

# *Violence against Women in Russia*

## *A Report to the Committee on Economic, Social and Cultural Rights*

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## 1. Preliminary Observations

The submission of alternative country information on violence against women to the UN Committee on Economic, Social and Cultural Rights forms part of the World Organisation Against Torture's (OMCT) programme on Violence against Women. One of the aims of the programme is to integrate a gender perspective into the work of the five "mainstream" human rights treaty monitoring bodies. OMCT's reports on violence against women examine the effects of gender on the form that human rights violations take, the circumstances in which these abuses occur, the consequences of these violations and the availability and accessibility of remedies.

OMCT regrets that the government report submitted by Russia to the Committee on Economic, Social and Cultural Rights does not address violence against women. Furthermore, although it addresses some issues with respect to women, it broadly points the Committee members to its report to the Committee on the Elimination of Discrimination Against Women as a reference document for its policies regarding women, instead of integrating a gender perspective throughout its report.

In line with the overall objectives of OMCT's programme on Violence against Women, this alternative report will focus on Russia's international obligations in relation to the prevention and eradication of violence against women. After a brief introduction, this report will examine violence against women in the family, in the community, at the hands of State agents, specifically in prison and against women human rights defenders, and in the context of armed conflict, namely the war in Chechnya.

The Russian Federation emerged from the fall of the Soviet Union in 1991. With a population of at least 144,978,573, the country is divided into 21 republics. Russia's population is diverse, claiming 140 different nationalities and ethnic groups.<sup>1</sup> The Russian Constitution was adopted in 1993 and it established a government structure that is divided into three branches: the executive (President), the judiciary and a bicameral legislature (consisting of the Federal Assembly and the State Duma). The transition to a market economy in Russia since 1991 has been a difficult process and human rights violations have been implicated in this process, in particular, the human rights of women, which will be discussed below.

Russia ratified the International Covenant on Economic, Social and Cultural Rights on October 16, 1973 (it inherited this ratification from its predecessor, the USSR). Additionally, Russia has ratified the following international human rights treaties: the International Covenant on Civil and Political Rights (October 16, 1973), the Convention Against Torture (March 3, 1987), the Convention on the Elimination of All Forms of Discrimination Against Women (January 23, 1981), the Convention on the Rights of the Child (August 17, 1990), and the Convention on the Elimination of All Forms of Racial Discrimination (February 4, 1969). Russia has also ratified the Optional Protocol to the International Covenant on Civil and Political Rights, allowing the Human Rights Committee to hear individual complaints and investigate grave and systematic violations of human rights. Similarly, Russia has recognized the competence of the Committee against Torture (Article 22) and the Committee on the Elimination of Racial Discrimination (Article 14) to hear individual complaints. OMCT notes that Russia has signed but not yet ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women.

On a regional level, Russia has ratified the European Convention on Human Rights and its Protocols 1, 4, and 7 (May 5, 1998). Importantly, Russia is also a State Party to the European Convention for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (September 1, 1998).

In Russia, international treaties take precedence over national law. This is clearly established by Article 15(4) of the Constitution, which provides that “if an international treaty of the Russian Federation stipulates other rules than those stipulated by the law, the rules of the international treaty apply.”

### ***1.1 Human Rights in Russia***

Although many human rights are guaranteed under Russian legislation, the country has a varied human rights record. In particular, violations of both economic, social and cultural rights as well as civil and political rights have been documented. For example, access to health care and to education is becoming increasingly difficult in Russia. Additionally, free-

dom of expression and the principle of non-discrimination are frequently disregarded.

The Russian health care system became highly decentralized during the early 1990s with many aspects of the relationship between regional and federal levels remaining unclear. Due to limited resources and sometimes outdated practices, the quality of the health care system remains poor.<sup>2</sup> The challenges this system is facing are various: Birth-rates are still falling and even though infant mortality is decreasing, the health of young people is threatened by rising rates of substance abuse and the rapid growth of HIV/AIDS and other sexually transmitted diseases. The number of children born to HIV-positive mothers is steadily growing. The problem of care for these children becomes more acute as their numbers increase. Women's health is jeopardized by relying on abortion as a means of birth control.<sup>3</sup> Additionally, the number of people infected with tuberculosis is rising significantly.<sup>4</sup>

A decline in governmental funding and widely varying standards threaten educational quality in Russia.<sup>5</sup> Much of the education sector in Russia was decentralized under the 1992 Education Act. Under this law, responsibility for general education and school finance was entrusted to regional (*oblast*) and local (*rayon*) authorities. This rapid decentralization attempt, however, lacked the commensurate transfer of resources and never spelled out the extent of government responsibility. There is genuine concern that the emphasis on educational decentralization and diversity is creating greater inequities and contributing to a narrowing of educational choices and opportunities. Today the education system faces an increase in social stratification, a differentiation among educational institutions, and the emergence of a system of paid education services. All these developments are making education less accessible to low-income citizens.<sup>6</sup>

Freedom of expression has been severely curtailed by government arrests of alleged spies. These cases are typically characterized by unfair trial tactics and procedural irregularities. Freedom of expression is also limited by serious constraints on the media, with few independent television stations and alarming reports of suspicious deaths of journalists.<sup>7</sup> In fact, Russia has been labeled as the second most dangerous country in the world for journalists to work in.<sup>8</sup> Freedom of expression was further limited by the passage of the law on political extremism in Russia in June 2002. This

law offers no clear definition of “political extremism,” which gives law enforcement officials a wide berth in interpreting its meaning and arresting people arbitrarily. Solely on the basis of this vague notion of political extremism, persons can be jailed for up to five years.<sup>9</sup>

Racial discrimination is reportedly widespread in Russia. Certain minorities, particularly the Roma, are targeted by the police with discriminatory treatment in the form of racial profiling. Discrimination against minorities is also evident in the denial of access to registration, which in turn affects access to basic services such as health services and education, because victims of this type of discrimination are not officially recognized in the Russian territory. Additionally, minorities in Russia experience discrimination in access to public accommodations (such as supermarkets), access to employment, access to education, and in their portrayal by the media.<sup>10</sup>

## *1.2 Chechnya*

The conflict in Chechnya has been the source of many human rights violations in Russia. It has received much international attention, although access to the region has become increasingly restricted. Violations of economic, social and cultural rights are also a serious problem in Chechnya. OMCT conducted a training seminar in Ingushetia, the neighboring Republic to Chechnya, on economic, social and cultural rights, and collected much information on the situation in that regard. For more detailed information on this topic, please see OMCT’s alternative report to this Committee “Chechnya: No Means to Live: An Appraisal of Violations of Economic, Social and Cultural Rights.”

The history of this conflict is complex and will only be treated briefly here. As the Soviet Union began opening up in the 1980s, there was more allowance for the expression of nationalism and ethnic identity. Thus, in November 1991, Djokhar Doudaev, a former general in the Soviet army who was elected president in Chechnya, declared Chechnya to be independent from Russia, although Chechnya was never recognized by Russia or the international community as a sovereign state. In 1992, a Constitution was approved by the Parliament of Chechnya but in 1993, after a dispute with the Parliament, Doudaev installed an authoritarian regime.<sup>11</sup>

In December 1994, the Russian army entered Chechnya in an attempt to restore Russian sovereignty over the territory. The war that ensued was devastating for Chechnya and it lasted for almost two years due to the strong resistance by Chechen fighters. On August 31, 1996, the Chechen fighters and the Russian military signed a peace agreement, which became known as the Khasa-Vjurt agreement. According to this agreement, Russian troops would withdraw from Chechen territory and the status of the Chechen Republic was supposed to be the subject of long-term bilateral talks.

The first war destroyed the cities of Chechnya and was characterized by massive accounts of torture, ill treatment, disappearances, summary executions and arbitrary detention. It is estimated that between 50,000 and 100,000 civilians died in this war, and the Russian army lost between 3,000 and 10,000 soldiers. In the years that followed, very little was done to rebuild Chechnya.

Between 1997 (when the last Russian troops left Chechnya) and October 1999, Chechnya enjoyed self rule. Aslan Maskhadov was elected President (Doudaev was killed in the first war) and Chechnya was renamed "Ichkeria." However, with a country devastated by war, rising crime rates and hostage-takings became more and more common. There was also a movement against the installed government to instead establish a regime based on Islamic principles. The supporters of this movement envisioned a republic that re-united Chechnya with Dagestan under one Islamic state, and they invaded Dagestan from Chechen territory in August 1999. The Russians alleged that the Chechen government had connections to the group that invaded Dagestan and used this as a pretext to invade Chechnya in October 1999, claiming it was an "anti-terrorism operation."

The presence of Russian troops in Chechnya continues through the present and has led to many serious human rights abuses. In particular, there have been well-documented reports of widespread enforced disappearances, torture, summary executions, ill treatment, arbitrary detention, rape, forced evictions, and many other grave abuses perpetrated by Russian forces. After the September 11 attacks in the United States, Russia has found more justification for its "anti-terrorist operations" and the abuses continue with impunity.

The Chechen fighters have also violated human rights guarantees. Their attacks have focused on civilian members of the pro-Moscow government in Chechnya, including a bomb of the government headquarters which killed 45 people and injured some 80 others.

In its most recent visit to Russia, the European Committee for the Prevention of Torture concluded that “there is a continued resort to torture and other forms of ill-treatment by members of the law enforcement agencies and federal forces operating in the Chechen Republic, and that action taken to bring to justice those responsible has proved largely unproductive.”<sup>12</sup>

The year 2003 has witnessed an attempt by the Russian government to “normalize” the situation in Chechnya. In March 2003, there was a constitutional referendum which approved a constitution establishing Chechnya as an autonomous republic within the Russian Federation, but the legitimacy of the referendum has been seriously doubted. Additionally, in October 2003, a presidential poll was held, in which Akhmad Kadyrov was elected. Similarly however, many doubts were expressed about this poll as many of the serious opposition candidates were forced out of the race a month before.

## **2. Status of Women in the Russian Federation**

Women’s equality is guaranteed in Russian national legislation. Specifically, Article 19 of the Constitution guarantees equal rights and equal opportunities to women and men. Women’s equal rights are also provided for under the following laws of Russia: the Code of Labour Laws, the Law “On the Fundamentals of the RF Public Service,” the Family Code, and the Criminal Code.<sup>13</sup> Additionally, there are several national institutions specifically concerned with women’s rights, such as the Committee on the Affairs of Women, Family and Youth within the State Duma, the Committee on the Issues of Social Policy, which addresses women’s equality under the Council of the Russian Federation, and the Commission on the Problems of Women’s Status, which has been established at the federal level in the executive branch.

Despite these guarantees of equality and mechanisms concerned with women’s rights, implementation is reportedly the biggest obstacle to



ensuring women's equality in Russia. No specific mechanism exists for prosecuting violations of the principle of non-discrimination with respect to gender, and any such claims are handled generally by the Ombudsman of the Russian Federation.<sup>14</sup> Cases of discrimination are very difficult to prove under the current system. Firstly, there is no definition of sex discrimination in Russian legislation. With respect to institutional discrimination, judges often require that victims change their claim from alleging discrimination to claiming violation of a specific right or they advise claimants to target their allegations against public officials, rather than institutions. These barriers present a potential explanation for the lack of claims of institutional discrimination.<sup>15</sup> It is also reported that efforts to install affirmative action policies to ensure equality between women and men are met with much resistance in the legislature and are rarely put into practice.<sup>16</sup>

With regard to women in government and politics, their participation levels are low. Only one woman has been appointed in the current Russian Federation government and the Federal Assembly has only 2 women.<sup>17</sup> Women make up only 7.6% of the members of the State Duma and in regional legislatures, they constitute only 10%.<sup>18</sup> Although it does not appear to be widespread, women involved in politics have been threatened and even subjected to violence on account of their candidacy. Generally, lack of financial resources is deemed the main reason for the lack of women in politics.<sup>19</sup> Reportedly, stereotypes dictate that government legislative work is more appropriate for men than for women.<sup>20</sup>

With the transition from a communist regime to a market economy, women have suffered especially with regard to work. In the early 1990s, many women were pushed out of work and they made up two-thirds of the unemployed. While the level of unemployment has roughly equalized between men and women, women still experience serious discrimination in the labour market. Russia has fallen victim to the larger global phenomenon of the feminization of poverty. Women generally have lower salaries than men—reportedly between 33% and 50% lower—despite the fact that many women are more educated than their male counterparts. Although women comprise 55% of all public servants, only 1.3% of these women actually hold positions with decision-making power.<sup>21</sup> Additionally, an opinion poll revealed that 56.3% of Russians believed that in situations of job shortage, men should be given priority by employers.<sup>22</sup> One

commentator has observed that the prevailing stereotype is that a woman cannot be the head of an enterprise, but only the assistant.<sup>23</sup> One Russian legislator, illustrating this stereotype, has been quoted as saying: “The man, driven by his hormones, is a real leader and fighter, whereas a female leader is an exception. Males are top managers – it is in their nature. The woman is an assistant.”<sup>24</sup>

Additionally, the prevailing public opinion is that many employers do not hire women because of the extra expenses associated with maternity leave.<sup>25</sup> In connection with this view, it is reported that young women without children are discriminated against in the labour market because of the presupposition that they will become pregnant.<sup>26</sup> In some instances, women are reportedly made to sign employment contracts or to agree to conditions that they will not get pregnant. When women do become pregnant, instead of receiving paid maternity leave, they are frequently forced to resign or they are fired.<sup>27</sup>

Russian culture and society view women as being primarily responsible for their families, in their role as wife and mother. This label makes it very difficult for women to effectively balance their family and professional life. The need to give priority to the family as well as women’s lower status in society with respect to economic, social and cultural rights, leaves women with less competitiveness in the labour market and enormous obstacles to establishing her career.<sup>28</sup> Additionally, recent societal changes have led to an increased emphasis on the importance of women staying at home to care for children, as opposed to previous generation’s focus on the importance of outside work for women. This shift has reportedly led to an increased economic dependence of women on their husbands or partners. Even after a couple divorces, women sometimes remain in the home with the ex-husband because they have no economic possibility of leaving.<sup>29</sup> The potential effects that this situation has on women’s vulnerability to violence will be explored below.

### **3. Violence Against Women in the Family**

#### *3.1 Domestic Violence*

Russian proverb – “A beating man is a loving man”

Russia has no specific legislation addressing domestic violence and has not developed a definition of the term. If a woman files a case, it will likely be dealt with under general assault provisions. For instance, cases of domestic violence may be prosecuted under Article 115 of the criminal code of Russia, which criminalizes “a deliberate infliction of light harm to health that caused a short-term health disorder or a minor but persistent loss of the general ability to work.”<sup>30</sup> Where domestic violence has endured for a long time on a systematic basis, Article 113 may be used, which criminalizes “causing physical or mental suffering by means of systematic beating or other violent actions.”<sup>31</sup>

There was reportedly a project to develop legislation on domestic violence but it was not approved, and at least one gender expert feels that the current Duma is not interested in this topic.<sup>32</sup> Her view is confirmed by the statement of one legislator from the Moscow City Duma who has explained that the legislature did not consider it “necessary” to adopt any legislation on any form of discrimination against women.<sup>33</sup> Specific legislation criminalizing domestic violence is important, recognizing the special relationship and interdependence between the victim and the perpetrator, which gives rise to the necessity for specially designed laws to combat this form of violence.

Domestic violence is reportedly widespread in Russia, and it is generally considered that available statistics do not accurately reflect the magnitude of this problem. The government report to the Committee on the Elimination of Discrimination Against Women acknowledged that as many as 14,000 women are killed by family members every year.<sup>34</sup> Significantly, in 1996, the Internal Affairs Ministry revealed that 80% of all murders were committed within families.<sup>35</sup> It is also reported that 36,000 women are beaten on a daily basis by their husband or partner and that three quarters of all Russian women suffer from some type of domestic violence.<sup>36</sup> Another research study revealed that an average of 79% of married women participants were victims of psychological violence, 50% of married women participants were subjected to physical violence, and 23% of married women participants were victims of sexual violence.<sup>37</sup>

Patriarchal values have led to a prevailing opinion that women should be in the home as demonstrated by a recent opinion poll revealing that 78% of all Russians hold such a view.<sup>38</sup> Also, there is an overwhelming

perspective that domestic violence is a private matter, with 43% of respondents in an opinion poll expressing this view, and one third of respondents recommending that women victims of violence reflect on why they “deserved the beating.” Stereotypical images of women perpetuate violence within the family by blaming the victim for provoking the violence or creating justifications for the perpetrator’s violence, i.e. “he was drunk,” “he is going through a difficult time,” “he could not control his actions.”<sup>39</sup>

Significantly, several reports indicate that alcoholism and socio-economic conditions are cited as the main causes of domestic violence. Attributing gender specific violence to such causes neglects the underlying imbalance of power between men and women in Russia. Worldwide research on domestic violence has shown that such violence spans across all socio-economic classes of persons and that it often stems from power differentials as well as a need to control a woman’s sexuality. Deeper causes of domestic violence must be addressed in order to effectively combat this type of violence rather than only focusing on surface, exacerbating causes of domestic violence such as socio-economic conditions and alcoholism.

Treating domestic violence as a private matter and blaming the victims are also common practices on the part of law enforcement officials.<sup>40</sup> Women victims of violence are often blamed for having provoked the attack. In addition, the police rarely take complaints of domestic violence seriously. If they do arrest the perpetrator, he is often released quickly and sometimes returns to the home even more violent than before. Local officials often have no experience in protecting victims from further violence and thus, the fear of further violence is a real threat to women who file complaints.<sup>41</sup> Women may also be at risk of further violence by police officials if they go to the police station.

Given these attitudes, women are often discouraged from seeking legal help from the police or the judicial system. In fact, statistics show that as many as 40% of women victims of domestic violence do not seek help from law enforcement officials.<sup>42</sup> Police claim that domestic violence is decreasing since they are receiving fewer complaints, but one women’s NGO has highlighted that this claim is erroneous given the fact that women are hesitant to present themselves to the police.<sup>43</sup>

Although several crisis centers, run by NGOs, provide invaluable support to women victims of domestic violence, there is a severe shortage of shelters for domestic violence victims. It is reported that there are actually no shelters in Moscow for battered women.<sup>44</sup> This makes it very difficult for a woman to leave an abusive relationship because she has no safe place to go to. This, combined with the economic reality that many women do not have the financial means to move out of the apartment, results in a situation where many women remain in the same apartment with violent partners, even in cases where they have technically divorced. One report indicates that in these circumstances, sometimes “the former husband actually feels that he is beyond the law since he is not a husband anymore. At that point, the abuse manifests itself with new force.”<sup>45</sup>

In general, crisis centers and shelters in Russia suffer from a severe shortage of funds. It has also been observed that the personnel of these organizations are ill-equipped to handle claims of gender based violence and that trainings are urgently needed to ensure that situations of violence are not made worse.<sup>46</sup>

### ***3.2 Marital Rape***

Marital rape is not specifically criminalized in Russia nor is it specifically legal—it is considered under general rape provisions. Social attitudes towards rape within marriage though seem to indicate that many people do not think such a crime exists. In an opinion poll, 70% of respondents indicated that they did not believe a woman’s consent was necessary for sexual intercourse in marriage.<sup>47</sup> One crisis center has reported that, according to their records, as many as 47% of domestic violence cases result in pressure to have sex.<sup>48</sup> Like domestic violence, specific legislation criminalizing marital rape is very important given the relationship and interdependence between the perpetrator and the victim.

### ***3.3 Polygamy***

Although polygamy is formally prohibited by Russian legislation, this marriage arrangement is still common in some areas of the Federation, particularly in the Caucasus. Support for this practice was demonstrated when, in 1999, the President of the Republic of Ingushetia, introduced

legislation that would legalize polygamy in that region. The legislation enjoyed the support of the majority of the population of the Ingushetian Republic, but was not passed into law because it contradicted the federal law prohibiting polygamy.<sup>49</sup>

Generally, in polygamous marriages, only the first wife has an officially registered marriage and the rest of the wives are married unofficially, leaving these women without the official governmental protections afforded to persons in the context of marriage.

General Recommendation #21 issued by the Committee on the Elimination of Discrimination Against Women states that “[p]olygamous marriage contravenes a woman’s right to equality with men, and can have such serious emotional and financial consequences for her and her dependents that such marriages ought to be discouraged and prohibited” and asserts that polygamy is a violation of CEDAW.

## **4. Violence Against Women in the Community**

### ***4.1 Rape***

Rape is defined under Article 313 of the criminal code of Russia as “sexual intercourse with the use of violence or threat of violence against a female victim or other persons or by taking advantage of the helpless state of a female victim and shall be punished by imprisonment for 3 to 6 years.” The punishment for rape can be increased (4 to 10 years) depending upon several aggravating factors such as a perpetrator who is a repeat offender; a rape committed by a group of persons; a rape accompanied by death threats, grievous harm or particular cruelty; a rape resulting in venereal disease; or a rape of a woman who is clearly under age. Factors resulting in the maximum punishment for rape (8 to 15 years) include accidental death, accidental infliction of severe harm; infection of the victim with HIV or rape of a girl clearly under the age of 14.<sup>50</sup>

Although the number of reported rape cases has been declining over the past years (with 9,766 cases being reported in 1999), it is important to note that rape is notoriously under-reported and that the numbers rarely reflect reality.<sup>51</sup>

Similar to domestic violence, victims of rape face serious obstacles in pressing charges against the perpetrators because of societal views. Stereotypical attitudes often blame the victim for promiscuous behavior which “invites” rape. One victim’s statement serves as an important illustration of this tendency: “The fact is that some of my friends and I have also been raped. None of my friends reported to the police but I did and I regret it to this day. I have never been more humiliated, insulted and condemned than back then. It turned out that I was to blame for what had happened to me. My mother saved me from suicide whereas the police almost encouraged me to commit it.”<sup>52</sup>

Additionally, law enforcement officers reportedly delay in sending rape victims to the hospital for a medical exam, thus losing essential evidence for a case against the perpetrator. With respect to medical exams, due to the poorly written law which does not adequately lay out the obligations of public officials, as well as serious bureaucratic obstacles, medical examiners reportedly do not conduct exams of rape victims unless they are explicitly responding to questions posed by the judge on the case. This creates grave problems for the victims since the medical evidence will likely be lost by the time the judge issues such questions or instructions.<sup>53</sup>

There is no program of protection for rape victims, thus leaving them vulnerable to further contact with the rapist, members of the rapist’s family, or the rapist’s friends. Furthermore, there is no specific department within the police department that deals with sex crimes, and there is no program of training available for police officers concerning how to handle rape cases in a sensitive manner.<sup>54</sup>

Alarming, women may face further violence when they go to the police station. In one case, it is reported that two women went to the police station to report the rape of one of the women. Both women were locked up and raped in the police station by police officers. It is reported that this case is not out of the ordinary.<sup>55</sup>

## ***4.2 Trafficking***

Trafficking is another serious problem in the Russian Federation, which is both a country of origin, transit and destination for trafficking victims. Since the fall of the Soviet Union, women in the former Soviet countries

have been particularly vulnerable to trafficking for a combination of reasons, including poverty, discrimination, and violence, which implicate their economic, social and cultural rights.

Trafficking in human beings has become a serious global concern. International criminal groups, whose activities often include other forms of illicit trade such as smuggling of drugs and arms, often control trafficking in persons as well. In addition to abusing human rights, and violating labour and migration laws, trafficking in persons is also a problem of national and international security.

Many women fall prey to trafficking schemes because of the adverse labour market conditions for women in Russia. It has been reported that women have fewer work opportunities than men. Thus, the level of education alone is reportedly not an effective indicator of who will become a trafficking victim as women with higher educations are also susceptible to these schemes.<sup>56</sup>

Additionally, visa restrictions in foreign countries make it exceedingly difficult for Russian women to find work abroad, given that they often seek low-skill employment. In these circumstances, many Russian women seek help from “employment agencies,” which provide false promises of legitimate jobs abroad. When the women arrive in the foreign country, their passports and other papers are confiscated and they are often forced into prostitution.<sup>57</sup>

One opinion poll has revealed that, despite the fact that 85% of women considered trafficking to be a problem, 65.5% were still interested in leaving Russia to work abroad.<sup>58</sup> The Angel Coalition, a network of NGOs fighting against trafficking in the region, has documented 350 cases of trafficking in Russia, but they suspect that the number of victims could be as high as 5,000 per year.<sup>59</sup>

Women from the Newly Independent States are reportedly trafficked through Russia frequently in transit to third countries.<sup>60</sup> Trafficking victims are also reportedly working within Russia, having been trafficked from countries such as Moldova, Uzbekistan, Tajikistan, Kazakstan, Ukraine and Belarus.<sup>61</sup> Within Russia, traffickers reportedly have connections with local police, making it especially complicated for trafficking victims to escape from the hold of their captors.<sup>62</sup>



In February 2003, the State Duma proposed a draft law that would outlaw trafficking in persons and slavery. However, this legislation is still being developed and is not yet in force.

Furthermore, lack of resources, widespread corruption, and lack of understanding of this crime among the police, mean that cases are rarely investigated effectively. Victims who are returned to Russia are reportedly scared to press charges against the employment agencies who arranged the trafficking because of the power of organized crime in Russia and a lack of faith in law enforcement institutions.<sup>63</sup>

There is a lack of shelters (with only 5 across the entire Russian Federation) and there are no support services for trafficking victims who have been returned to Russia. The lack of shelters is a serious problem because, when trafficking victims are deported back to Russia, they are frequently sent to the “nearest point,” usually Moscow. With no support services, the victims are forced to continue working in prostitution in order to have enough money to return home. Fortunately, an increase in the number of shelters is foreseen over the next year.<sup>64</sup>

### ***4.3 Sexual Harassment***

There is no law specifically prohibiting sexual harassment in Russia.

Sexual harassment of women in the workplace appears to be commonplace. One research project documented cases of sexual harassment in small businesses, where many women work. The cases indicate that women are often harassed but they rarely make complaints being resigned to “accepting the rules of the game.” The typical case involves managers who propose relationship with female workers.<sup>65</sup> Another report indicates that when a woman is hired, she is told that her employment is conditioned on her willingness to subject herself to the proposals of her boss – this condition is implicitly stated in requests, for example, that she “go to the sauna” with the boss and the clients.<sup>66</sup> Although these forms of sexual harassment are openly directed against women, women rarely complain for fear of losing their jobs.

## 5. Violence Against Women Perpetrated by State Agents

### 5.1 *Violence against Women in Prison*

Women constitute 5.6% of the prison population in Russia, with about 58,000 women prisoners.<sup>67</sup> It is reported that women criminals often find themselves in jail as a result of violence and other disharmony in the family, with more and more penal colonies reporting inmates who have killed their husbands, fathers, etc.<sup>68</sup>

Reports of torture and ill treatment of women prisoners in Russia are particularly concerning to OMCT. This seems problematic specifically with regard to women from the Southern Republics of Russia in the Caucasus. Sexual harassment is one type of violence reportedly taking place in women's prisons in Russia but it is often difficult for the women prisoners to prove the necessary facts in order to file formal charges.<sup>69</sup> Additionally, most women's prisons are overcrowded and some are reported to be filled at twice their capacity.<sup>70</sup>

There are only 40 prisons for women in all of Russia, meaning that one in every two women convicted of a crime must be transferred to a different region. The decision about where a woman will serve her prison sentence is made based on convenience to the government, rather than considering the needs of the woman and her family. The time it takes to transfer prisoners is not directly related to the actual distance as the prisoners frequently must pass through "transit" prisons, meaning that a journey that should only take 2 days can take as much as 2 months. The conditions in the transit prisons are reportedly horrendous—with unsanitary living conditions, exposure to contagious diseases, overcrowding, and lack of access to medical help. Interviews conducted in one prison colony revealed that some of the inmates had been deprived of food while they were being transferred. Others had been beaten, either by the guards or by other inmates.<sup>71</sup>

A study of six women's prisons in Russia by the Center for Assistance to Criminal Justice Reform in 1999 found the following:

"The core problem of accommodation of women in Russia's penitentiary system is that the conditions of serving the sen-

tence that were shaped in the Soviet period reflect neither psychological nor physiological features inherent in women, i.e., women are kept as men or, more precisely, as certain averaged-out human beings without regard to sexual, age-related, or other characteristics.”<sup>72</sup>

This problem is evidenced by the failure of the Russian government to issue hygienic materials for women who are menstruating. Thus, it has been reported that women try to find other ways to meet their hygienic needs, such as using technological cotton found at factories, clothes or mattresses as tampons. Medical experts note that these homemade solutions can cause serious problems for women’s health.<sup>73</sup>

### ***5.2 Violence Against Women Human Rights Defenders***

Women human rights activists have also been subject to harassment in Russia. One example is Soldiers’ Mothers of St. Petersburg, who report on the conditions for soldiers in the Russian army and also teach soldiers how to observe the laws and Constitution of Russia. This organization has been harassed through measures to close down their offices and allegations that their activities do not correspond with their “status.”<sup>74</sup> These government actions obstruct the important work of this organization.

Also, in Chechnya, Malika Oumzhayeva, the ex-administrative head of the Alkhan-Kala, Grozny district, was shot to death by Russian soldiers on the night of November 29, 2002. It has been reported that she was killed shortly after meeting with the delegation from the European Committee for the Prevention of Torture. Human rights organizations have observed that Ms. Oumzhayeva defended the interests and rights of the local people in her district and allege that she was killed precisely for these activities.<sup>75</sup>

Another woman activist was killed in May 2003 along with 4 members of her family in the village of Kalinovskoe, district of Naourski. Zoura Bitieva was well known for her anti-war activities throughout the first and second war in Chechnya, having participated in many demonstrations against the war and having brought complaints before the European Court of Human Rights concerning human rights violations by the Russian military. Because of her activities, her family had received multiple threats

and suffered harassment by the authorities. According to reports, on the night of May 20, 2003, Ms. Bitieva, her husband, her youngest son and her brother were all shot in their home by fifteen men, four of whom were wearing masks.<sup>76</sup>

## **6. Violence Against Women in Chechnya**

The conflict in Chechnya has had an effect on women as well as men. One report alleges that women constitute at least 10 % of the total number of civilians killed in the Chechen Republic in 2002.<sup>77</sup> It is important to note that men are primary targets in the context of the conflict in Chechnya, being subjected to arbitrary detention, torture and enforced disappearances in larger numbers than women. However, not only are women similarly subjected to these violations, but women have also experienced the wars in Chechnya in different ways than men. Widows make up a large part of the Chechen population and, as widows, many women have had to assume new roles in the family and community. In addition to this reality, women face serious obstacles in finding disappeared relatives, women are subjected to sex-specific violence such as rape, women are targeted by the military on account of their relationships with combatants, and increased visibility of women suicide bombers has led to a government policy of searching all Chechen women in increasingly invasive ways.

In 1997, before the start of the second war, the official number of widows in the Chechen Republic was 3000.<sup>78</sup> It is now suspected that that number is much higher, and higher than indicated by official estimates. The high number of widows in Chechnya has changed the role of women in Chechen society with women now being forced to assume the entire responsibility of supporting and caring for the family. Assuming these increased responsibilities in the family has serious consequences for the economic and social situation of these widows.

Disappearances are widespread in Chechnya, the victims of which are mostly men. At least three protest rallies have been organized, mostly by women, in a six month period with the protestors demanding to know the whereabouts of their disappeared relatives. These protests took place in March 2003 in Grozny, for two days from June 28-30 just outside of Grozny and on August 19, 2003 in Grozny. When women file cases to

find their disappeared relatives, they face enormous obstacles in receiving any information as the various government institutions merely pass the blame between each other, with no one actually conducting a transparent investigation. Frequently, investigations are suspended with the authorities claiming that the perpetrators were unidentifiable. Although the new Penal Code in Russia allows for the prosecution of authorities for failing to properly investigate a case, the necessary evidence to file such a case is often “classified,” thus leaving no real possibility of holding prosecutors accountable for their inadequacy.<sup>79</sup> In some cases, when the body of their relative is found, women are forced to pay in order to get the body back from the authorities.<sup>80</sup>

The psychological trauma and hardships suffered by women on account of the fact that their male relatives have disappeared cannot be underestimated. The Secretary General’s report on Women, Peace and Security recognized that “the ‘disappearance’ of male relatives affects women’s status in their societies and traumatizes women who cannot find closure as long as they are hoping for the return of their relatives.”<sup>81</sup>

When a woman’s husband is disappeared or killed, she receives no public support in the form of pensions. Children are entitled to an allocation when their father is killed, and oftentimes the entire family becomes dependent on this money, but such allocation is dependent on the presence of a death certificate. In cases where the husband is disappeared, families are often reluctant to apply for a death certificate because it gives the police a justification to cease the search for their relative.

Interviews conducted, as well as numerous reports, reveal that Russian troops have been responsible for the rapes of many women during the course of the two conflicts in Chechnya. Women are particularly vulnerable to such sexual violence during “cleansing” operations of private homes. As many men are no longer in the homes (having fled the perpetual dangers of arbitrary arrest, detention and torture, as well as to join the combatants in the mountains), women are often alone in the home when soldiers enter. Cases have also been reported of women being raped in front of their husbands and other male relatives or women being raped while being forced to watch their relatives being attacked in other ways. In addition, women are also vulnerable to rape at checkpoints and in detention centers.

The case of Iman, which occurred on July 27, 2002, is illustrative of the horrors that women face. On July 26, 2002, Iman's husband had helped his neighbor to repair a car, which, unbeknownst to the husband, belonged to a Chechen fighter. The next day, Russian soldiers entered the home of Iman and her husband and proceeded to torture Iman's husband as well as her 11 month old daughter, and then took her husband away. On the following day, the soldiers returned to Iman's house.

*"They took Iman into the bedroom, demanding that she confess to being a Chechen fighter. They pinned her to the wall, cutting off her breath. They brutally kicked and beat her with a kalashnikov butt. They tried to rape her, but she put up such a fight that they pulled out a syringe filled with green liquid, which they said would kill her, and then injected her with it. Iman felt a sharp burning sensation and an intense pain before she lost consciousness. She awoke naked, lying on the bed, completely numb and as if paralysed. The soldiers left after repeating that it would make her suffer a long while, and that if she ever spoke about what happened, they would kill both her and her daughter."*<sup>82</sup>

It is extremely difficult for women to report these crimes given cultural obstacles which dissuade them from admitting that they have been involved in any sexual activity, forced or not. Such an admission, under traditional viewpoints, makes a woman unmarriageable, or if she is already married, such an admission may make her vulnerable to divorce or to further violence. One interviewee acknowledged that the subject of violence against women, including rape, is a completely taboo subject and it is impossible for women to talk about it.<sup>83</sup> As another Chechen woman has explained:

*"If they [raped women] come home, they would be better off shooting themselves. If anyone laid a hand on them they'd be written off for good here in Chechnya. It's a kind of law. A sullied daughter is worse than a dead one to her father. It's a terrible disgrace. She'll never get married and no one will say a kind word to her, even though it's not her own fault she was dishonoured."*<sup>84</sup>

Furthermore, when women attempt to file complaints about these crimes, the police reportedly will not investigate the case.<sup>85</sup>

In one case, reported to OMCT during the seminar and highly covered by the local and international media, a Russian colonel, Yuri D. Budanov, was charged with murdering a 18 year old Chechen girl, Kheda Kungaeva. The evidence of the case showed that Ms. Kungaeva had also been raped before being strangled to death. Budanov was arrested in March 2000 (two days after the murder) and he admitted murdering Kungaeva but denied having raped her. The trial began in February 2001 with Budanov being charged only with murder and not with rape. The trial was postponed several times while Budanov underwent psychiatric examinations, eventually resulting in a psychiatric institution claiming that he was insane at the time of the murder and thus could not be held criminally accountable for his actions. As such, he has been transferred to a psychiatric institution rather than a prison.<sup>86</sup> No one has been charged for the rape of Kungaeva.

Reports from the Russian-Chechen Friendship Society also show that many women, similar to men, have been disappeared, arbitrarily detained, tortured and summarily executed in Chechnya. For example, it is reported that on the night of August 1, 2003 in Achkhoy-Martan District, federal forces abducted Luisa Katsaeva. Until now, the whereabouts of Ms. Katsaeva remain unknown.<sup>87</sup> Other women who had disappeared have been found among the dead bodies in mass graves. One example is three women who were arrested in Grozny on June 3, 2000—Nura Luluevaya Saidaliyeva, and her two cousins Raisa and Markha Gakaev. Reports indicate that these three women were detained by men in camouflage uniforms along with a man, Zavala Tazurkaev, who had tried to help them when he heard their screaming. The bodies of all four detainees were identified in a mass grave found in February 2001 near Khankala.<sup>88</sup> Testimonies collected indicate that it is usually the most beautiful women and girls who disappear.

*In another case, the wife of Abubakar Amiroff disappeared and was eventually killed in 2000 by Russian police. On January 11, 2000, she had gone to Grozny to collect some children's clothes. She was nine months pregnant and she was detained at a checkpoint on her way to Grozny. Her*

*husband searched for her for four months, and then she was found in the basement of small house in Grozny, where she had been killed by three bullets, one in the back of her head and two in her chest. There was also a deep cut running across her abdomen. All efforts by her husband to investigate and find justice on this case have been thwarted by threats and violence against him.<sup>89</sup>*

Additionally, in recent months, in an effort to find female suicide bombers, women are at greater risk of being detained and thus, potentially vulnerable to violence while in detention. After the suicide bombings in Tushino, allegedly committed by women terrorists, the government reportedly issued Order No. 12/309 on July 9, 2003, known as operation “Fatima,” whereby police were instructed to detain all women wearing the traditional Muslim headscarves.<sup>90</sup> As part of this new operation, according to testimonies, women are strip searched at checkpoints. Although women guards are supposed to conduct these searches, oftentimes male guards are present. People from Chechnya are outraged by this practice because, in their culture, making a woman undress is a severe form of humiliation. With regard to searches, it is also reported that pregnant women are vulnerable to being searched at checkpoints because the soldiers want to verify that the women are actually pregnant and not hiding explosives.<sup>91</sup>

One case resulting from operation “Fatima” is the disappearance of Ayshat Saydulayeva. According to reports, Ms. Saydulayeva was arrested in her home village in the Urus-Martan District, being accused of having contacts with guerrillas based on the allegation that she had photos of herself with members of the Chechen resistance. She has not been seen since her arrest and her whereabouts are unknown.<sup>92</sup> Another recent case concerned a woman who had received a letter from a friend, who was one of the women who participated in the Moscow hostage taking, previous to that attack. According to the report, members of the FSB arrested the recipient of the letter and detained her for four days. When she was released, they warned her that if a terrorist attack happens, she will be the first suspect.<sup>93</sup>

Women are also targeted because of their relationship to fighters on either side of the conflict. For instance, the body of Mrs. Tsagareva, sister of a



Chechen commander, Mr. Magomed Tsagarev, was found in February 2003 in a town near Urus-Martan. Local residents reported that a car drove into the forest, an explosion was heard and then the car drove away in an unknown direction—the body was found at the scene of the explosion.<sup>94</sup> On another occasion, the wife and daughter of a policeman who worked for the Chechen Ministry of Interior were killed. A commander of a Chechen rebel group claimed responsibility for this murder, as revenge for the policeman's collaboration with Russian forces.<sup>95</sup> It has also been reported that women's links to fighters may hinder their access to public support. For example, one testimony asserted that a woman was unable to claim the full pension for her children because the authorities labelled her dead husband as a fighter.<sup>96</sup>

## **7. Conclusions and Recommendations**

Although Russia has enacted many laws and established several mechanisms which purport to guarantee equal rights between women and men, discrimination against women is still widespread in this country. Frequently, such discrimination manifests itself as violence.

With respect to discrimination, the Russian Federation should make more efforts to implement existing laws guaranteeing equality. Furthermore, a definition of sex discrimination should be developed and a mechanism should be established to pursue claims of sex discrimination against either individuals or institutions. Discrimination against women in Russia severely hinders women's access to employment and politics, thus OMCT recommends that the Russian Federation consider instituting affirmative action policies to guarantee women's equal opportunities in these fields. Additionally, educational programs should aim to combat negative stereotypes that make women vulnerable to discrimination and/or violence.

OMCT is gravely concerned about the widespread nature of domestic violence in Russia and urges the government to enact legislation specifically criminalizing such violence. OMCT would recommend that effective measures be taken with respect to the enactment of legislation on domestic violence along the lines of the guidelines submitted by the United Nations Special Rapporteur on violence against women to the fifty-second session of the United Nations Commission on Human Rights (U.N. doc.

E/CN.4/1996/53, Add.2). The measures that the government should envisage incorporating within domestic violence legislation should include; the establishment of a system for the enforcement of *ex-parte* restraining and protective orders that would have the effect of ensuring that the perpetrator could not approach the victim or other witnesses and that the perpetrator be obliged to vacate the family home; as well as provisions on the rights of victims to receive appropriate legal, medical and other assistance including alternative shelter and reparations.

It is urgent that police and judiciary officials receive appropriate gender-sensitive training for addressing cases of domestic violence. The government should also institute awareness raising campaigns to take this violence out of the private sphere and place it in the public eye.

OMCT further recommends that the government explicitly criminalize marital rape.

OMCT is concerned that despite the legal ban on polygamy, the practice continues in some areas of Russia. Efforts should be made to work with women from the areas where polygamy is common in order to raise awareness about the dangers it presents for women and ensure that all citizens are aware that it is not legal.

OMCT is deeply troubled that rape victims are continually blamed for having provoked the violence they suffered and insists that police and judiciary officials receive training on how to respond to rape cases. In cases where such officials subject victims of violence to further violence, it is essential, as with all rape cases, that the case is investigated, prosecuted, and punished with due diligence. Also, protection programs should be developed for women victims of rape who file complaints so that they do not suffer further violence at the hands of the rapist or other persons.

Trafficking is an enormous problem in Russia. OMCT commends Russia for taking steps to develop new legislation against trafficking and recommends that in the drafting of such legislation, protection of the victim and prosecution of the trafficker are emphasized. Additionally, recognizing that women's vulnerability to trafficking stems from their lower socio-economic status, it is imperative that the government make efforts to address women's lack of job opportunities and poverty. It is urgent that more shelters and support centers be set up for victims of trafficking who

have been deported back to Russia in order to rehabilitate such victims and offer protection in cases where women decide to file complaints.

The common nature of sexual harassment in Russia is deeply concerning to OMCT. Reports that women must agree to conditions which demand them to submit to the sexual desires of their superiors are clear violations of women's rights. A strong law forbidding sexual harassment and establishing a cause of action for such acts is imperatively needed.

The situation of women prisoners is also troubling. OMCT insists on the obligation of the Russian Federation to investigate, prosecute and punish all cases of ill treatment and torture. Also, the detention conditions in Russia, which are horrendous, must be improved.

Government harassment and violence against women human rights defenders is extremely problematic in Russia and OMCT urges the government to cease such activities and guarantee the full enjoyment of all human rights to these persons as guaranteed in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, UN Doc. A/RES/53/144.

Women in Chechnya are victims of multiple forms of violence, often perpetrated by Russian state agents. OMCT insists on the need to guarantee access to justice for all citizens of Chechnya, particularly women searching for disappeared relatives. Additionally, appropriate social services should be given to widows of the two wars in Chechnya. OMCT calls on the Russian government to ensure that all cases of violence against women perpetrated by Russian forces, including rape, torture, ill treatment, and disappearances be investigated with due diligence and the perpetrators be brought before an impartial and fair tribunal. With the new policy established by Operation Fatima, OMCT is extremely disturbed by the practice of male guards strip searching females and insists that only female guards carry out this function. Also, the government must guarantee that when women are detained under this operation it is for a legitimate reason and that women are not subjected to further violence while in detention.

Finally, OMCT would insist upon the need for the Government to fully implement all of the provisions of the Convention for the Elimination of

All Forms of Discrimination Against Women, the Beijing Rules and Platform for Action and the Declaration on the Elimination of Violence Against Women as these instruments provide detailed protection for women against violence in the family, in the community and at the hands of State officials.

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# *Committee on Economic, Social and Cultural Rights*

**THIRTY-FIRST SESSION – 10-28 NOVEMBER 2003**

**CONSIDERATION OF REPORTS SUBMITTED  
BY STATES PARTIES  
UNDER ARTICLES 16 AND 17 OF THE COVENANT**

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**CONCLUDING OBSERVATIONS OF THE COMMITTEE ON ECONOMIC, SOCIAL  
AND CULTURAL RIGHTS: RUSSIAN FEDERATION**

1. The Committee on Economic, Social and Cultural Rights considered the fourth periodic report of the Russian Federation on the implementation of the International Covenant on Economic, Social and Cultural Rights (see E/C.12/4/Add.10) at its 41st to 43rd meetings, held on 17 and 18 November 2003 (see E/C.12/2003/SR.41-43), and adopted, at its 56th meeting, held on 28 November 2003 (see E/C.12/2003/SR.56), the following concluding observations.

## **A. Introduction**

2. The Committee welcomes the submission of the fourth periodic report of the State party, which was prepared in general conformity with the Committee's guidelines. It also appreciates the comprehensive written replies to the list of issues as well as the additional written information provided during the dialogue.
3. The Committee welcomes the frank and constructive dialogue with the high-level delegation of the State party.



## **B. Positive aspects**

4. The Committee notes with appreciation that the Constitutional Court continues to apply the Covenant in its rulings.
5. The Committee welcomes the State party's commentary on an optional protocol to the Covenant in which it restates its support for a complaints procedure.
6. The Committee welcomes the adoption of the Federal Act entitled "Political Parties" which contains provisions aiming at enhancing women's participation in political life.
7. The Committee welcomes the new Labour Code of 2001, which introduces further protection against forced labour and discrimination in the field of labour and employment.
8. The Committee welcomes the State party's ratification on 25 March 2003 of the International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

## **C. Factors and difficulties impeding the implementation of the Covenant**

9. The Committee notes the absence of any significant factors or difficulties preventing the effective implementation of the Covenant in the Russian Federation.

## **D. Principal subjects of concern**

10. The Committee is deeply concerned about the poor living conditions in the Republic of Chechnya and notes with regret that sufficient information was not provided on this problem in the State party's report. While acknowledging the difficulties posed by the ongoing military operations, the Committee is concerned about the problems faced by people in the Republic of Chechnya with regard to the provision of basic services, including health care and education.

11. The Committee is concerned about the precarious situation of indigenous communities in the State party, affecting their right to self-determination under article 1 of the Covenant. The Committee notes that the Law of 2001 On Territories of Traditional Nature Use of Indigenous Numerically Small Peoples of the North, Siberia and the Far East of the Russian Federation, which provides for the demarcation of indigenous territories and protection of indigenous land rights, has still not been implemented.
12. The Committee is concerned about reports of cases where the lack of registration of place of residence and other identity documents in practice places limitations on the enjoyment of rights, including work, social security, health services and education. The Committee is also concerned about reports that some groups of people, including the homeless and the Roma, face particular difficulties in obtaining personal identification documents, including registration of residence.
13. The Committee notes the statement of the State party's delegation that any former citizen of the Soviet Union living in the country can exchange their old Soviet passports for new Russian Federation ones without any difficulty. However, the Committee is concerned about reports that registration and recognition of citizenship have been denied to some groups, particularly the Mesketians living in Krasnodar Krai.
14. The Committee remains concerned about gender inequality in the State party, particularly with regard to discrimination in employment, in the family and in political representation.
15. The Committee remains concerned about the relatively high rates of unemployment in the State party, particularly among young people, women, people of pre-pensionable age and persons with disabilities. It also notes with concern the significant regional disparities, with unemployment rates ranging from 32.4 to 56.5 per cent in the nine worst affected regions.
16. The Committee notes with concern that the employment of persons with disabilities has significantly decreased in recent years. The Committee regrets that two important tax benefits, which served as incentives for hiring persons with disabilities and which were com-

mended by the Committee in its previous concluding observations, have been removed.

17. The Committee notes with concern that the informal economy in the State party has grown considerably and that illegal migration of labour is widespread, which means that a large number of people work without legal and social protection.
18. The Committee remains concerned about the low level of wages in the State party, with an estimated 32.8 per cent of workers earning wages equal to or below the subsistence level. The Committee notes that the situation is aggravated by the persistent problem of wage arrears. The low level of the minimum wage is also a cause of concern since it remains well below the minimum subsistence level and is inadequate to provide workers with a decent living for themselves and their families (articles 7 and 11 of the Covenant).
19. The Committee remains concerned about the high incidence of serious accidents in the workplace in the State party.
20. The Committee is concerned about the difference in wages between men and women as well as about working conditions for women. It is also concerned about sexual harassment of women in the workplace.
21. The Committee is concerned that the Labour Code may impose undue restrictions on the right to strike, by requiring a quorum of two thirds of the total number of workers and the agreement of at least half of the workers present at the meeting to call a strike.
22. The Committee remains concerned about the inadequate amounts paid in pensions and social benefits, while noting that the problem of arrears has been addressed.
23. The Committee is very concerned about the high incidence of trafficking in persons in the State party and about the lack of reliable statistics on the number of people trafficked and of information on cases where persons have been prosecuted under existing anti-trafficking legislation.
24. The Committee remains concerned about the high incidence of domestic violence and the fact that victims of domestic violence are not adequately protected under existing legislation.

25. The Committee is concerned that income disparities, which have further increased in the reporting period, affect the standard of living of a considerable part of Russian society, and that, despite economic recovery in the last years, the level of poverty in the State party has still not been brought down to the pre-1998 level. The Committee is also deeply concerned that, according to the most recent figures (2002), an estimated 35.8 million people, or 25 per cent of the population, live on an income below the minimum subsistence level.
26. The Committee remains concerned about the problem of street children in the major cities of the State party. The Committee is also deeply concerned about the growing number of orphaned children and children deprived of parental care.
27. The Committee notes with concern that homelessness is a growing problem in the State party.
28. The Committee is concerned about delays in the payment of compensation for houses destroyed during military operations in Chechnya.
29. The Committee is concerned about reports indicating maltreatment of conscripts in the armed forces as well as their sub-standard living conditions and lack of access to adequate food and health care.
30. The Committee is concerned about the precarious situation of more than 100,000 internally displaced persons from Chechnya living in Ingushetia. The Committee emphasizes in this respect its view that the closing down of tent camps without provision of alternative lodging would be in contravention of the Covenant.
31. The Committee is concerned about the general deterioration of the level of availability and accessibility of health care in the State party. The Committee also notes with concern that hospitals and clinics in poor regions often do not stock all essential drugs, and that, despite the constitutional guarantee of free medical care, many health clinics charge fees for their services and request patients to purchase medicaments. Furthermore, the Committee is concerned about the poor health status of northern indigenous peoples, the life expectancy of whom is estimated to be 15-20 years lower than the national average.

32. The Committee notes that the State party lacks federal legislation on the rights of patients concerning, inter alia, professional ethics and redress for medical errors.
33. The Committee remains concerned about the high incidence of tuberculosis in the State party, particularly in prisons, in the Republic of Chechnya and in the regions of the Far North, in particular among indigenous communities.
34. The Committee notes with concern the sharp increase in the HIV-infection rate during the last three years, the increasing incidence of HIV contracted through heterosexual contacts, and the increasing number of children born of HIV-positive mothers.
35. The Committee is concerned about the high levels of infant and maternal mortality in the State party. It also notes with concern that unsafe abortion remains a main cause of maternal mortality.
36. The Committee remains concerned about the spread of drug addiction in the State party.
37. The Committee remains concerned about reports that a sizeable number of children, due to migration, homelessness and neglect, do not attend school.

## **E. Suggestions and recommendations**

38. The Committee urges the State party to allocate sufficient funds to reinstate basic services, including the health and education infrastructure, in the Republic of Chechnya.
39. The Committee, recalling the right to self-determination enshrined in article 1 of the Covenant, urges the State party to intensify its efforts to improve the situation of the indigenous peoples and to ensure that they are not deprived of their means of subsistence. The Committee also encourages the State party to ensure the effective implementation of the Law on Territories and Traditional Nature Use.
40. The Committee urges the State party to ensure that the lack of residence registration and other personal identity documents do not

become an obstacle to the enjoyment of economic, social and cultural rights.

41. The Committee urges the State party to take effective measures to ensure that no one will be deprived of their legal status and enjoyment of rights as a consequence of the expiry of Soviet passports on 31 December 2003. The Committee also calls upon the State party to ensure that the authorities in Krasnodar Krai legalize the residence of Mesketians and members of other ethnic groups who have reportedly been denied registration.
42. The Committee recommends that the State party strengthen its efforts to promote gender equality and encourages the adoption of the draft federal law "On State Guarantees of Equal Rights and Freedoms, and Equal Opportunities, for Men and Women in the Russian Federation" currently before the Duma.
43. The Committee urges the State party to ensure that programmes to promote employment are targeted to the regions and groups that are most affected.
44. The Committee recommends that the State party take effective measures to promote the integration of persons with disabilities into the labour market, including by strengthening the system of job quotas for them, or by providing penalty payments for non-employment.
45. The Committee recommends that the State party strengthen its efforts to protect the human rights of workers in the informal labour market with a view to creating the conditions for unimpeded implementation of migrants' rights, and protecting migrants' legal rights and interests (E/C.12/4/Add.10, para. 69). The Committee also encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
46. The Committee urges the State party to take effective measures to raise wages, prevent wage arrears, and ensure the implementation of article 133 of the Labour Code, which, in line with the Covenant, stipulates that the minimum wage must not be lower than the worker's minimum subsistence level.

47. The Committee urges the State party to ensure that adequate funds are allocated for the prevention of accidents in the workplace and to strengthen the resources and powers of the labour inspectorate so as to ensure that sanctions are imposed on employers who fail to observe safety regulations.
48. The Committee recommends that the State party undertake effective measures, including through affirmative action, to improve the working conditions for women and to ensure equal pay for work of equal value. The Committee also recommends that the State party enact legislation criminalizing sexual harassment in the workplace.
49. The Committee encourages the State party to revise section 410 of the Labour Code so as to lower the quorum required for a strike ballot.
50. The Committee urges the State party to ensure that under the new pensions system, introduced by Federal Act of 1 January 2002, the basic component of pensions is raised to the minimum subsistence level. In view of the fact that the realization of this goal may take time, owing to limited resources, the Committee urges the State party to give priority to raising the minimum pension levels and to ensuring that social benefits are targeted to the families most in need.
51. The Committee calls upon the State party to ensure effective implementation of existing anti-trafficking legislation. It also encourages the State party to proceed with the adoption of proposed legislative amendments and of the draft act "On Counteracting the Trafficking of People" which aim at providing more effective protection for victims and ensuring the prosecution of traffickers. Moreover, the State party should ensure the availability of accessible crisis centres where victims of trafficking can receive assistance.
52. The Committee calls upon the State party to intensify its efforts to combat domestic violence by enacting specific legislation criminalizing domestic violence and providing training for law enforcement personnel and judges regarding the serious and criminal nature of domestic violence. Moreover, the Committee urges the State party to ensure the availability and accessibility of crisis centres where victims of domestic violence can find safe lodging and counselling.

53. The Committee urges the State party, in order to fulfil its Covenant obligations under article 11, to ensure that the increase in available funds in the State budget is also used to promote an adequate standard of living for all, including through a comprehensive national strategy to combat poverty. The Committee requests the State party to provide, in its next periodic report, updated statistical information on a comparative basis on the results of the efforts undertaken to reduce the number of people living below the subsistence minimum to 28-30 million by 2006.
54. The Committee urges the State party to further strengthen measures to prevent child neglect and to ensure adequate assistance and social rehabilitation for neglected or abandoned children. The State party should take effective measures to deal with the root causes of neglect and abandonment, particularly by increasing assistance rendered to families with children, including by increasing the levels of family benefits.
55. The Committee urges the State party to strengthen its efforts to address the problem of homelessness, including by ensuring that adequate resources are set aside for the provision of social housing, with priority given to the most disadvantaged and vulnerable groups. The Committee also encourages the State party to undertake a study into the problem of homelessness so that it may acquire a more accurate picture of the scope of the problem and of its root causes.
56. The Committee calls upon the State party to guarantee that timely and adequate compensation is duly provided to all persons whose property has been destroyed during the military operations in Chechnya.
57. The Committee calls upon the State party to ensure that mechanisms are in place to ensure the enjoyment of basic rights of conscripts, including their access to adequate food and health care.
58. The Committee reminds the State party of its obligation under the Covenant to ensure the provision of adequate temporary housing for those people who fear that Chechnya is too insecure for them to return.
59. The Committee calls upon the State party to ensure that the ongoing reform of the health sector will improve the quality of and equitable



- access to health services in all regions of the country. The State party should also take effective measures to improve the health status of indigenous peoples in the regions of the Far North.
60. The Committee recommends that the State party address the matter of patients' rights and report back to the Committee on this issue in its next periodic report.
  61. The Committee recommends that the State party intensify its efforts to combat tuberculosis, under the special federal programme "Urgent measures to tackle tuberculosis in Russia for the period 1998-2004", including by ensuring the availability of medicines and adequate sanitary conditions in prisons, and by taking special measures to combat the epidemic in the worst affected regions.
  62. The Committee, in line with its general comment No. 14 (2000) on the right to the highest attainable standard of health, calls upon the State party to take urgent measures to stop the spread of HIV/AIDS. The State party should ensure that all persons know about the disease and how to protect themselves, including through sex education in schools, and that methods of protection are available at affordable prices. Moreover, awareness-raising campaigns should aim at preventing discrimination against HIV-positive people.
  63. The Committee urges the State party to reinforce its efforts to reduce infant and maternal mortality. The State party should promote awareness of safe contraceptive methods and ensure that abortions are carried out under adequate medical and sanitary conditions.
  64. The Committee recommends that the State party ensure the effective implementation of programmes to prevent and combat drug abuse, targeted at young people and the worst affected regions of the country, and to report back to the Committee on this issue in its next periodic report.
  65. The Committee recommends that the State party reinforce its efforts under the federal programme "Youth of Russia (2001-2005)" to ensure that no child is deprived of the right to education. The Committee notes that a statistical survey of the number of children who do not attend school was introduced in 2003 and it requests the

State party to provide in its next periodic report disaggregated data on a comparative basis on enrolment and dropout rates among boys and girls and vulnerable groups. It refers the State party to its general comment No. 13 (1999) for guidance on how to prepare the information on the right to education in the next report.

66. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society and to inform the Committee on all steps taken to implement them in its next periodic report. It also encourages the State party to engage non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.
67. Finally, the Committee requests the State party to submit its fifth periodic report by 30 June 2008.