there can be no arbitrary interpretations of the provisions of the Act.

Response to paragraph 21 of the concluding observations of the Human Rights Committee on the fifth periodic report of the Russian Federation

177. Over the period 2004-2006, three individuals were tried and convicted of espionage. These people were not, however, "environmental activists" and were convicted for transmitting information that constituted a State secret.

178. Thus, on 7 April 2004, Igor Sutyagin, head of the military technology and military economic policy section of the foreign policy research department of the Institute for the US and Canadian Studies at the Russian Academy of Science, was found guilty by a jury and sentenced by the Moscow Municipal Court to 15 years' deprivation of liberty, under article 275 of the Criminal Code (Treason), for transmitting information constituting a State secret to representatives of the United Kingdom consulting firm Alternative Futures Associates.

179. On 5 November 2004, the physicist V.V. Danilov, former director of the Thermal Physics Centre in Krasnoyarsk, was found guilty by a jury, following new rules introduced by the Criminal Division of the Supreme Court of the Russian Federation, and sentenced by the Krasnoyarsk Territory Court under article 275 of the Criminal Code (Treason), and under article 159, paragraph 3 (b), of the Criminal Code (Fraud) to 13 years' of deprivation of liberty for treason in the form of divulgence of a State secret to representatives of the People's Republic of China.

Response to paragraph 22 of the concluding observations of the Human Rights Committee on the fifth periodic report of the Russian Federation

180. Murder, including the murder of journalists, or violent assault or the threat of murder directed against them, is punishable under the relevant articles of the Criminal Code (arts. 105, 111, 112, 119 and others). All such cases are comprehensively and thoroughly investigated by the State's investigative bodies. Where the guilty parties are identified, they are subject to criminal prosecution.

Article 20

Response to paragraphs 20 and 24 of the concluding observations of the Human Rights Committee on the fifth periodic report of the Russian Federation

181. In the Russian Federation, acts of racism or racially motivated statements, whether by staff of State institutions or others, constitute a criminal offence.

182. Article 63 of the Criminal Code states that having motives of ethnic, racial or religious hatred or enmity for committing a crime constitutes an aggravating circumstance. Particularly serious crimes against the person committed on such grounds incur a substantially increased penalty. There are, in addition, provisions specifically stipulating criminal liability for offences motivated by racial, ethnic or religious hatred: article 280 of the Criminal Code (Public incitement to extremist activities) and article 282 of the Code (Incitement to hatred or enmity or diminution of dignity).

183. Such particularly serious crimes as murder or wilfully causing grievous harm to a person's health on grounds of ethnic, racial or religious hatred or enmity or engaging in a vendetta incur a heavier punishment (article 105, paragraph 2 (k), and article 111, paragraph 2 (f), respectively, of the Criminal Code).

184. Committing an offence on grounds of ethnic, racial or religious hatred or enmity is considered an aggravating circumstance under article 63, paragraph 1 (f), of the Criminal Code. This is taken into account by the courts when they impose a sentence for offences against the person and other offences.

185. Federal Act No. 114 of 25 July 2002, on Combating Extremist Activities as amended and supplemented on 27 July 2006 and 10 May 2007, was adopted with a view to protecting human and civil rights and freedoms and the foundations of the constitutional order and ensuring ,the integrity and security of the Russian Federation. The Act set out the legal and organizational framework for countering extremist activity and established liability for such activity. The provisions of the Act, including those referring to the concept of "extremist activities", have been used by the courts to resolve a number of cases in which natural and legal persons have been prosecuted for engaging in extremist activities.

186. The Act supplemented article 282.1 of the Criminal Code, which establishes liability for setting up an extremist association, and article 282.2, which establishes liability for organizing the activities of an extremist organization.

187. In 2005, one person was convicted of setting up an extremist association, and in 2006, three persons, under article 282.1, paragraph 1, of the Criminal Code. Under paragraph 2 of the same article, two persons were convicted of participation in an extremist association in 2005 and four in 2006.

188. One person was convicted in 2005, under article 282.2, paragraph 1, of the Code for organizing the activities of an extremist organization and three in 2006. For participation in such

an organization, 17 people were convicted under paragraph 2 of the same article in 2005 and 12 in 2006. Before 2005, there were no convictions under articles 282.1 and 282.2 of the Code in judicial practice.

189. On 11 July 2007, the Federation Council approved draft federal act No. 400063-4 on amendments to a number of legislative acts of the Russian Federation with a view to enhancing State management of the problem of countering extremism. The aim of the draft is to establish a new text defining the extremist activities covered by the Federal Act on Combating Extremist Activities. Such activities would include changing the foundations of the constitutional structure and violating the integrity of the Russian Federation by force; public justification of terrorism, or other terrorist activity; incitement to social, racial, ethnic or religious discord; propagating exclusivity, superiority or inferiority on the basis of a person's social, racial, ethnic, religious or linguistic status or attitude to religion; violating human and civil rights, freedoms and legitimate interests on the basis of a person's social, racial, ethnic, religious or linguistic status or attitude to religion; preventing citizens from exercising their electoral rights or their right to participate in a referendum, or breaching voting confidentiality, by the use or threat of violence; preventing the lawful activities of State or local government bodies, electoral commissions, voluntary or religious associations or other organizations by the use or threat of violence; committing offences on the grounds set out in article 63, paragraph 1 (f), of the Criminal Code; propagating and publicly displaying Nazi merchandise or symbols, or materials that may be mistaken for Nazi merchandise or symbols; publicly calling for extremist acts to be undertaken, or mass distribution of materials known to be extremist, or the preparation or storage of such materials for the purpose of mass distribution; publicly issuing statements known to be false accusing a person holding an official State position in the Russian Federation or in a constituent entity of the Russian Federation of engaging, during his or her term of office, in activities indicated in this article that constitute an offence; organizing or preparing such activities and incitement to them; and financing such activities or otherwise participating in their organization, preparation or execution, including by supplying educational, printing or material and technical resources, telephones or other communication media or providing information services.

190. Amendments to federal Non-Profit Organizations Act No. 7 of 12 January 1996 came into force on 18 April 2006. These amendments, agreed with Council of Europe experts in 2005, include the establishment of controls to ensure that the activities of non-profit organizations correspond with the aims set out in their constituent documents and with Russian legislation. Restrictions are imposed on the founders, members and participants of non-profit organizations under article 15 of the Act in the interests of State and public security, in line with the provisions of article 20 of the International Covenant on Civil and Political Rights. In the first half of 2007, the Federal Registration Service and its local offices initiated no proceedings under Federal Act No. 114 of 25 June 2002 on Combating Extremist Activities. No voluntary associations or religious organizations were closed down on the grounds that they were engaging in extremist activities.

191. Under Order No. 70 of the Procurator-General of the Russian Federation of 3 December 2002 on the procedure for the submission of special reports on extraordinary incidents or offences or of any other essential information to procurator's offices of the Russian Federation, procurators in the constituent entities of the Russian Federation are required to inform the Office of the Procurator-General of the Russian Federation immediately about offences against the constitutional order and State security, including offences under article 282

of the Criminal Code (Incitement to hatred or enmity or diminution of dignity), about extraordinary incidents relating to inter-ethnic hatred and discord and about the detention of the staff of embassies, consulates or missions of other States, where such staff have committed an offence.

192. According to statistical information provided by the Judicial Division of the Supreme Court of the Russian Federation, 875 people were convicted by courts of the Russian Federation over the period 2004-2006 for offences of an extremist nature under articles 208, 212, 239, 277, 280, 282, 282.1 and 282.2 of the Criminal Code, taking into account the supplementary criteria. According to information received from the procurator's offices of the constituent entities of the Russian Federation, court rulings on cases in this category were issued in 40 regions across the country. The majority of cases relating to offences of an extremist nature were heard by courts in Moscow, St. Petersburg, the Republic of Tatarstan and Moscow province. Of the criminal cases in this category, the majority related to offences under article 208 of the Criminal Code. Thus, the number of people convicted in 2004 and 2005 for organizing or participating in unlawful armed groups (349) amounted to 70 per cent of the total and in 2006 to almost 50 per cent (264 people). Over the same period, 60 people were convicted in 23 criminal cases for offences against life and health on grounds of ethnic, racial or religious hatred or enmity. Over 40 per cent of those convicted (25 people) were under 18 when they committed the offence.

193. Any description of the practice of bringing prosecutions under criminal legislation for offences relating to manifestations of extremism and xenophobia should include the fact that, with the entry into force of Federal Act No. 162 of 8 December 2003, the maximum penalty allowed under article 282, paragraph 1, of the Criminal Code was lowered from four to two years' deprivation of liberty. The legislators have thus downgraded the acts in question to a less serious category of offence, from the point of view of the threat they pose to society, and this substantially affects the practice by the courts in setting penalties under article 282 of the Code. Prison sentences are imposed in cases in which actions directed at incitement to hatred or enmity or diminution of dignity are accompanied by violence or are carried out by an organized group. According to information received as a result of the consolidation of judicial practice carried out by the Supreme Court of the Russian Federation in the first half of 2006, 42.5 per cent of the people convicted in 2005 under article 282 of the Criminal Code were sentenced to deprivation of liberty, whereas under article 282.2 of the Code this penalty was imposed on 80 per cent of those convicted. All three people convicted under article 282 [sic] of the Code were given suspended sentences of deprivation of liberty. Very occasionally, a fine is imposed by the courts as the main penalty. Thus, in 2005, fines were imposed on two people convicted under article 280 of the Code, eight convicted under article 282 and three convicted under article 282.2. In other cases, the courts have, in accordance with article 73 of the Criminal Code, ruled that the sentence imposed - which is deprivation of liberty, in most cases - should be suspended.

194. The State Duma of the Russian Federal Assembly has recently adopted a law that imposes heavier penalties for activities aimed at inciting hatred or enmity, or at diminution of dignity, on the grounds of sex, race, ethnicity, language, origin, attitude to religion or membership of any social group.

195. According to information provided by the courts, cases in which people are convicted of setting up or participating in extremist organizations and associations relate mostly to participation in or the establishment of new branches of the Hizb ut-Tahrir al Islami organization

founded by Taqi al-Din Nabahani in Palestine in 1953. On 14 February 2003, the Supreme Court of the Russian Federation ruled that the basic area of activity for this international Islamic political party was militant Islamic propaganda, together with intolerance towards other religions, active recruitment of supporters and focused efforts to create divisions in society. Following the Supreme Court's ruling, the activities of Hizb ut-Tahrir al Islami were prohibited in the territory of the Russian Federation and it was declared a terrorist organization. The activities of people who, even after the ruling had been issued, continued to entice new participants into the organization were determined by the courts, in view of the offences and actions involved, to be terrorist activities, coming under article 205.1 of the Criminal Code. Such cases have come before the courts in the Republic of Tatarstan, Nizhny Novgorod and Tyumen provinces and the Khanty-Mansi Autonomous Area.

196. Thus, on 9 June 2005, Messrs. Gataullin, Khasanov and Sabitov were convicted by the Aviastroitelny District Court in Kazan under article 205.1, paragraph 1, and article 282.2, paragraph 2, of the Criminal Code. The charge against the three men was that, as members of the Party of Islamic Liberation (Hizb ut-Tahrir al Islami), they deliberately acted to further the interests of the organization during the period March 2003 to November 2004, although they were aware of the ruling issued by the Supreme Court of the Russian Federation naming the Party of Islamic Liberation as a terrorist organization and prohibiting its activities in the territory of the Russian Federation. Khasanov, in particular, sought to persuade adherents of Islam living in Kazan to participate in the activities of the organization. Appealing to their religious feelings, Khasanov applied skills attained by studying propagandist literature and recommendations of the Party of Islamic Liberation on how to organize and carry out extremist activities. He engaged in religious discussions with worshippers at mosques, attempting to persuade them of the unfairness suffered by Muslims under the Russians State, its laws and authorities, and justifying and arguing in favour of the ideology of the Party of Islamic Liberation, which is based on the idea that non-Islamic governments must be eliminated and that the Worldwide Islamic Khalifate must be inaugurated, even though that might involve the elimination by force of existing Governments, including that of the Russian Federation. Khasanov also tried to persuade followers of Islam to establish an informal student organization independent of the official religion and distributed among the faithful leaflets containing a proclamation entitled "Appeal to public opinion by Hizb ut-Tahrir". The text of the proclamation distributed by Khasanov justified the existence and the activities of the banned party and advocated the establishment of the Worldwide Islamic Khalifate. Similar charges were laid at the door of Gataullin, who, also on the pretext of discussing Islamic precepts, drew the faithful attending the mosques into discussions in the course of which he attempted to persuade his interlocutors of the need to participate in the activities of the Party of Islamic Liberation. Sabitov, too, obeying the requirements of the party's manual on the administrative regulations of Hizb ut-Tahrir al-Islami, like the other accused, encouraged the faithful to attend illegal meetings run by Gataullin for supporters of the organization and also distributed leaflets containing the proclamation entitled "Appeal to public opinion by Hizb ut-Tahrir" among those praying in the Kazan mosque. The court established that the instructions, leaflets and journals found in the possession of the accused were all propaganda for the ideas of the Hizb ut-Tahrir al-Islami sect, which were not religious but political in nature. According to the views of experts, the purpose of the texts was to provide Muslims with an ideological preparation for adopting radical ideas that were at variance with the precepts of traditional Islam and to draw them into the organization's activities. The court found the accused guilty of enticing others to participate in a terrorist organization and

of participation in the activities of an organization which had been prohibited in a court ruling on the grounds that it was engaged in extremist activities. Gataullin, Khasanov and Sabitov were sentenced under article 282, paragraph 2, of the Criminal Code to one year's deprivation of liberty, the maximum penalty under this provision being two years' deprivation of liberty. Using the partial cumulative sentencing approach, in accordance with article 69, paragraph 3, of the Criminal Code, all the offences were taken into account and each of the accused was finally sentenced to four years and seven months' deprivation of liberty, the sentences to be served in general correctional colonies.

Article 21

197. Obstructing the conduct of or participation in a meeting, political rally, demonstration, march or picket is a criminal offence under article 149 of the Criminal Code and is punishable "by a fine of up to 300,000 roubles or in the amount of the wages or other income of the perpetrator for a period of up to two years or by deprivation of liberty for up to three years, accompanied or not accompanied by deprivation of the right to hold certain positions or engage in particular activities for up to three years."

Article 22

198. Federal Act No. 18 of 10 January 2006 on amending certain legislative Acts of the Russian Federation, including the federal Non-Profit Organizations Act and the federal Voluntary Associations Act, entered into force on 18 April 2006.

199. Together with Presidential Decree No. 450 of 2 May 2006 amending Presidential Decree No. 1315 of 13 October 2004 on matters relating to the Federal Registration Service and the Regulations approved by that Decree, the federal Non-Profit Organizations Act assigns the Federal Registration Service of the Ministry of Justice the task of placing non-profit organizations, including offices of foreign NGOs, and offices and missions of international organizations on the appropriate official register.

200. The Federal Registration Service and its regional agencies are also in charge of monitoring whether the activities of non-profit organizations, including offices of foreign NGOs, and offices and missions of international organizations, comply with the aims and functions specified in their charters and with domestic legislation. Federal Act No. 18 of 10 January 2006 introduced, inter alia, amendments to the aforementioned Act and to the federal Voluntary Associations Act requiring non-profit organizations to submit to the Federal Registration Service or one of its local agencies, documents detailing their activities, the membership of their governing bodies, and their expenditure or use of funds and other assets, including any received from international and foreign organizations, foreign nationals and stateless persons. Offices of foreign NGOs must provide the Federal Registration Service or one of its local agencies with information on funds and other assets received by them; on the intended and actual expenditure or use of such funds and assets and the goals sought thereby; on the programmes to be carried out in the Russian Federation; and on the provision of the aforementioned funds and assets to individuals or legal entities for their benefit. Voluntary associations are obliged to provide the Federal Registration Service or one of its local agencies with information on funds and other assets received from international and foreign organizations, foreign nationals and stateless persons; on the actual expenditure or use of such funds and assets; and on the goals sought thereby.

201. The forms and deadlines for submission of the above-mentioned information are the same as those for applications for State registration of non-profit organizations set forth in Government Decision No. 212 of 15 April 2006 on measures to put into effect certain provisions of the federal laws governing the activities of non-profit organizations. In addition, footnotes give explanations in respect of many sections of the application and reporting forms, including on how to complete them (annexes 1-5 of the Decision).

202. It should also be noted that paragraphs 6 and 9.1 of the Regulations on the Federal Registration Service state that the Registration Service should draw up in cooperation with the federal tax authorities recommendations on completion of the forms to be submitted to the Registration Service and its local agencies, when and as domestic legislation stipulates.

203. The Federal Registration Service has put into effect a range of measures for developing and instituting the new registration procedure. All the relevant information has been available on the Registration Service's website since 18 April 2006. Arrangements have been made for the submission of documents from foreign NGOs by post or in person, by one of their representatives. Consultations may be held on the procedure for drawing up documents, and documents already submitted may be reworked to avoid an organization's application for registration being rejected. In order to make representatives of foreign NGOs aware of the details of the new registration procedure, a number of press conferences, seminars and meetings have been held with the heads of diplomatic missions of foreign States, while several press releases have been issued concerning these arrangements.

204. To date, 240 of around 500 foreign NGOs operating in the Russian Federation have applied to open offices in the country. Of those NGOs, 212 have been registered, while the applications of 11 others are under consideration. Seventeen applications for registration have been rejected because not all of the information and documents required by law were submitted, or because documents had not been completed correctly. In general, the rejected applications came from NGOs whose founders had completed documents without regard to the guidance provided by the Federal Registration Service, leaving officials no option but to refuse formally to register those NGOs. All of the problems noted in the rejections are correctable, while documents may be submitted an unlimited number of times.

Article 23

205. The promotion of the role, significance and social functions of the family is becoming a priority in the Russian Federation. Accordingly, President Putin, in an address to the Federal Assembly in April 2007, declared 2008 the Year of the Family. Under the chairmanship of the First Deputy Prime Minister, Dmitry Medvedev, a specially created Year of the Family organizational committee has drawn up an appropriate plan of action, which includes a series of seminars and conferences, inter alia, on the situation of children.

Article 24

206. Children's issues are a key area of social policy in the Russian Federation. The Russian authorities are constantly reviewing the safeguarding of children's rights.

207. In line with the recommendations of the Convention on the Rights of the Child, the Government approved the federal targeted programme "Children of Russia", for the period 2007-2010, consisting of the "Healthy Generation", "Gifted Children" and "Children and the Family" subprogrammes, in continuation of the previous programme in this sphere.

208. The Government Commission for Minors and Their Rights is operating successfully in the Russian Federation. The Commission holds special sessions in various regions of the country so that members can observe the different problems affecting children first-hand.

209. The launch of the "Bibigon" federal children's television channel on 1 September 2007 is yet another example of the authorities' concern for children. This is the first State television channel designed for a young audience of between 4 and 17 years of age. The channel shows a wide selection of programmes ranging from intellectually stimulating games and quizzes to cartoons and serials.

210. Detailed information on the implementation of article 24 of the Covenant is contained in the third periodic report of the Russian Federation to the Committee on the Rights of the Child.

Article 25

211. The electoral process is governed by special laws, the basis for which is the federal Electoral Rights and Right to Participate in Referendums (Basic Guarantees for Citizens of the Russian Federation) Act of 12 June 2002.

212. One of the guarantees provided in the Act is the possibility to challenge in court decisions and actions or omissions of government bodies, local authorities, voluntary associations and officials and decisions and actions or omissions of electoral commissions and their officials that violate the electoral rights of citizens.

213. Chapter 26 of the Code of Civil Procedure sets forth the procedure for prosecuting abuses of the electoral rights and right to participate in referendums of citizens of the Russian Federation.

214. Between 2005 and 2006, domestic electoral legislation was refined. The changes mentioned below merit particular attention.

215. With regard to guaranteeing the exercise of the right to vote and the right to participate in referendums:

(a) More detailed regulations have been placed on the voter registration procedure, with a view to improving the compilation of electoral registers;

(b) A procedure has been drawn up to allow voters living in a temporary place of residence and working at a continuous production enterprise to be enrolled on the electoral register for their temporary place of residence, on written application submitted not later than three days before the vote;

(c) Provision has been made for voting to begin early in relevant electoral precincts;

(d) Voters not registered as resident in the Russian Federation may now be enrolled on the electoral register in precincts specially established or designated for that purpose by decision of a higher electoral commission (where so provided by the law governing the holding of the election in question);

(e) Early voting may now be conducted for groups of voters living at great distances from polling stations, in places to which transport access is non-existent or difficult (in hard-to-access or remote locations and at polar stations, among others), making it impossible to organize early voting for the electoral precinct as a whole;

(f) It has been determined that the precinct electoral commission must provide voters who are enrolled on the electoral register in the precinct but are being held as suspects or accused persons in places of detention with the opportunity to vote elsewhere than at a polling station.

The safeguards on the exercise by citizens of the Russian Federation of the right to vote have thus been strengthened.

216. With regard to guaranteeing the exercise of the right to be elected:

(a) The rules concerning the collection of signatures and the payment of the electoral deposit, which constitute the basis for registration of candidates and lists of candidates, have been clarified;

(b) A proposal to cease penalizing candidates who submit false biographical information (with the exception of information about unexpunged or unspent convictions) by refusing to register them has been endorsed, practice in this matter having tended towards unreasonable restriction of candidates' rights;

(c) In the light of the legal position set forth in decision No. 80-G04-2 of the Civil Division of the Supreme Court of 9 March 2004, it has been established that a lack of funds in a candidate's special election account will not lead to the rejection of his or her application for registration on the grounds that he or she has not established an election fund;

(d) The provisions of the federal Electoral Rights and Right to Participate in Referendums (Basic Guarantees for Citizens of the Russian Federation) Act concerning the right of a candidate to withdraw his or her candidacy have been modified in line with the legal position set forth in Constitutional Court Ruling No. 10 of 11 June 2002, which states that the right of candidates to withdraw their candidacy under compelling circumstances also applies less than three days before the vote;

(e) In the light of the legal position set forth in Constitutional Court Decision No. 245 of 12 April 2005, a rule has been instituted to the effect that funds listed as an electoral deposit will be returned to the appropriate election fund in the event of a candidate's withdrawing his or her candidacy under compelling circumstances;

(f) Electoral legislation has been amended to stipulate that the rejection of an application for registration or the cancellation of the registration of a list of candidates will be possible only in the event of the withdrawal of more than 50 per cent of the total number of candidates on the official list (not including candidates who withdraw under compelling circumstances) in

elections to public offices in the constituent entities of the Russian Federation or to local authorities. Federal Act No. 225 on Amendments to the Federal Electoral Rights and Right to Participate in Referendums (Basic Guarantees for Citizens of the Russian Federation) Act and to the Code of Civil Procedure came into force on 7 December 2006.

217. Pursuant to the guidelines regarding the form and content of reports to be submitted by States parties to the Covenant (No. 25, para. 18) [sic], the amendments made to electoral legislation clarify the conditions for holding elective public office and the limitations and qualifications that apply to particular offices. In that regard, for example, the federal Electoral Rights and Right to Participate in Referendums (Basic Guarantees for Citizens of the Russian Federation) Act, as amended by Federal Act No. 225, prohibits the election of citizens sentenced to imprisonment for serious and/or particularly serious offences or convicted of extremist offences provided for in the Criminal Code whose convictions are unexpunged or unspent on the day of the election.

218. Federal Elections to the State Duma of the Federal Assembly Act No. 51 of 18 May 2005 allows only political parties to participate in elections and thereby undeniably establishes genuine prerequisites for strengthening the role of political parties in the political system and further developing civil society institutions. The amendments to electoral legislation will eliminate a number of legal gaps and uncertainties, which have various adverse effects during election campaigns. In particular, the fact that citizens sentenced to imprisonment for serious and/or particularly serious offences or for extremist offences may not stand for election to the State Duma or to the office of President of the Russian Federation will help protect both the electoral rights of citizens of the Russian Federation during any disruption of elections or other incidents in election campaigns and the political system of the Russian Federation in general; it will also preclude social upheaval. The foundations have thus been laid for a more democratically regulated procedure for the nomination and registration of candidates and lists of candidates.

219. With regard to the consolidation of the party system:

(a) It has been stipulated that the State Duma may be formed only by proportional representation. Some constituent entities of the Russian Federation - St. Petersburg, for example - are also making the transition to a proportional voting system for their legislative (representative) bodies. In addition, a set of measures has been envisaged to bring elected deputies closer to their constituents: lists of candidates must be divided into at least 80 regional groups, which are then given free airtime and print space by regional media companies and which may establish their own election funds by decision of their respective political parties; the regional portion of the federal list of candidates must cover all the constituent entities of the Russian Federation; and State Duma deputies elected from party lists must maintain contacts with their electors. The federal Electoral Rights and Right to Participate in Referendums (Basic Guarantees for Citizens of the Russian Federation) Act and the federal Political Parties Act now include provisions to safeguard the right of citizens who are not members of political parties to stand for election;

(b) Electoral blocs are excluded from participating in elections at any level to allow political parties to participate independently in elections to government bodies and local authorities;

(c) Provision has been made for branches of a political party without legal personality, including local branches, to nominate candidates and lists of candidates for election to local authorities, where the charter of the political party so provides;

(d) Regulations have been placed on the right of a political party that has put forward a list of candidates, to use for its election campaign, without payment from its election fund, the immovable and movable property (excluding securities, printed materials and consumables but including leaseholds) at its disposal on the day the election is officially called.

(e) Arrangements have been made to increase the level of public funding for political parties that receive voter support in federal elections (from 50 kopeks to 5 roubles per vote), while at the same time the Russian Central Electoral Commission and the electoral commissions of the constituent entities of the Russian Federation have been empowered to monitor political party funding not only during election campaigns, but also between elections;

(f) The concept of "factions" in the State Duma has been enshrined in law, and mechanisms have been established for the work of groups (factions) of deputies in regional parliaments. For example, the mandates of deputies elected on party lists who quit their deputies' group (faction) may be terminated ahead of time.

(g) In its Ruling No. 11 of 16 July 2007 on the constitutionality of certain provisions of articles 3, 18 and 41 of the federal Political Parties Act, issued in response to a complaint by the Russian Communist Workers' Party-Russian Communist Party, the Constitutional Court has declared that the Act's requirements relating to the size of a political party and its regional branches are not in breach of the Constitution.

Conditions have thus been created in which the party system can be strengthened and developed, and elections can be democratized by rectifying the objective shortcomings of the majoritarian electoral system. A minimum percentage has been introduced to avoid the corps of deputies splintering into myriad tiny groups and thereby to ensure the normal functioning of Parliament and the stability of the legislature and the constitutional order in general. Under the existing regulations on the electoral system, political parties - as entities fulfilling a public function - are granted the status of sole collective actors in the electoral process. However, they may realize their right to participate in the exercise of State power only in the manner established by the Constitution and only for a designated period. No political party may hold a monopoly.

220. With regard to the provision of information in elections:

(a) The rules on the content of pre-election campaigns and the procedure for funding them have been clarified and brought into line with the legal positions set forth in Constitutional Court Rulings Nos. 15 of 30 October 2003, 10 of 14 November 2005 and 7 of 16 June 2006;

(b) The procedure for using images of and statements by individuals in campaign material has been elucidated in the light of prevailing - including judicial - practice.

The safeguards of the rights of citizens to receive and disseminate information about elections have thus been strengthened.

221. With regard to ensuring transparency in elections and preventing the falsification of results:

(a) As information technology today is so advanced, arrangements are being made for the introduction of electronic voting (i.e., voting without paper ballots), initially at a limited number of polling stations. For example, it is planned to use electronic voting systems, on a pilot basis, at some polling stations during the elections to the Novgorod Provincial Duma and, subsequently, during federal elections should the pilot be successful;

(b) Provision has been made for ballot papers to be specially marked to prevent forgery, and it has been decided that ballot papers will be so marked for the federal elections;

(c) The information in the election returns regarding the number of votes received by candidates or electoral groupings may no longer be changed without a recount;

(d) Additional administrative penalties have been introduced for heads of electoral commissions who violate the vote-counting procedure or issue certified copies of the election returns to observers in breach of the law;

(e) The right has been established of the media to take photographs and film at polling stations;

(f) To avoid disruption of voting through unscrupulous tactics, such as the overloading of polling stations with observers during federal elections, no provision is made for observers from voluntary associations to be present (except for observers from parties participating in the elections as electoral groupings). The federal Electoral Rights and Right to Participate in Referendums (Basic Guarantees for Citizens of the Russian Federation) Act does, however, retain a norm stipulating that the law may provide for observers from other voluntary associations to attend;

(g) The federal Act on Combating Extremist Activities has been amended to stipulate that obstruction of the lawful activities of government bodies and electoral commissions or of the lawful activities of officials of those bodies and commissions constitutes an extremist activity when accompanied by violence or the threat of violence.

Steps have thus been taken to make elections more democratic, avoid their disruption and enhance the protection of citizens' electoral rights.

222. The restructuring of local government has been completed. In that regard:

(a) A provision has been added to article 23 of the federal Local Government (General Principles of Organization) Act requiring the various types of electoral system that may be used in municipal elections to be enshrined in the legislation of the constituent entities of the Russian Federation; the particular electoral system to be used when conducting municipal elections in a given municipality is specified in the municipality's charter (local constitution);

(b) The representative body of a municipal district may now be formed not through municipal elections by universal, equal and direct suffrage by secret ballot, but through delegation of representatives of the communities that constitute the municipal district: heads of communities and deputies of the communities' representative bodies elected by those bodies from among their members (indirect elections);

(c) It has been established that the mayor of a municipality, depending on the municipality's charter, may be elected in municipal elections or by the municipality's representative body from among its members.

223. Attention is also drawn to the following conceptual changes in electoral legislation:

(a) In view of the need to choose the most convenient election days for voters, provision has been made for a phased transition to the holding of elections to government bodies of the constituent entities of the Russian Federation and to local authorities on the same day: the second Sunday in March and the second Sunday in October;

(b) The federal Legislative (Representative) and Executive Bodies of the Constituent Entities of the Russian Federation (General Principles of Organization) Act and the federal Electoral Rights and Right to Participate in Referendums (Basic Guarantees for Citizens of the Russian Federation) Act, as amended by Federal Act No. 159 of 11 December 2004, now specify a new procedure for appointing the most senior official of a constituent entity of the Russian Federation (the head of the constituent entity's highest executive body): the assignment of the appropriate powers to a citizen of the Russian Federation by the legislative (representative) body of the constituent entity at the recommendation of the President of the Russian Federation (instead of by direct election);

(c) It is no longer possible to vote against all candidates or all lists of candidates;

(d) It has been established that citizens of the Russian Federation with dual nationality cannot be elected to government bodies or local authorities;

(e) It has been stipulated that no political party has the right to nominate as a candidate a person who is a member of another political party.

Response to paragraph 25 of the concluding observations of the Human Rights Committee on the fifth periodic report of the Russian Federation

224. Pursuant to Presidential Decree No. 729 of 4 July 2003 on the election of the first President of the Chechen Republic, the election campaign in the Chechen Republic started on 5 July 2003.

225. During the election campaign, the Procurator's Office and the Electoral Commission received reports of violations of federal Electoral Rights and Right to Participate in Referendums (Basic Guarantees for Citizens of the Russian Federation) Act No. 67 of 12 June 2002 and of the President of the Chechen Republic (Election) Act of 23 March 2003.

226. Between 11 July and 5 October 2003, the Chechen Republic Procurator's Office received 18 reports and communications from citizens, officials and participants in the presidential election campaign concerning falsification of lists of signatures, threats connected with participation in the election campaign, personal security, unlawful destruction of campaign posters and other issues.

227. All the circumstances were investigated, resulting in the adoption of measures by the Procurator; for example, administrative penalties were imposed on a number of officials and recommendations were made to the appropriate authorities about eliminating the breaches of the law that had been identified (appropriate measures were taken in every case).

228. During the presidential election campaign in the Chechen Republic, several cases were recorded of armed attacks and firing by unidentified persons seeking to misappropriate the official badges and government-issue weapons of officers of the Chechen Republic Ministry of Internal Affairs guarding polling stations.

229. According to the head of the Chechen Republic Electoral Commission, Mr. A-K.B. Arsakhanov, observers declared the Republic's presidential elections to be democratic and legitimate. The Electoral Commission received no comments or protests from observers about the voting procedure or results of the presidential election.

230. The review practice of the Supreme Court when acting as a court of cassation and oversight body demonstrates that cases regarding violations of electoral rights during the presidential election campaign in the Chechen Republic have been brought before the courts.

Article 26

231. Under article 136 of the Criminal Code, it is an offence to violate the equality of human and civil rights and freedoms. Between 2003 and 2006, four people were convicted of this offence.

232. Detailed information on the implementation of article 26 of the Covenant is contained in the reports of the Russian Federation to the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of All Forms of Discrimination against Women.

Article *27*

233. The main aim of Russian Federation policy for ethnic, religious and linguistic minorities is to enable all Russian citizens to exercise to the full their right to social and ethnic cultural development and to bring about social integration.

234. Federal Ethnic Cultural Autonomy Act No. 74 of 17 June 1996, as amended on 30 November 2005, defines such autonomy as "a form of ethnic cultural self-determination consisting in the voluntary association of citizens of the Russian Federation who identify with a particular ethnic community and who organize on that basis in order to address independently issues of preservation of identity, language development, education and ethnic culture". The following principles were fixed for the functioning of autonomous ethnic cultural organizations:

free expression of will, self-organization and self-government, diversity of forms of internal organization, combination of voluntary initiatives and State support, and respect for the principles of cultural pluralism. This genuine form of self-determination is especially relevant for ethnic groups that are too scattered to have geographically-based autonomous units. The basic details of the establishment and operation of autonomous ethnic cultural organizations are governed by federal laws, the generally recognized principles and standards of international law and international human rights instruments. The adoption of the Ethnic Cultural Autonomy Act gave substance to many of the rights of autonomous ethnic cultural organizations: to receive support from various government bodies, to represent their ethnic and cultural interests before those bodies, to receive and disseminate information in their national language, to found educational and academic institutions, to take part in the activities of international NGOs and so forth. According to the judicial authorities, altogether over 250 autonomous ethnic cultural organizations are registered in the constituent entities of the Russian Federation.

235. On 29 June 2004, the Act was amended, provision of financial support to autonomous ethnic cultural organizations for preserving ethnic identity, developing national (native) languages and ethnic culture and realizing the ethnic cultural rights of citizens of the Russian Federation who identify with a particular ethnic community being delegated to the constituent entities of the Russian Federation (art. 19). The amendments allow the constituent entities to help put into effect public policies on ethnic cultural autonomy.

236. Small indigenous peoples - 45 ethnic groups comprising some 280,000 persons - have a special place in the Russian population. The number of people in each such group ranges from 41,000 (Nenets) to 240 (Enets). Overall, the 2002 census recorded a positive demographic trend among small indigenous peoples. There was a near 250 per cent increase in the number of Orok (Ulta), while there was a significant increase (between 20-30 and 70 per cent) in the number of Nenets, Selkup, Khanty, Yukagir, Negidal, Tofalar, Itelmen, Ket and others. Some peoples decreased in number, but this was due largely to the separation from those peoples during the census of distinctive ethnic groups who had begun to identify themselves as separate peoples. In 2002, the 38 small peoples of the North, Siberia and the Russian Far East (including the newly recognized Kamchadal, Telengit, Tubalar, Chelkan and Chulym) numbered 244,000 people.

237. The right of small indigenous peoples in the Russian Federation to preserve and develop their native language, traditions and culture is set out in the federal Native Languages Act and the federal Ethnic Cultural Autonomy Act. For example, Federal Native Languages Act No. 1807-I of 25 October 1991, as amended on 24 July 1998 and 11 December 2002, governs the system of regulations on the use of the languages of the peoples of the Russian Federation in Russian Federation territory.

238. The Act provides for the creation of conditions conducive to the comprehensive and equitable development of native languages, freedom of choice and use of one's language of communication, so that all the peoples inhabiting the territory of the Russian Federation may realize their ethnic and cultural potential more fully. The Act focuses on protecting the sovereign linguistic rights of the individual irrespective of his or her origin, social or property status, race or ethnicity, sex, education, attitude to religion or place of residence. In 2002, with a view to standardizing the alphabets of the official languages of the Russian Federation and the republics, an addition was made to the Act (art. 3, para. 6) establishing that, in the Russian Federation, "the

alphabets of the official language of the Russian Federation and the official languages of the republics shall be Cyrillic-based". A regulation is also being approved, in accordance with which "the use of other alphabets for the official language of the Russian Federation and the official languages of the republics may be instituted by federal law".

239. The Act also provides for the constituent republics of the Russian Federation, on the basis of their sovereignty, to have the freedom to settle issues relating to the protection, development and use of their national languages. Special attention is paid to ensuring the free development of languages in areas densely populated by small indigenous peoples or ethnic minorities that do not have their own ethnic administrative and territorial units, as well as those living outside such areas.

240. The right to use a native language in areas densely populated by ethnic minorities is provided for specifically in article 6, paragraph 4, of federal Population Census Act No. 8 of 25 January 2002 and in the federal Electoral Rights and Right to Participate in Referendums (Basic Guarantees for Citizens of the Russian Federation) Act, which allows the relevant electoral commission to decide to print ballot papers in Russian, as the official language of the Russian Federation, and in the official language of the relevant republic of the Russian Federation, and, where necessary, in national languages in territories with a large ethnic minority population (art. 63, para. 10).

241. Federal Culture (Legislative Foundations) Act No. 3612-I of 9 October 1992, as amended on 23 June 1999, 27 December 2000, 30 December 2001, 24 December 2002, 23 December 2003, 22 August 2004 and 8 January 2007, establishes the right of peoples and other ethnic communities "to preserve and develop their cultural and ethnic identity and to protect, restore and preserve their traditional cultural and historical habitat" (art. 20). It contains a specific provision that "policy with regard to the preservation, establishment and dissemination of the cultural property of indigenous ethnic groups - the names of which are used for the corresponding administrative units - shall not be prejudicial to the cultures of other peoples or ethnic communities living in the territories in question" (art. 20).
