



**International Covenant on  
Civil and Political Rights**

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**Human Rights Committee**

**Consideration of reports submitted by States  
parties under article 40 of the Covenant**

**Seventh periodic reports of States parties**

**Russian Federation\***

[22 November 2012]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

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## I. Introduction

1. This report is submitted in accordance with article 40, paragraph 1, of the International Covenant on Civil and Political Rights and has been drawn up in accordance with the guidelines on the form and content of reports to be submitted by States parties to the Human Rights Committee (HRI/GEN/2/Rev.6) and the guidelines for the treaty-specific document to be submitted by States parties under article 40 of the International Covenant on Civil and Political Rights (CCPR/C/2009/1).
2. The report covers the period from November 2009 to October 2012 and includes a description of events that have taken place since the submission of the sixth periodic report of the Russian Federation (CCPR/C/RUS/6).
3. In addition, the report takes into account the concluding observations of the Human Rights Committee following its consideration of the sixth periodic report of the Russian Federation (CCPR/C/RUS/CO/6).

## II. Information concerning particular articles of the Covenant

### Article 1

4. The federal system of government of the Russian Federation is founded on the concept of a balance of interests of the constituent entities, each equal in rights, and due consideration for their ethnic identity, geography and other distinctive features. The right to self-determination in the Russian Federation is exercised through various autonomous ethnic territories and autonomous ethnic and cultural organizations.
5. Of the 83 equal constituent entities of the Russian Federation, 21 republics, 1 autonomous province and 4 autonomous areas are ethnic State entities.
6. The dual principle of self-determination and federalism proclaimed in the Constitution is laid down in Federal Act No. 95-FZ of 4 July 2003 on Amendments to the Federal Act on Basic Principles for the Organization of the Legislative (Representative) and Executive Bodies of the Constituent Entities of the Russian Federation, as amended on 11 and 29 December 2004, 29 December 2006, 26 April 2007, 22 July 2008, 5 April 2009 and 2 May 2012.
7. The role of local self-government within the system of elected bodies in the Russian Federation has been considerably enhanced. Over the past few years, a legal framework has been put in place to allow for local self-government to be duly organized and run in accordance with international standards. Local self-government is playing an ever-increasing role in the establishment of civil society in the Russian Federation, as it is a mechanism for shaping civil society and, at the same time, an integral part of it.
8. A particular focus of State policy in the Russian Federation is the development and improvement of legislation for the legal protection of the ethnic and cultural communities that are most vulnerable, in accordance with the principles of international and Russian law. Such vulnerable ethnic groups have officially been identified under Russian law, with the adoption of the Constitution, as “ethnic minorities” (Constitution, art. 71 (c) and art. 72, para. 1 (b)), “small indigenous peoples” (Constitution, article 69, hereinafter referred to as “small peoples” in accordance with the Federal Act No. 82-FZ of 30 April 1999 on Guarantees of the Rights of Small Indigenous Peoples of the Russian Federation) and “small ethnic communities” (Constitution, art. 72, para. 1). The notion of “small indigenous peoples of the North, Siberia and the Far East of the Russian Federation” was specifically

introduced under Federal Act No. 104-FZ of 20 July 2000 on General Principles of Organization for Communities of Small Indigenous Peoples of the North, Siberia and the Far East in the Russian Federation. The term was made more meaningful by the special legal status granted to such peoples. The Constitution draws a clear distinction between ethnic minorities and small indigenous peoples and small ethnic communities; under the Constitution, the regulation and protection of the rights of “ethnic minorities” is associated with the regulation and protection of human and civil rights and freedoms, the rule of law, law and order and nationality issues in general, whereas the rights of “small indigenous peoples” and “small ethnic communities” are associated with the right to land and other natural resources on which the livelihoods and activities of peoples in a given territory depend and with the right to protection of their traditional habitats and ways of life. Russian legislation guarantees small indigenous peoples a wide range of rights over the use of their lands, control over the productive use of traditional lands and the preservation of their traditional activities and way of life.

## **Article 2**

9. The violation of equality among human and civil rights and freedoms on grounds of sex, race, ethnicity, language, attitude to religion or other factors is a criminal offence (Criminal Code, art. 136).

10. Presidential Decree No. 657, on monitoring the enforcement of the law in the Russian Federation, was issued on 20 May 2011 to improve the Russian legal system. Its adoption has created a legal environment that has opened up a qualitatively new stage of development of the law and improvements in the legal system. The monitoring system thus established should provide a foundation for the rule of law. The implementation of the Decree will help to establish a single legal mechanism allowing for consistent lawmaking based on sound enforcement practice in order to promote the protection of citizens’ rights and, ultimately, the sustainable development and advancement of society.

11. The executive authorities, both of the federal Government and of the constituent entities of the Russian Federation, are called on to monitor enforcement, in accordance with a yearly plan approved by the Government of the Russian Federation and, outside the context of the plan, on their own initiative. The results of these monitoring efforts are submitted to the Ministry of Justice. Given that monitoring enforcement involves collecting, compiling, analysing and assessing information on law enforcement practice, it is extremely important to retrieve information from the widest possible circle of members of civil society. The range of persons who may participate in the monitoring process is not limited by the provisions of the Decree.

12. Federal Act No. 324-FZ of 21 November 2011 on Free Legal Assistance, which took effect on 15 January 2012, introduces State guarantees to ensure that citizens may exercise the right of access to free qualified legal assistance in the Russian Federation. A federal executive body and those of the constituent entities are empowered to ensure that citizens enjoy free legal assistance in accordance with the Federal Act.

13. Those involved in the non-governmental system of free legal assistance have been consulted on ways of developing the system. The Law Society of Russia, a nationwide community organization, and the leading faculties of law have carried out meaningful work on developing the non-governmental free legal aid centres.

**Responses to paragraph 6 of the concluding observations of the Human Rights Committee on the sixth periodic report of the Russian Federation (CCPR/C/RUS/CO/6)**

14. In May 2012 the First Deputy Procurator-General of the Russian Federation took part in a meeting with the Coordinating Council of the regional ombudsmen (human rights commissioners).

15. In 2011, one complaint was transmitted by the Commissioner for Human Rights in the Russian Federation, V.P. Lukin, and three by the Office of the Commissioner for Human Rights. Following the examination of the complaints, additional measures were taken to enhance the mechanisms for the protection of citizens' constitutional rights and freedoms, increase the effectiveness of the campaign against crime, involving efforts to eliminate and dismantle criminal groups and associations and prevent and expose crimes, including cases of corruption. The Commissioner transmitted five complaints in the first six months of 2012. Responses were provided based on their consideration.

**Responses to information on paragraph 7 of the Committee's concluding observations**

16. The definition of terrorism set out in the legislation (Federal Act No. 35-FZ of 6 March 2006 on Counteraction of Terrorism, article 3) encompasses all its distinguishing features, the core concept being the use of unlawful acts of violence to influence the decisions of State and local executive bodies or international organizations. Intimidation of a civilian population is another characteristic feature of terrorism. Terrorism is informed by a specific ideology and the practices carried out in pursuit of that ideology. This definition is in line with international standards. A number of amendments have been made to the Federal Act on Counteraction of Terrorism in order to optimize the legal framework for combating terrorism. In particular, article 5 of the Act has been amended to provide the population with timely information about terrorist threats and to coordinate the counter-terrorism efforts of the State, regional and local executive bodies in accordance with paragraph 4 of this article. Terrorism threat levels may be set and additional measures envisaged to safeguard individuals, society and the State in a manner that does not infringe human and civil rights and freedoms. The procedure for setting terrorism threat levels and taking additional measures to protect individuals, society and the State is determined by the President. The definition of "terrorist activity" includes an exhaustive list of criteria and comes under extremist activity. Under article 1, paragraph 1 (a), of Federal Act No. 114-FZ of 25 July 2002 on Counteraction of Extremist Activity, as amended on 27 July 2006, extremist activity may take the form of "terrorist activity or public justification of terrorism".

17. Article 11 of the Federal Act on Counteraction of Terrorism lays down the regulations governing counter-terrorism operations. While the causes or grounds for such regulations are not explicitly specified by law, they are clearly derived from stated objectives. A counter-terrorism operation may be used in order to prevent or expose an act of terrorism, minimize its impact and protect the vital interests of individuals, society and the State. It follows from the stated objectives that the ground for conducting a counter-terrorism operation is to avert the commission of an act of terrorism, something which is possible either at an early stage of the commission by an individual of an overt act (*actus reus*) or in the preparatory stage of an act of terrorism.

18. The Office of the Procurator of the Russian Federation oversees the enforcement of laws, including the Federal Act on Counteraction of Terrorism, in accordance with article 1, paragraph 2, of the Office of the Procurator of the Russian Federation Act, No. 2202-1 of 17 January 1992, in order to uphold the rule of law, harmonize and strengthen the legal system, protect human and civil rights and freedoms and defend the legitimate interests of society and the State.

**Response to paragraph 9 of the Committee's concluding observations**

19. The Committees on Labour, Social Policy and Veterans Affairs, on International Affairs and on Civil, Criminal, Arbitral and Procedural Law of the State Duma, the lower house of the Federal Assembly, are in the midst of preparing a package of bills with the primary goal of greatly simplifying procedures for obtaining Russian nationality. The bills were to be considered on first reading in a plenary meeting of the State Duma at its 2012 autumn session. On 26 October 2012, the State Duma adopted the Federal Act on Amendments to the Federal Act on Russian Citizenship to establish a new framework for the acquisition of Russian citizenship by former Soviet citizens who have come to the Russian Federation from States that were part of the Soviet Union and who have obtained a Russian passport or other document certifying Russian citizenship from an authorized public body formerly (or currently) responsible for matters relating to Russian citizenship, but who have not completed the formalities necessary for acquiring citizenship of the Russian Federation. The Federal Act was approved by the Federation Council of the Federal Assembly on 31 October 2012. The Act will take effect after its official publication.

**Article 3**

20. The Russian authorities have given high priority to legislative reform in order to provide for new and more effective domestic legal remedies. These reforms, while helping authorities to address problems encountered at the domestic level, are simultaneously promoting the realization in practice of the principle that international judicial institutions, including the European Court of Human Rights, should have a subsidiary or supportive function with respect to the domestic legal system. Based on their analysis of the European Court's case law, the Russian authorities have focused their main efforts in this field on problem areas identified by the Court in relation to the Russian Federation that are persistent, recurrent or systemic. Such problems include lengthy delays in judicial proceedings and in the enforcement of judicial decisions; the violation of the principle of legal certainty owing to the reversal on judicial review rulings that have taken effect; unlawful, unjustified or excessively long periods of remand in custody; conditions of detention and health care of suspected, accused and convicted persons that fail to meet international standards and ill-treatment or torture of such persons; the violation of citizens' rights in connection with acts of terrorism and counter-terrorism efforts; and the violation of the rights of citizens through extradition.

21. Some success has already been achieved in making available appropriate domestic legal remedies for excessive delays in judicial proceedings or in enforcement of judicial decisions. In particular, Federal Act No. 68-FZ of 30 April 2010 on Compensation for Infringement of the Right to Trial and to Enforcement of Judicial Decisions within a Reasonable Time Period and Federal Act No. 69-FZ on Amendments to a Number of Legislative Acts of the Russian Federation in connection with the Adoption of Federal Act No. 68-FZ of 30 April 2010 on Compensation for Infringement of the Right to Trial and to Enforcement of Judicial Decisions within a Reasonable Time Period were adopted in the framework of enforcing the pilot judgement of the European Court of Human Rights in the case of *Burdov v. Russia* (No. 2). The legal mechanisms provided for by these laws are based on the standards of the Convention for the Protection of Human Rights and Fundamental Freedoms and conform to the practice of the European Court. The legislative acts give complainants the opportunity not only to request compensation for unduly lengthy judicial proceedings (both at the preliminary investigation stage and during the examination of the case in court) and undue delay in the enforcement of judicial decisions, but also to ensure that the relevant judicial and enforcement proceedings are expedited. There are numerous examples in Russian jurisprudence that have demonstrated the effectiveness of

the remedies, something that has been recognized by the European Court, which has pointed to the need for these remedies to be exhausted before complaints are submitted to it. In December 2011, the efforts made by the Russian authorities led the Committee of Ministers of the Council of Europe to halt its investigation into the lack of effective remedies in the Russian Federation for undue delays in the enforcement of national court decisions.

#### **Responses to paragraph 10 of the Committee's concluding observations**

22. Under article 19 of the Constitution, the State guarantees equal human and civil rights and freedoms regardless of sex, race, ethnicity and other factors. Men and women have equal rights and freedoms and equal opportunities to exercise them.

23. Offences against the life, health, liberty, honour, dignity, sexual inviolability and sexual freedom of any person, regardless of gender, are punishable under the Criminal Code (art. 131 on rape). Amendments have been made over the past three years to chapter 18 of the Code (Offences against the sexual inviolability and sexual freedom of the individual) to increase the penalties for offences of this kind.

24. The law enforcement authorities are taking steps to eliminate all forms of discrimination against women. For example, on 21 June 2010, a woman filed a police report with the Internal Affairs Office for Grozny stating that unidentified persons driving a Lada Priora down a street in Grozny had fired a paintball gun at her, explaining in the Chechen language that that would not have happened if she had been wearing a headscarf. On 16 August 2010, another woman filed a report about a similar incident. After the reports were examined by the local law enforcement authorities, criminal proceedings were instituted in both cases under article 213, paragraph 1 (a), of the Criminal Code, and they were dealt with as a single case. The pretrial investigation has been suspended, a decision that was reviewed and found to be legal and valid by the Office of the Procurator for the Chechen Republic. In addition, the central investigation department for the North Caucasus Federal Area, a unit of the Investigative Committee of the Russian Federation, is handling the criminal case involving the abduction and murder of N. Estemirova, a member of the human rights organization Memorial. During the course of the investigation, A. Bashaev was implicated in the crime, taken into custody and formally charged.

#### **Article 4**

25. Matters involving the restriction of certain human rights and freedoms in the event of a state of emergency are dealt with in a manner consistent with the international obligations of the Russian Federation under the Federal Constitutional Act on States of Emergency, No. 3-FKZ of 30 May 2001, as amended on 7 March 2005. Under the Act, measures taken during a state of emergency entailing a change in or restriction of established human rights and freedoms must not exceed such bounds as are required by the severity of the situation. The measures must be consistent with the international human rights obligations undertaken by the Russian Federation and must not entail any discrimination against individual persons or groups solely on the grounds of sex, race, ethnic background, language, descent, financial situation, function, place of residence, attitude towards religion, beliefs, membership of voluntary associations and other factors. A separate provision of the Act covers the obligations of the Russian Federation under article 4, paragraph 3, of the Covenant in respect of the declaration of a state of emergency.

## Article 5

26. In accordance with article 30 of the Universal Declaration of Human Rights and article 5 of the Covenant, the human and civil rights set forth under the Constitution do not constitute an exhaustive list and new rights may be added to those already proclaimed.

27. Under the Constitution, legislation may not be used for the purpose of instituting exceptions to the rights and freedoms proclaimed in the Constitution and the international legal instruments that the Russian Federation has undertaken to observe.

28. The Constitution also identifies values that may not be negated, since to do so is tantamount to abuse of human and civil rights and freedoms. These values involve 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

29. In accordance with article 6 of the Covenant, every human being has the inherent right to life. No one may be arbitrarily deprived of his or her life.

30. Under article 59, paragraph 1, of the Criminal Code, the death penalty is the ultimate sanction of the law, which may be imposed only for attempted murder with especially serious aggravating circumstances.

31. On joining the Council of Europe, the Russian Federation undertook the obligation to abolish the death penalty. Presidential Decree No. 724 of 16 May 1996, on phasing out the use of the death penalty following Russia's entry into the Council of Europe, was issued as a result. Although jury trials have been running throughout the Russian Federation since 1 January 2010 in accordance with Constitutional Court Decision No. 1344-O-R of 19 November 2009, the death penalty may not be applied, including when a conviction is obtained on the basis of a verdict returned by a jury. The Constitutional Court took the view that the long-term moratorium on the death penalty has produced firm guarantees of the human right not to be subjected to capital punishment, and that the Russian Federation is moving inexorably towards abolition under the constitutional order that has emerged and in the light of trends in international law and the obligations that it has assumed.

### **Responses to paragraph 8 of the Committee's concluding observations**

32. An analysis of criminal cases involving terrorism from 2010 to mid-2012 revealed that the proportion of such cases in which sentences were passed by courts of the Chechen Republic was on the decline. While courts of the Chechen Republic handed down 70 per cent of the total number of convictions for terrorism-related offences in the North Caucasus Federal Area in 2010, that figure fell to 45.5 per cent in 2011 and 18.5 per cent in the first six months of 2012 (as compared to 24.5 per cent in the first six months of 2011).

33. Procurators submit evidence obtained through legitimate means in the course of judicial proceedings. In addition, arguments by persons standing trial that unlawful methods were used to obtain confessions from them during the course of investigations are checked. The evidentiary hearing is carried out in full compliance with the procedural rules, ensuring that any guilty verdict is pronounced on the basis of admissible, relevant and sufficient evidence. When a terrorism-related criminal case for the prosecution is being conducted, public prosecutors uphold their positions in a principled and consistent manner and seek to establish the truth in the given case, including by means of application for cassational review.



34. Between 2010 and the first six months of 2012, procurators filed 15 applications for cassational review for 20 persons in the Chechen Republic, with 14 applications for 17 persons (mostly for violations of the Code of Criminal Procedure) being granted and 1 for 3 persons (for leniency) turned down. In 2009, courts of the Chechen Republic considered 122 terrorism-related criminal cases against 145 persons, including 23 cases against 28 persons under article 208 of the Criminal Code, 1 case against 6 persons under article 205, 1 case against 1 person under article 205 and 97 cases against 109 persons under article 33, paragraph 5, and article 208, paragraph 2. Among those not related to terrorism were 1 case against 1 person under article 208, paragraph 2, of the Criminal Code and 1 case against 6 persons under article 205, paragraph 3. In 2010, the courts of the Chechen Republic considered 98 terrorism-related criminal cases against 110 persons, including 1 case against 1 person under article 208, paragraph 1, of the Criminal Code, 10 cases against 14 persons under article 208, paragraph 2, 82 cases against 90 persons under article 33, paragraph 5, and article 208, paragraph 2, 4 cases against 4 persons under article 205, paragraph 1, and 1 case against 1 person under article 205, paragraph 3. Judgements were rendered in 96 criminal cases against 108 persons. A criminal case against 1 person was dropped because the statute of limitations for prosecution had expired and in another case the public prosecutor dropped charges under article 205, paragraph 3, of the Criminal Code. In 2011, the courts of the Chechen Republic considered 80 terrorism-related criminal cases against 88 persons, including 13 cases against 18 persons under article 208, paragraph 2, of the Criminal Code, 65 cases against 68 persons under article 33, paragraph 5, and article 208, paragraph 2, 1 case against 1 person under article 205 and 1 case against 1 person under article 205, paragraph 2. Sentences were pronounced in all the criminal cases. In the first half of 2012, the courts of the Chechen Republic considered 35 terrorism-related criminal cases against 41 persons, including 34 cases against 38 persons under article 208 of the Criminal Code and 1 case against 3 persons for other offences under article 205, paragraph 3. Three persons were acquitted of offences under article 205, paragraph 3. They were actually sentenced to deprivation of liberty for other offences. Criminal proceedings were ended in one case because the statute of limitations had run out. No cases of the reversal by courts of verdicts owing to evidence that confessions were obtained by means of torture from persons standing trial have come to light.

#### **Responses to paragraph 11 of the Committee's concluding observations**

35. Under article 63 of the Criminal Code, offences driven by political, ideological, racial, ethnic or religious hatred or enmity, or by hatred or enmity towards any social group, are treated as aggravated offences.

36. All the constituent entities of the Russian Federation conduct awareness-raising campaigns against terrorism and extremism under regional and municipal programmes to combat terrorism and extremism.

37. A mandatory course on the foundations of religious cultures and secular ethics covering Orthodox, Islamic, Buddhist, Jewish and world religious cultures and secular ethics will be introduced for the 2012/13 academic year in all institutions providing general education in order to foster spiritual development, moral self-improvement and tolerance and to familiarize students with the basics of secular ethics and with Russia's traditional religions and the role that they play in the culture, history and modern life of Russia.

#### **Responses to paragraph 12 of the Committee's concluding observations**

38. Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty provides that States members of the Council of Europe that have signed the Protocol agree that the death penalty should be abolished and that no one should be condemned to death or executed (art.

1). The Russian Federation signed the Protocol on 16 April 1997 under Presidential Order No. 53-rp of 27 February 1997 on the signing of Protocol No. 6 (28 April 1983) to the Convention for the Protection of Human Rights and Fundamental Freedoms (4 November 1950) concerning the abolition of the death penalty. Federal Act No. 54-FZ on the ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms and Protocols thereto was adopted on 30 March 1998. Although the Convention was ratified by this Act, as were a number of protocols, Protocol No. 6 was not among them.

39. Decisions of the Constitutional Court provide the legal framework for the non-application of the death penalty in the Russian Federation. A de facto ban on the imposition of the death penalty by the courts was introduced in Constitutional Court Decision No. 3-P of 2 February 1999. The decision was prompted by the need to ensure throughout the Russian Federation the right of every person charged with an offence punishable by the ultimate sanction of the law to have his or her case heard in a trial by jury. The Court held the death penalty to be a provisional and exceptional punishment by virtue of article 20, paragraph 2, of the Constitution. In its Decision No. 1344-O-R of 19 November 2009, the Constitutional Court ruled that the death penalty might no longer be imposed in the Russian Federation after 1 January 2010, the date on which jury trials would be running throughout the country, and stated the intention of the Russian Federation to impose a moratorium on executions and take other steps to abolish the death penalty, including the ratification of Protocol No. 6 to the European Convention on Human Rights.

40. The Russian Federation has undertaken to refrain from action at cross purposes with Protocol No. 6 until it has formally made its intention clear not become a party thereto. Such are the obligations arising from article 18 of the Vienna Convention on the Law of Treaties of 1969, according to which States that have signed an international treaty subject to its ratification (even if they have not ratified the treaty) are obliged to refrain from acts that would defeat the object and purpose of the treaty. Under article 15, paragraph 4, of the Russian Constitution, the standards of international law and the international agreements to which the Russian Federation is a party are an integral part of its legal system and have precedence over national law. Therefore, as of 16 April 1997, the Russian Federation could neither impose nor carry out the death penalty.

41. There has been a comprehensive ban on the death penalty in the Russian Federation for more than a decade. During that time, firm guarantees of the right not to be subjected to the death penalty have been developed, and a constitutionally based, legitimate regime that is provisional in nature and intended only for a specific transitional period has been formed for the purpose of abolishing the death penalty as the ultimate sanction of the law.

## **Article 7**

### **Responses to information on paragraph 13 of the Committee's concluding observations**

42. Following the military offensive of the Georgian Armed Forces against South Ossetia and the Russian peacekeeping contingent on 8 August 2008, a task force of the military procurator's office was organized to ensure the rule of law and law and order in the activities of the subunits of the Armed Forces of the Russian Federation in South Ossetia, in accordance with Office of the Procurator General Order No. 155 of 8 August 2008, on participation of the procuratorial authorities in the consideration of claims and investigation of against the peacekeeping forces of the Russian Federation and Russian citizens. A military procurator's office stationed in Tskhinvali (troop unit field post office 28072) was later set up under Decree No. 58-s of the Procurator-General of the Russian Federation on 28 August 2008 on measures to monitor the actions of the Russian military contingent in

the Republic of South Ossetia. At the same time, a military investigative unit was established. The military procurators work with the military investigative authorities and the commanders of the military subunits to establish the facts concerning unlawful acts by the Georgian military against Russian peacekeepers and the civilian population in the Republic of South Ossetia. Russian citizens in South Ossetia receive legal assistance from military procuratorial and military investigative authorities reporting to the Investigative Committee of the Russian Federation in the submission of communications and complaints to international judicial bodies, in accordance with Order No. 156/20 of 12 August 2008 of the Procurator-General. The competent Georgian authorities did not file any petitions with the military procuratorial authorities concerning the investigation of unlawful acts by Russian military personnel during the conflict in August 2008. In the course of a procuratorial review, no reports concerning the loss of life or forced displacement of civilians as a result of the actions of Russian troops were received by the military procurators. Complaints from citizens residing in South Ossetia of wrongful acts on the part of Russian troops have likewise not been received by the military procurators. The facts obtained from supervisory measures and information from military commanders requested by the military procurators contain no evidence of Russian military personnel involvement in extrajudicial killings, looting of property, forced displacement in internment camps of the civilian population or bombing of civilian targets in South Ossetia. Any information brought to the attention of military procurators concerning wrongful conduct on the part of Russian military personnel stationed in South Ossetia is thoroughly checked and then submitted to the military investigative authorities for further action.

## **Article 8**

### **Responses to paragraph 18 of the Committee's concluding observations**

43. The Russian Federation is fulfilling its commitment to prevent and punish trafficking in persons in accordance with the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, signed on 15 December 2000; it is making every effort to bring its national legislation into line with the fundamental conventions in the area.

44. Trafficking in persons regarded as a multifaceted social and legal phenomenon that covers a wide range of criminal activities. It includes offences involving the forced removal of human organs or tissues for transplant, the use of slave labour, recruitment into or organization of prostitution, unlawful distribution of pornographic material, including depictions of minors, and the organization of illegal migration.

45. The operational capacity of all law enforcement agencies, together with the investigative authorities, is brought into play to prevent and suppress trafficking in persons. In addition to the internal affairs authorities that have special units to combat trafficking in persons and offences against morality, field agents of the Federal Customs Service, Federal Drug Trafficking Control Service and Federal Security Service are called on to expose such offences.

46. An important role in addressing the issue of trafficking in persons is played by social protection and health authorities, job placement services, guardianship authorities, family support services and social services institutions for families and children, among others, all of which help to rehabilitate and integrate victims into society. The social service system for families and children offers necessary assistance to victims of violence and ill-treatment who are living in difficult situations, including social welfare, medical, psychological, educational and legal services and social integration and rehabilitation.

47. Steps being taken to prevent minors from falling victim to trafficking include measures to address child neglect and juvenile crime, to ensure the highest possible enrolment in basic general education, to provide for training and employment, in particular part-time work, and to organize leisure and recreational activities for children and adolescents. Non-governmental organizations are providing assistance, particularly social and psychological assistance, to victims of trafficking.

48. Shelters for victims of trafficking in persons have been set up with the assistance of the social protection authorities in a number of entities of the Russian Federation (Rostov-on-Don, Astrakhan and Vladivostok) under a project of the International Organization for Migration (IOM). Information and counselling centres have opened in Astrakhan and Petrozavodsk (Republic of Karelia). A shelter (inaugurated with assistance from IOM and the European Union) was in operation for a number of years in Moscow, but it closed in 2010 for lack of funding. The Russian Federation is working in cooperation with IOM to provide specialist training on trafficking in persons to Russian law enforcement authorities, lawyers, procurators and law students, under an IOM office project to prevent and suppress trafficking in persons. Study visits for the exchange of experience have been organized in the United Kingdom, the United States, Italy, Belarus, Azerbaijan and other countries.

49. In November 2011, the Ministry of Health and Social Development and the United States Embassy held the first Russian-American Trafficking in Persons Forum, at which participants explored in detail prevention and victim assistance issues. A working subgroup on trafficking in persons was formed under the working group on civil society of the U.S.-Russia Bilateral Presidential Commission.

50. Exchanges are taking place with the Moscow regional non-governmental association Sisters, which carries out various projects on trafficking in persons, including women and children. Examples of such projects are the provision of assistance by the Ministry of Internal Affairs in organizing preventive work with the public and building the capacity of grass-roots non-commercial organizations (2008–2009); the rehabilitation of child victims of sexual exploitation (2011); the right to a life without violence or ill-treatment (2011); and the detection, identification and rehabilitation of child victims of trafficking in persons (2011).

## **Article 9**

### **Responses to paragraph 10 of the Committee's concluding observations**

51. Detailed information on the status of implementation of the Convention on the Elimination of All Forms of Discrimination against Women, including the efforts made to prevent violence against women, was presented to the Committee on the Elimination of Discrimination against Women in 2010.

52. Various forms of violence are punishable by law, including through the imposition of criminal penalties. They include offences against sexual inviolability, murder, battery, cruel treatment, infliction of physical or mental suffering, defamation, degrading or humiliating treatment and trafficking in persons.

53. Preventing domestic violence and providing social services to victims of various forms of violence fall within the remit of the social protection system. The social rehabilitation of persons affected by domestic violence is carried out by various kinds of social service institutions for families and children operating throughout the Russian Federation.

**Table 1**

(As at 1 January 2012)

Family and child social support centres	508
Special educational needs centres	17
Mental health emergency hotlines	6
Social rehabilitation centres for minors	762
Social shelters for children	283
Support centres for children deprived of parental care	35
Rehabilitation centres for children and adolescents with special needs	272
Social work centres	239
Comprehensive social work centres	847
Crisis centres for men	2
Crisis centres for women	21
Other family and child social work institutions	155
<b>Total</b>	<b>3 147</b>

Special assistance is provided in crisis situations by 21 crisis centres for women, 2 crisis centres for men, 120 crisis units for women within various social service institutions for families and children, 23 hostels for women with dependent children and other institutions. They provide psychological, legal, medical, educational and social services to the following categories of women: victims of mental and physical violence, persons who have lost family members and loved ones (widows), mothers of children with disabilities, women with disabilities, single mothers with dependent children, pregnant women, including minors and expectant single mothers, women from single-parent families, women in divorce proceedings or divorced women, women in conflict with other family members, women on leave to care for children, girls living on their own who have left orphanages or graduated from boarding schools and adolescent girls in difficult living circumstances. A number of crisis centres offer women the opportunity (using non-government funding) to become financially self-reliant through vocational training or professional development. Assistance is also provided to men and boys who find themselves in difficult situations or have been subjected to violence.

54. In the main, the women concerned required psychological assistance (90 per cent of the women who turn to the centres), counselling (62 per cent), individual and group therapy (50.4 per cent), legal assistance and information (22 per cent), medical and gynaecological information (10.1 per cent) and family mediation services (10.8 per cent).

55. Voluntary associations play a vital role in providing social services to women affected by domestic violence. A toll-free helpline was set up on 17 March 2011 at the ANNA National Centre for the Prevention of Violence for women victims of domestic violence. In 2011, some 7,000 calls were made to the helpline from all parts of the Russian Federation. Qualified specialists provided women in crisis situations with psychological and legal support and information. The Centre has set up a nationwide network to combat violence which brings together more than 100 community and public organizations from the Russian Federation and countries of the former Soviet Union.

56. A Coordinating Council on Gender Issues was set up at the Ministry of Labour and Social Protection in 2011. In the course of its work, the Council drafted a plan of action to carry out the recommendations made by the Committee on the Elimination of Discrimination against Women following its consideration of the combined sixth and seventh periodic reports of the Russian Federation on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. Under the plan for 2011–2012:

- A working group was set up to draft a federal law on the prevention of domestic violence. A broad outline of the bill was considered at the meeting of the Council in May 2012 and the membership of the working group was approved;
- A national crisis centre network linking public and non-governmental centres and affiliated with women's organizations has been established (see annex);
- A nationwide telephone helpline for victims of domestic violence has been launched;
- Training seminars and extracurricular courses have been conducted for students at Moscow police academies and the Ministry of Internal Affairs Russian National Institute for In-Service Training of Police Commissioners;
- Recommendations for law enforcement agencies on the prevention of domestic violence have been drawn up for distribution to district police officers.

57. A workshop on domestic violence was held in the North Caucasus Federal Area in June 2012 with the support of the Coordinating Council on Gender Issues on the initiative of the Don River Women's Union and the General Lebed Peacekeeping Mission, an interregional voluntary association. Representatives of the executive authorities of the constituent entities of the Russian Federation within the North Caucasus Federal Area, the Office of the Commissioner for Human Rights and voluntary associations of the regions of the North Caucasus Federal Area took part in the workshop.

58. Since 2010, efforts have been made in the republics of the North Caucasus to stamp out harmful practices and traditions such as bride kidnapping and honour killing. Bride kidnapping is considered an act of violence against girls and an insult to their families; such a practice stirs up conflict and implacable hatred between households that may lead to honour killing, which is at variance with Islam, Russian law and national traditions. The Head of the Chechen Republic, R.A. Kadyrov, has called for an end to bride kidnapping. His call was supported by members of the World Congress of the Chechen People, the Supreme Court of the Chechen Republic, the Procurator's Office of the Chechen Republic and the Council of Muftis. Public hearings were held to examine bride kidnapping and its adverse effects. A poll carried out by the media revealed that the people of the region are opposed to bride kidnapping.

#### **Responses to paragraph 14 of the Committee's concluding observations**

59. Respect for the rights of citizens in criminal proceedings by the procuratorial authorities of the constituent entities of the Russian Federation that make up the North Caucasus Federal Area is given special attention. Every fact or allegation of a violation of the rights of suspects or persons charged with an offence or the use of unlawful methods of inquiry or investigation against them is duly followed up.

60. Every allegation of ill-treatment or use of unlawful methods of inquiry or investigation is recorded in a register of reported offences and is verified by an investigative body without delay, in accordance with articles 144 and 145 of the Code of Criminal Procedure; criminal proceedings are instituted if there is evidence tending to show that an official has committed an offence. The issue of whether physical force or unlawful

methods of investigation were used in the course of the investigation is raised in the presence of lawyers. Medical staff checks for signs of bodily harm caused to pretrial detainees whenever they are held in temporary holding facilities. Thus, the rights of suspects and accused persons are protected under criminal procedural law.

61. A review of the findings of investigations into complaints filed by persons subject to criminal prosecution shows that the majority of such complaints are similar in content and usually involve allegations of physical and moral coercion on the part of investigators against the suspects or accused persons for the purpose of extracting a confession. The extent to which the complainants' descriptions of the place and methods of use of force overlap and the rather similar hackneyed language in which the complaints are couched are striking; moreover, the complainants generally do not cite objective facts that could corroborate their allegations, in particular information about the investigators purported to have used force, including their first or last names or a physical description, even though the substance of the complaints suggests that such information would be known to them. Therefore, it stands to reason that many complaints lodged by suspects or persons charged with an offence are nothing more than an attempt to avoid punishment for their acts. All of this shows that the complainants opt for similar methods in mounting a defence in criminal cases and make these allegations with the intention of challenging the lawfulness of the investigations.

62. The authorities of the Investigation Department of the Russian Federation for the Republic of North Ossetia-Alania received 56 communications concerning the use of physical force in 2010 and 33 in the first half of 2011. In 2010, criminal proceedings under article 286, paragraph 3 (a), of the Criminal Code, were instituted in two cases involving the use of physical force by police officers against detainees which were referred to the court for consideration on the merits. The court subsequently handed down suspended sentences of deprivation of liberty for various periods to four officers and stripped them of the right to serve in the internal affairs system.

63. In the first half of 2011, criminal proceedings under article 286, article 3 (a), of the Criminal Code were instituted in cases involving the use of unlawful methods of investigation, with one referred to the court and two still under investigation. All other such criminal cases have been thrown out.

64. The difficult situation in the Republic of the North Caucasus is among the causes for the violation of the rights of citizens by officers of the law enforcement agencies in the North Caucasus region. These challenges need to be seen against the backdrop of the overall criminal situation in the region caused by the spread of radical notions of Islam, which has led to a surge in religious extremism to which the authorities immediately reacted pursuant to their primary responsibility of maintaining law and order.

65. Investigations and searches in cases of disappearance and efforts to uncover, prevent and solve cases of intentional homicide are under constant review; the heads of the internal affairs authorities supervising the search efforts or in charge of the police work for this category of offence are invited to participate in consolidating investigative practice regarding such criminal offences.

66. A single record of abducted or missing persons, unidentified bodies and persons detained by law enforcement authorities is kept in accordance with paragraph 6 of the Comprehensive Programme to Prevent Abduction and Trace Missing Persons for 2011–2014, adopted by the law enforcement agencies of the North Caucasus Federal Area.

67. The potential of civil society institutions (including human rights organizations) is fully exploited and information is exchanged on a regular basis in known cases of abduction in order to ensure that the necessary investigations are carried out.

68. In a number of cases, there is evidence that young persons were abducted by members of armed criminal groups dressed up as law enforcement officers, wearing camouflage and carrying firearms.

69. Social rehabilitation measures are taken towards victims of terrorism in accordance with article 19 of Federal Act No. 35-FZ of 6 March 2006 on Counteraction of Terrorism.

70. The procedural rights of victims are set out in the Code of Criminal Procedure.

71. In its Decision No. 17 of 29 November 2011, on the application by the courts of Chapter 18 of the Code of Criminal Procedure of the Russian Federation governing rehabilitation in criminal legal proceedings, the Plenum of the Supreme Court highlighted the constitutional right of everyone who has been harmed by unlawful action (or failure to act) on the part of government authorities or officials, or subjected to unlawful arrest, detention or conviction of a crime, to compensation by the Government for such treatment, in accordance with the Universal Declaration of Human Rights of 1948, the International Covenant on Civil and Political Rights of 1966 and the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 and Protocol No. 7 thereto.

72. Some 339 criminal cases involving offences committed by military personnel against the civilian population have been investigated by the military procuratorial system since the start of counter-terrorism operations and by the investigative agencies of the military investigation department of the Investigation Committee, a unit reporting to the Procurator's Office of the Russian Federation (now the Investigative Committee of the Russian Federation), since 7 September 2007. To date, investigations have been completed in 212 criminal cases, 112 of which have been referred to military courts for consideration, including 23 cases of murder (Criminal Code, art. 105), 1 case of physical injury through negligence (art. 118), 29 cases of theft (arts. 158–162), 12 cases of violations of regulations governing the use of military vehicles (art. 350), 9 cases of violations of firearms regulations (art. 349), 8 cases of criminal mischief (art. 213), 2 cases of rape (art. 131) and 28 cases involving other offences. The military courts have considered criminal cases against 131 members of the armed forces who have committed offences against the civilian population, including 34 officers, 9 warrant officers, 42 enlisted soldiers and sergeants and 46 conscripted soldiers and sergeants.

#### **Responses to recommendation 14, paragraph 1 (d)**

73. Interference in the work of a lawyer conducted in accordance with the law or obstruction of this work in any way is prohibited under article 18 of Federal Act No. 63-FZ of 31 May 2002 on the work of lawyers and the legal profession.

74. Lawyers may not be held liable in any way (including after their status as a lawyer is suspended or terminated) for expressing views while exercising their profession, unless a sentence that has just taken effect implicates them in a criminal act (or failure to act). These restrictions do not extend to the civil liability of lawyers in respect of their clients under Federal Act No. 63-FZ. No demands for information may be made of lawyers or members of law societies, bar associations or the Federal Bar Association in connection with the legal assistance provided in specific cases.

75. Lawyers constantly come into contact with members of the criminal world and, as such, are part of a professional group of persons at high risk. They and their family members are therefore provided with supplementary safeguards of their life, health and property under article 18, paragraph 4, of Federal Act No. 63-FZ. The State generally provides such safeguards. However, the provision also states expressly that the internal affairs agencies are under the obligation to take the steps necessary to ensure the safety of lawyers and their family members and to protect their property. The article is so worded as to convey the fact that the internal affairs agencies may take such action on their own



initiative, at the request of the lawyers or by order of investigative bodies, the procuratorial system or the courts.

76. The criminal prosecution of lawyers is carried out in conformity with the safeguards provided for lawyers under the criminal procedural law (Code of Criminal Procedure, art. 448, para. 10).

#### **Responses to paragraph 25 of the Committee's concluding observations**

77. The Plenum of the Supreme Court adopted Decision No. 11, on Judicial Practice in Criminal Cases involving Extremist Crimes, on 28 June 2011, in order to harmonize the practice regarding such offences. The most relevant issues taken up by the Decision include such questions as which offences fall into the category of extremist crimes; what should be taken into account when establishing "extremist" motives for committing the offences; and what is meant by public appeals, action designed to incite hatred or enmity and extremist groups.

78. Of particular significance is paragraph 1 of the Decision, under which the Plenum has ruled that in considering criminal cases involving extremist crimes, the courts must defend the public interest (the foundations of the constitutional order and the integrity and security of the Russian Federation) and protect the human and civil rights and freedoms guaranteed by the Constitution, including freedom of conscience and worship, freedom of thought and expression, freedom of the press, freedom to seek, receive, transmit, produce and distribute information by any lawful means and freedom to assemble peacefully, without arms, and to hold meetings, rallies, demonstrations, marches and protests.

### **Article 10**

#### **Responses to paragraph 19 of the Committee's concluding observations**

79. On 27 June 2012, the Constitutional Court adopted Decision No. 15-P, concerning the constitutionality of article 29, paragraphs 1 and 2, article 31, paragraph 2, and article 32 of the Civil Code in connection with a complaint submitted by Ms. I.B. Delovaya; the Decision recognized that the provisions just mentioned were not in keeping with articles 15 (para. 4), 19 (paras. 1 and 2), 23 (para. 1), 35 (para. 2) and 55 (para. 3) of the Constitution, since in incapacity proceedings under the current system of civil regulations, the civil and legal consequences for individuals of mental disorders are not differentiated in proportion to their actual capacity to understand and control their actions. Under the Decision, it is incumbent on lawmakers to change the current mechanism for the protection of the rights of citizens with mental disorders by providing them the support necessary to exercise their civil rights and fulfil their obligations and thereby to enable the courts to take into account the capacity of such persons to understand and control their actions in specific areas of life and ensure the full protection of their rights and legitimate interests.

80. Significant changes have been introduced in the regulations governing the procedures for determining incapacity. Under article 284, paragraph 1, of the Code of Civil Procedure, citizens facing incapacity proceedings must be summoned to appear in court, as long as their presence does not pose a threat to their life or health or the life or health of others, so that they may have the opportunity to speak in person or through a representative chosen by them. In the event that the citizen's presence in the court holding the incapacity proceedings would be a danger to his or her life or health or to those of others, the case must be considered, with the participation of the person involved, in the place where he or she is located, including a psychiatric hospital or neuropsychiatric institute. Paragraph 1 of the article is supplemented by paragraph 3, under which citizens declared incompetent have the right to challenge the relevant court decision on appeal, either in person or through a

representative of their choice, to apply for a review in accordance with chapter 42 of the Code of Civil Procedure or to appeal against the decision by way of cassation or supervision if the court of first instance has not given them the opportunity to present their arguments in person or through a representative of their choice.

81. Significant amendments were introduced to the Code of Civil Procedure by Federal Act No. 67-FZ of 6 April 2011, on amendments to the act on mental health care and guarantees of the rights of citizens receiving such care, in order to defend the rights and legitimate interests of persons declared incompetent. In particular, the Act provides for the right of the courts to summon persons declared incompetent to take part in proceedings (Code of Civil Procedure, art. 37). Under article 116, paragraph 2, of the Code of Criminal Procedure, if citizens are summoned by the courts in cases involving their competence, the court summons must indicate the need to hand the summons to them in person. It is prohibited to hand a court summons in cases involving competence or limited competence to anyone other than the person concerned. Under amended Act No. 3185-1 of 2 July 1992, on mental health care and guarantees of the rights of citizens receiving such care, mental health services, treatment and examinations and placement in or discharge from psychiatric or neuropsychiatric hospitals are provided for with the consent or on the request of patients or, in cases in which they are not capable of giving their consent, with the consent or on the request of their legal representatives or by decision of the guardianship authorities.

#### **Responses to paragraph 20 of the Committee's concluding observations**

82. Conditions of pretrial detention have improved and the number of persons awaiting trial has decreased in recent years as a result of measures taken under the special federal programme to improve the penal system for 2007–2016 established pursuant to Government Decision No. 540 of 5 September 2006. On average, the surface area per detainee is currently 4.5 m<sup>2</sup>, with the legal standard set at 4 m<sup>2</sup>. According to the Russian Federal Penitentiary Service, for many years there has been a steady decrease in the number of persons in police custody and in pretrial detention facilities. Between 2006 and 2012, the number of such persons decreased by 29.8 per cent, from 386,800 to 271,200. The number of persons in pretrial detention stood at 124,600 on 1 January 2010, 113,100 on 1 January 2011 and 107,000 on 1 January 2012. In other words, there were 10,000 to 15,000 fewer persons being held while awaiting trial every year, an annual decrease of 15 per cent. According to the Supreme Court, the number of applications for pretrial detention orders has decreased significantly in recent years (208,400 in 2009, 165,300 in 2010 and 152,000 in 2011). There was a 27.1 per cent drop in the number of such applications between 2009 and 2011. This is an indication that investigators and detectives are taking a more measured approach to the use of pretrial restraining orders.

83. Legislative measures have been taken, in addition to the federal programme mentioned above, to address the wide range of issues raised by pretrial detention, including measures to improve pretrial detention conditions. For example, persons suspected or accused of committing an economic offence that does not constitute an ordinary crime may be taken into custody only in the exceptional cases specified in the Code of Criminal Procedure (art. 108), thanks to groundbreaking changes introduced in articles 106 (Bail) and 108 (Detention) of the Code under Federal Act No. 60-FZ of 7 April 2010, on amendments to a number of legislative acts. With the innovations instituted in article 106, bail is now more widely used as an alternative to detention. In addition, house arrest procedures have been established (Code of Criminal Procedure, art. 107, house arrest) in order to reduce the number of persons in police custody, in accordance with Federal Act No. 420-FZ of 7 December 2011, on amendments to the Criminal Code and a number of legislative acts.

84. Members of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment have observed an improvement in conditions of detention of suspects, accused persons and convicts on their numerous visits to the penitentiary system of the Russian Federation. A Committee delegation that visited pretrial detention centres in the North Caucasus (Chechen Republic, Republic of North Ossetia-Alania) in 2011 and in the Republic of Bashkortostan and the Republic of Tatarstan, Moscow and Moscow Province and St. Petersburg and Leningrad Province in 2012 also observed an improvement in conditions of detention. The measures envisaged under the penal system development programme — the construction of 26 new pretrial detention centres (including in St. Petersburg and Noginsk, located in Moscow Province) and of new pretrial detention wings and the refurbishment of existing facilities — will help to bring detention conditions into line with international standards.

85. The Office of the Procurator-General issued Order No. 237 of 8 August 2011, on monitoring compliance with the law by internal affairs authorities and border authorities of the Federal Security Service during the detention of suspects and accused persons in temporary holding facilities, military detention barracks and military court holding cells in order to tighten procuratorial supervision of such facilities. Under the Order, procurators are required to carry out daily visits to temporary holding facilities (including evening, weekend and holiday inspections) and, no less than once a year, to conduct joint inspections of temporary holding facilities with members of civil society and the commissioners for human rights in the constituent entities of the Russian Federation and of holding facilities and lock-ups with members of the territorial authorities of the Judicial Division of the Supreme Court of the Russian Federation.

### **Article 11**

86. Russian legislation makes no provision for the imprisonment of people who are unable to meet contractual obligations of any kind. Imprisonment for such offences is inadmissible under the Civil Code.

### **Article 12**

87. The right of everyone lawfully present in the Russian Federation to travel freely and choose a place of stay or residence within the territory of the Russian Federation is a fundamental human and civil right guaranteed under article 27, paragraph 1, of the Constitution.

### **Article 13**

88. Although the rate of migration to the Russian Federation has been on the decline in recent years, the migrant population still continues to grow. Despite the fact that the growth in the migrant population was 47 per cent less in 2011 than in 2010, the number of children from migrant families is steadily rising, along with the overall share of such children among all children in Moscow.

89. A State programme for the voluntary resettlement of Russian nationals living abroad, approved by Presidential Decree No. 637 of 22 June 2006, covered a total of 10,917 children from families involved in the programme from 2009 to 2011, or 22.4 per cent of the overall number of nationals who had resettled in the Russian Federation (1,950 children in 2009, 2,797 in 2010 and 6,170 in 2011).

90. The number of minors from families of displaced persons decreased from 2009 to 2011. There were 8,824 minors in the Russian Federation on 1 January 2009, 6,912 on 1 January 2010, 5,861 on 1 January 2011 and 4,503 on 1 January 2012. The number of children registered as forcibly displaced persons has decreased either because the statutory limitation on their status as forcibly displaced persons has expired (failure to apply for an extension of this status or to make the necessary arrangements, independently or with State or other support, to resolve the matter) or because they have reached the age of majority.

91. From 2009 to 2011, the Federal Migration Service provided 71,601,060 roubles in financial support to families of displaced persons to enable their children to spend holidays in health camps and be treated at health resorts (23,464,560 roubles were allocated in 2009 for 1,733 children, 23,976,980 roubles in 2010 for 1,678 children and 24,159,520 roubles in 2011 for 2,198 children). There are two physical and mental rehabilitation centres for forcibly displaced persons (in Moscow province and Krasnodarsk territory).

92. From 2009 to 1 October 2012, 4,398 of the foreign nationals and stateless persons who had sought asylum in the Russian Federation, including 884 minors, were granted refugee status or temporary asylum, representing some 20 per cent of the overall applications for refugee status granted (2,270 persons, including 468 children, in 2009, 1,265, including 215 children, in 2010, 762, including 125 children, in 2011 and 545, including 76 children, in 2012).

93. In accordance with Federal Act No. 62-FZ of 31 May 2002 on citizenship of the Russian Federation and relevant international agreements, 640,533 foreign nationals and stateless persons were granted Russian citizenship between 2009 and 2011, including 167,815 migrant children, or 26.2 per cent of all new citizens (394,184 persons, including 80,717 children in 2009, 111,366, including 45,900 children in 2010 and 134,983, including 41,198 children in 2011). From 1 January to 1 October 2012, 66,349 persons, including 26,272 children, were granted Russian citizenship.

94. Mastery of the Russian language is of crucial importance for the integration of foreign nationals into Russian society. Children of migrants enjoy the same right to education as Russian citizens. Small Russian-language study groups (9–12 persons) are organized in schools to prepare migrant children for schooling at a general education establishment.

#### **Responses to paragraph 17 of the Committee's concluding observations**

95. The Plenum of the Supreme Court adopted Decision No. 11 of 14 June 2012, on judicial review of matters involving the extradition of persons for criminal prosecution, sentencing or punishment. According to the preamble to the Decision, the extradition of accused persons for criminal prosecution or convicted persons for enforcement of a sentence by a foreign court or the extradition of persons sentenced to deprivation of liberty for the purpose of serving the sentence in their State of nationality is a form of international cooperation in the area of criminal justice that is essential if evasion of criminal prosecution and impunity are to be avoided and the social rehabilitation of convicted persons ensured. The Decision provides as follows:

“In accordance with the interpretation by the European Court of Human Rights of article 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms and article 11 of the European Convention on Extradition, a person may not be extradited if the offence for which extradition is requested is punishable by death under the law of the requesting State unless the requesting State gives such assurance as the Russian Federation considers sufficient that the death penalty will not be carried out. Such assurances may include provisions of the law that prohibit carrying out the death penalty in the requesting State or assurances on

the part of the law enforcement or other competent authorities of that State that in the event that a death sentence is pronounced it will not be carried out.

“The courts must bear in mind that, in accordance with the interpretation by the Human Rights Committee of article 7 of the International Covenant on Civil and Political Rights and article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984, a person likewise may not be extradited if there are substantial grounds for believing that he or she could be subjected not only to torture but also to cruel, inhuman or degrading treatment or punishment in the requesting State. The courts should be made aware that under the interpretation by the European Court of Human Rights of article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms, inhuman treatment or punishment includes cases in which such treatment or punishment is generally wilful in nature and lasts for several hours or the person may be physically harmed or experience intense physical or mental suffering as a result of the treatment or punishment. Degrading treatment or punishment is identified in particular as treatment or punishment that instils fear, apprehension and a sense of inferiority. A person must not experience a higher degree of deprivation or suffering than is necessary, including when there is deprivation of liberty, and the health and well-being of a person must be ensured while taking account of the requirements of the detention regime. The level of deprivation and suffering of a person who may have been subjected to inhuman or degrading treatment or punishment is assessed on the basis of specific circumstances, such as how long a person has been abused, the nature of the physical and mental impact of such abuse and the person’s gender, age and state of health.

“Extradition may be refused under certain circumstances, including age and physical condition, if evidence indicates that it would pose a danger to a person’s life or health (Code of Criminal Procedure, art. 9, and Convention for the Protection of Human Rights and Fundamental Freedoms, art. 3).

“The courts should be made aware that, in the spirit of articles 7, 15, 463, paragraph 3, and 464 of the Code of Criminal Procedure, article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and articles 3 and 11 of the European Convention on Extradition, the procuratorial authorities of the Russian Federation are responsible for ensuring in the course of reviewing an appeal of a decision to extradite a person that there are no substantial grounds for believing that the person could face the death penalty, torture, inhuman or degrading treatment or punishment or persecution based on race, religion, nationality, ethnicity, membership of a particular social group or political views. In accordance with the interpretation by the Committee against Torture of article 3 of the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment, in assessing whether or not the foregoing grounds exist, the courts must take into consideration the overall situation of human rights and freedoms in the requesting State and the specific circumstances of the case that as a whole could indicate whether or not there are grounds to believe that the person could face the treatment or punishment mentioned above. The courts may consider, for example, the accounts of the persons subject to extradition, witnesses, findings of the Russian Ministry of Foreign Affairs on the situation of human rights and freedoms in the requesting State, assurances of the requesting State and reports and other documents on the State that have been adopted by international treaty bodies (the Human Rights Committee established pursuant to the International Covenant on Civil and Political Rights, the Committee against Torture established pursuant to the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment, the European Committee for the Prevention of Torture and Inhuman or Degrading

Treatment or Punishment established pursuant to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 26 November 1987 and others) and non-treaty bodies (the Human Rights Council, established as a subsidiary body of the General Assembly). The Court must also assess the arguments of persons subject to extradition on the basis of available evidence. The courts' attention should be drawn to the fact that the assessment of the overall situation of human rights and freedoms in the requesting State provided by international human rights treaty and other bodies may change over time."

## **Article 14**

### **Responses to paragraph 15 of the Committee's concluding observations**

96. Under Act No. 5473-I of 21 June 1993 on institutions and agencies for the enforcement of criminal sentences through deprivation of liberty (hereinafter the Act), such institutions must uphold the rule of law and ensure the safety of those serving sentences and of the staff, officials and individuals on the premises. In a number of situations closely circumscribed by the Act, prison officers may use physical force in the performance of their duties. Prison officers are instructed in procedures for the use of force and the administration of first aid to those in need during all the training courses that they take before and during their service and in their physical training exercises. Prior to using physical force, the officer must warn a convicted person of the intent to use force, allowing sufficient time for the applicable requirements to be observed. All instances of the use of force must be reported in a special log and these reports must be checked. In the event the procedures for the use of force are not followed, a report is transmitted to the procurator's office in order to arrange for a legal review of the officer's actions. The application of the procedures for the use of force and restraining devices is monitored by officials at the headquarters of the Russian Federal Penitentiary Service. These matters are considered at follow-up meetings in the regional offices of the Service. In addition, there are quarterly educational gatherings of prison officers during which the use of force and restraining devices is discussed. Recommendations on the use by prison officers of physical force and restraints and on the administration of first aid to persons subject to such coercive measures have been developed to ensure strict adherence to the relevant requirements under the law. In 2009, to ensure that prison officers comply with the legislation on criminal sentence enforcement, the regional offices of the Service were sent instructions on how to organize courses, followed up by final examinations, on the procedures for the use of physical force and restraining devices against convicted persons; they were also instructed to include, in the in-service training curricula, courses on the protection of the rights, liberties and lawful interests of convicted persons and persons in custody and on the role of prison officers in making conditions of detention conform to the rules of international law, the provisions of human rights agreements and the legislation of the Russian Federation.

97. Over the past three years, thanks to the steps taken by the Russian Federal Penitentiary Service, the number of instances of the use of physical force and restraining devices against persons in detention has decreased significantly.

98. The Service has issued instructions aimed at preventing the unjustified use of physical force and restraints and at ensuring that the heads of penitentiary institutions transmit expeditiously to procurators and investigators reports by medical staff on bodily injuries that detainees claim were sustained as a result of the unlawful actions of fellow detainees, prison officers or law enforcement agents. According to these instructions:

- The heads of the Service's regional offices are personally responsible for ensuring conformity with the above-mentioned Act in all cases when physical force or restraining devices are used against suspects, accused persons and convicts;

- Reports on the use of physical force and restraints are promptly submitted and thorough medical examinations carried out of individuals subjected to their use and the results duly recorded; each instance is carefully checked by units of the Service's regional offices;
- The duty stations of places of detention now have procedures for rapid reporting of injuries to detainees to investigative and procuratorial authorities;
- The implementation of the following provisions is being monitored: paragraph 28 of Ministry of Health and Social Development Order No. 640 and Ministry of Justice Order No. 190 of 17 October 2005 and Order No. 640/190 on procedures for the provision of medical care to persons sentenced to deprivation of liberty or being held in custody. Under these provisions, the assistant duty officer must file an incident report if an individual arrives at a place of detention with bodily injuries, if a complaint is lodged by that individual or if such an injury is revealed during a medical examination. The report is drawn up in duplicate, with one copy filed in the outpatient's medical record and the other handed to the detainee on his or her signature of the original. The prison director and the procurator supervising the work of the institution are notified in writing that a medical examination has been carried out. The inclusion of the report in the outpatient's medical record must, without fail, be noted in the list specifying the examinations carried out;
- Prison officers may not take part in investigations of the use of physical force or restraining devices against detainees if they might have been involved in such use.

99. Under Federal Act No. 76-FZ of 10 June 2008 on civilian monitoring of respect for human rights and assistance to persons in places of detention, the functioning of such institutions is systematically reviewed by some of the 714 members of the civilian oversight commissions that operate in 79 constituent entities of the Russian Federation. From 2011 to 2012, members of these commissions visited over 2,400 places of detention and held private interviews with more than 8,900 detainees, from whom more than 1,600 statements were taken. Any complaints about the functioning of the detention institutions were officially investigated, with members of the civilian oversight commissions and, if necessary, staff of the procurator's offices taking part. The oversight commissions drew up and transmitted to the regional offices of the Russian Federal Penitentiary Service over 300 findings (reports) based on their visits to penitentiaries and detention centres. The Service acted to put an end to existing violations. Members of the oversight commissions took part on 1,059 occasions, in 62 regional offices of the Service, in the work of units dealing with detention conditions; commutation to lighter sentences of unserved portions of sentences; and parole. Members of the oversight commissions took part on 264 occasions, in 49 regional offices of the Service, in group activities involving both detainees and staff of the penitentiary institutions. In 2011, members of civilian oversight commissions were drawn from over 100 voluntary associations working to support detainees in penitentiary institutions.

100. In the interest of closer monitoring of respect for human rights in places of detention, a joint directive (No. 49-r/19) was signed on 14 March 2011 on the formation of a working group to coordinate the efforts of the Russian Federal Penitentiary Service and the Commissioner for Human Rights (Ombudsman) of the Russian Federation in the area of respect for the human rights and lawful interests of convicted persons and persons in custody.

101. To promote concerted action on defence of the human rights of convicted young offenders, representatives of the Russian Federal Penitentiary Service serve on the expert committee of the Presidential Commissioner for Children's Rights. Members of the civilian oversight commissions, the Ombudsman and the Presidential Commissioner visit places of

detention on a regular basis, freely and independently. The Russian Federal Penitentiary Service makes every effort to involve civil society in oversight of the work of the penitentiary system; this is one of the strategic focuses in the work of the Service and has been included in the Framework for the Development of the Penitentiary System up to 2020.

#### **Responses to paragraph 21 of the Committee's concluding observations**

102. As to the full independence of the judiciary from the executive branch of government and the establishment of an independent body responsible for matters relating to compliance with disciplinary regulations, reference may be made to the establishment, under Federal Constitutional Act No. 4-FKZ of 9 November 2009, of a Disciplinary Tribunal as the highest judicial authority for final adjudication of complaints (appeals) concerning the rulings of the Supreme Qualification Board of Judges of the Russian Federation qualification boards of the constituent entities on the removal of judges for misconduct.

#### **Article 15**

103. The Criminal Code establishes a statute of limitations that is in full concordance 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 that decriminalizes an act, reduces a penalty or otherwise improves the situation of an offender has retroactive force, that is, it applies to individuals who committed the act before the law took effect, including people currently serving sentence and people who have served their sentences but who have a criminal record. A law that makes an act an offence, increases the penalty or otherwise exacerbates 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**

104. All citizens within the territory of the Russian Federation are recognized as persons before the law by the Constitution (chapter 2) and the Civil Code. The rights guaranteed by the fundamental international human rights treaties are duly taken into account in this context. The Civil Code has substantially increased the legal competence of individuals. In the light of the new economic conditions, it enables individuals to own any kind of property, engage in business and other types of activity not prohibited by law, conduct any transactions not prohibited by law and take on contractual obligations.

105. There are limits to the exercise by individuals of their legal competence. In exercising their civil rights and liberties, they must not violate the rights and legitimate interests of others, as established by law, or damage the environment.

#### **Article 17**

106. The prohibition of unlawful interference with privacy and the punishment to be imposed for violations of personal integrity are the subjects of articles 138, 138<sup>1</sup> and 139 of the Criminal Code. The offence covered in article 138 is defined as failure to observe the procedures laid down in the law for access to the information contained in correspondence, telephone conversations, postal, telegraph or other correspondence of individuals. For the offence under consideration, unlike for violations of privacy, this information does not need



to constitute a personal or family secret. However, this definition is qualified (Criminal Code, art. 138, para. 2) by the statement that infringement of the privacy of correspondence, telephone conversations, postal, telegraph or other correspondence of individuals entails criminal responsibility if committed through the use of one's official position (for example, when the person is a member of a detective agency or an employee of the postal, telephone or telegraph services). Federal Act No. 420-FZ, dated 7 December 2011, on amendments to the Criminal Code and to certain laws of the Russian Federation, amended the Criminal Code through the inclusion of article 138<sup>1</sup>, which sets out the punishment for the illegal production, purchase and/or sale of specialized surveillance equipment for obtaining confidential information. The offence covered in article 139 is defined as illegal intrusion into a home, namely intrusion committed against the will of the person residing in it or in violation of the procedures for entry into a home laid down in the law or in a judicial ruling. The provisions on aggravating and especially aggravating circumstances set out the punishment for illegal entry committed:

- (a) With the use or threat of use of violence (Criminal Code, art. 139, para. 2);
- (b) Through abuse of official position (Criminal Code, art. 139, para. 3).

## Article 18

### Responses to paragraph 23 of the Committee's concluding observations

107. According to the Constitution of the Russian Federation, citizens are obliged to defend the fatherland; indeed, defence of the fatherland is the duty and obligation of every Russian citizen.

108. In addition, article 59, paragraph 3, of the Constitution states that in the event that military service is contrary to their convictions or religious beliefs and in other cases established by federal law, citizens of the Russian Federation shall have the right to replace such service with alternative civilian service. Federal Act No. 113-FZ, dated 25 July 2002, on Alternative Civilian Service, elaborated on the article. Under the Act, alternative civilian service is a specialized form of employment, serving the interests of society and the State and replacing compulsory military service. The performance of alternative civilian service is thus a way for citizens to fulfil their duty and obligation to defend the fatherland. The work they carry out as part of their alternative civilian service also serves the interests of society.

109. As a rule, citizens perform their alternative service outside the constituent entities of the Russian Federation in which they permanently reside. Where this is impossible, they may be assigned to alternative service in the constituent entity in which they reside pursuant to a decision of a specially empowered federal executive body.

110. Members of the small indigenous peoples are assigned to alternative civilian service in traditional economic activities and industries.

111. This approach to alternative civilian service achieves the objective of deploying citizens to work near home or outside their constituent entities and enables the Government to concentrate their labour in its priority areas, while averting local bias in job allocation. In determining the occupations or duties that a person performing alternative civilian service may undertake and the place where such alternative civilian service is to be carried out, the person's education, specialization, qualifications, previous work experience, state of health and family status are taken into account, as are the prospective employer's hiring needs.

112. Local government bodies, together with the military command, deploy citizens for alternative civilian service, subject to endorsement by draft boards in accordance with

Federal Act No. 53-FZ, dated 28 March 1998, on Military Obligations and Military Service, and Federal Act No. 113-FZ, cited above.

113. It should be noted that the framework for alternative civilian service set out in Federal Act No. 113-FZ is based on the principle of equivalence between such service and compulsory military service in terms both of the overall rigours and constraints and of the overall benefits, guarantees and compensation which correspond to the rigours and constraints. This approach results in the closest possible correlation of the legal status of military personnel performing compulsory military service with that of individuals performing alternative civilian service as well as of the conditions for performing both types of service.

114. The duration of alternative civilian service is 1.75 times longer than that of compulsory military service as set out in Federal Act No. 53-FZ of 28 March 1998; for persons called up since 1 January 2008, it is 21 months. The duration of alternative civilian service for individuals undertaking such service with organizations of the armed forces or other troops, military formations or agencies is 1.5 times longer than the period of compulsory military service set out in Federal Act No. 53-FZ; for persons called up since 1 January 2008, it is 18 months. These time periods for alternative civilian service, as established in Federal Act No. 113-FZ of 25 July 2002, are the closest possible equivalents of the lengths of compulsory military service, given the stress involved in the latter and the time periods during which it is performed by military personnel. To reduce the duration of alternative civilian service would create a distinction among citizens of the Russian Federation in terms of the fulfilment of their constitutional duty and obligation to defend the homeland, in violation of article 6, paragraph 2, of the Constitution. It would also make such service more attractive than compulsory military service and might significantly increase the number of citizens expressing a desire to replace such service with alternative civilian service. That, in turn, would exacerbate the recruitment situation of the Russian Armed Forces and other troops, military formations and agencies and could have a negative effect on their military readiness and the defence capacity of the State.

## **Article 19**

### **Responses to paragraph 16 of the Committee's concluding observations**

115. The Office of the Procurator closely monitors criminal investigations of offences against journalists and human rights defenders.

116. Article 144 of the Criminal Code sets out punishment for individuals who use their official position to obstruct the lawful professional activity of journalists by compelling them to give out or to refuse to give out information.

117. Article 128<sup>1</sup> of the Criminal Code sets out punishment for defamation in a public speech or publicly performed work and through the mass media. However, there are neither administrative nor criminal penalties for the publication of true facts.

118. Civil court proceedings may be instituted in order to protect an individual's honour, dignity and business reputation when information infringing rights or interests protected under the law is disseminated by the mass media (article 152 of the Civil Code).

119. Mass Media Act No. 2124-1 of 27 December 1997 provides a regulatory framework for the exercise by journalists of their profession. Journalists have the right to visit government agencies and organizations, enterprises and institutions and community organizations, or their public relations departments; to be received by officials for the purpose of gathering information; to gain access to documentation and texts, excepting those portions that contain information constituting a State secret, confidential business

information or other classified material specially protected by law; to visit cordoned off sites of natural disasters and accidents, civil disturbances and mass gatherings, as well as sites that are declared emergency zones; to attend meetings and demonstrations; to express their personal opinions and make assessments in reports and other news material intended for dissemination under their bylines; to refuse to prepare signed reports or material that contradict their convictions; and to disseminate the reports and material drafted by them under their bylines, under a pseudonym or without a signature. In addition, it is prohibited for journalists to take advantage of their rights in order to conceal or falsify information of public significance, disseminate rumours in the guise of reliable information or collect information for the benefit of a third party or a body that is not part of the media. 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 solely on the grounds of gender, age, race, ethnicity, language, attitude to religion, occupation, place of residence or work or political conviction. In other words, journalists themselves must not violate journalistic ethics, the Mass Media Act or the criminal legislation. Over the past several years, members of the media accused of defamation or insult have been convicted for the publication of extremist materials, including racist and xenophobic materials. From the above it is clear that the question of journalistic activity and the safety of journalists is to be viewed in the context of a whole range of issues relating to their profession.

## Article 20

120. Acts of racism and hate speech on the part of public officials and other persons are offences punishable by criminal law in the Russian Federation.

121. The commission of any offence on the grounds of ethnic, racial or religious hatred or enmity is identified as an aggravating factor under article 63 of the Criminal Code. Especially serious offences against the person committed on such grounds incur a substantially increased penalty. Criminal responsibility for offences motivated by racial, ethnic or religious hatred is also specifically covered under the Criminal Code, namely article 280 (Public calls for extremist activities) and article 282 (Incitement to hatred or enmity or humiliating or degrading treatment). The penalties for serious offences such as murder or deliberate infliction of serious bodily injury are increased if they are motivated by ethnic, racial or religious hatred or enmity or by a blood feud (Criminal Code, art. 105, para. 2 (m) and art. 111, para. 2 (f)).

122. The legal and organizational arrangements for addressing extremist acts and the penalties for such acts are set out under Federal Act No. 114-FZ of 25 July 2002 on the Prevention of Extremist Acts, as amended on 27 July 2006 and 10 May 2007, which was adopted for the purpose of defending human and civil rights and freedoms, the foundations of the constitutional order and the integrity and security of the Russian Federation. The Criminal Code was amended under the Federal Act to provide penalties for setting up an extremist association (art. 282<sup>1</sup>) or for running the operations of an extremist organization (art. 282<sup>2</sup>).

## Article 21

123. Preventing individuals from holding or participating in meetings, rallies, demonstrations, marches or protests is a criminal offence under article 149 of the Criminal Code, punishable by a fine of up to 300,000 roubles or an amount deductible from the offender's salary or other source of income for a period of up to two years, or by deprivation of liberty for up to 3 years, with or without the forfeiture of the right to hold certain posts or engage in certain activities for up to three years.

## Article 22

124. The amendments introduced on 2 April 2012 to Federal Act No. 95-FZ, of 11 July 2001, on Political Parties, which entered into force on 4 April 2012, have greatly eased the procedural requirements for establishing and officially registering political parties and their regional branches and monitoring their activities and have also removed one of the grounds for dissolving political parties and their regional branches.

125. To be specific, the number of members needed by a political party to qualify for official registration has been reduced from 40,000 to 500 persons under the amended legislation. Furthermore, the requirements concerning the number of party members in the regional chapters have been waived. Each political party is free to establish such requirements on its own.

126. The Ministry of Justice registered 33 newly established political parties within eight months after the Act took effect. As of 7 November 2012, 41 political parties were entered in the consolidated State register of legal entities.

127. In addition, under articles 42 and 43 of the amended Act, political parties and their regional chapters may no longer be dissolved on grounds such as insufficient numbers of party members in the regional chapters. The requirements regarding participation of delegations from the constituent entities of the Russian Federation in the founding conventions of a political party and the nationwide conventions of a voluntary association have also been eased under the amended Act: the founding convention of a political party may be held if there are no less than two delegates from at least half the constituent entities of the Russian Federation, while a nationwide convention of a voluntary association may be held if it is attended by no less than two delegates from more than half the constituent entities of the Russian Federation. Under the previous law, the size of a delegation required for a founding convention of a political party or a nationwide convention of a voluntary association had been no less than three delegates from more than half of the constituent entities of the Russian Federation.

128. The amendments introduced also related to the monitoring of the activities of political parties and their regional chapters. Under the new legislation, political parties and their regional chapters are required to submit reports every three years rather than every year. There has been a similar change, from once a year to only once every three years, in the time frame during which the Ministry of Justice or one of its regional offices are entitled to examine the documents of political parties and their regional chapters that attest to the existence of regional chapters, the number of political party members and the number of political party members in each regional chapter.

129. Citizens have become more actively involved in setting up new political parties since the amendments to this legislation were introduced. For example, by 7 November 2012, the Ministry of Justice had recorded the formation of 207 organizing committees for the preparation, convening and holding of conventions of political parties.

130. After registering with the State authorities, a political party has six months to register regional chapters from at least half the constituent entities of the Russian Federation. Today, a political party must have at least 42 regional chapters. Political parties gain the right to take part in election campaigns once they have presented evidence to the Ministry of Justice that they have registered at least 42 regional chapters.

131. A total of 28 political parties had gained the right to participate in the elections held in October 2012 to the decision-making bodies of the constituent entities of the Russian Federation and to local decision-making bodies. Information concerning registered political parties and political parties with the right to participate in elections is posted daily on the official website of the Ministry of Justice ([www.minjust.ru](http://www.minjust.ru)).

132. In addition, a number of amendments were made to Federal Act No. 51-FZ, of 18 May 2005, on elections to the State Duma of the Federal Assembly. The threshold that a party must pass in order to be allocated seats in the Duma has been reduced from 7 to 5 per cent of the votes cast in an election.

133. Furthermore, senior officials of the constituent entities of the Russian Federation will be elected directly from among candidates put forward by deputies of representative bodies and heads of municipal authorities under the amendments to Federal Act No. 184 of 6 October 1999, on Basic Principles for the Organization of the Legislative (Representative) and Executive Bodies of the Constituent Entities, and to Federal Act No. 67-FZ of 12 June 2002, on Fundamental Guarantees of Russian Citizens' Electoral Rights and Right to Take Part in Referendums, which entered into force on 1 June 2012.

## Article 23

134. The Order of Parental Merit was established by Presidential Decree No. 775 of 13 May 2008 to commend Russian citizens on outstanding services rendered in strengthening the institution of the family and child-rearing. The Order of Parental Merit is awarded to parents (foster parents) who have registered their marriage with the civil registry offices or, in the case of unwed parents, to one of the parents (foster parents) who is raising or has raised seven or more children who are citizens of the Russian Federation, in accordance with the requirements of national family law. Parents (foster parents) decorated with the Order, along with their children, form a socially responsible family, have healthy lifestyles, show appropriate concern for the children's health, education, physical, spiritual and moral development and all-round and balanced personal development and set an example for strengthening the institution of the family and raising children. Foster parents are eligible to receive the Order if they have provided a decent upbringing and care for the adopted children for no less than five years. The Order of Parental Merit carries with it a lump sum award to one of the parents (foster parents) amounting to 50,000 roubles under terms set by the Government of the Russian Federation. The authorities of the constituent entities of the Russian Federation provide supplementary social support to persons awarded the Order of Parental Merit.

135. The media are provided with State support for their activities aimed at strengthening the institution of the family, traditional values and family relations. More than 45.6 million roubles were allocated in competitions held from 2009 to 2011 for 32 electronic media projects (11 projects in 2011, 14 in 2010 and 7 in 2009).

136. Raising public awareness about the value of responsible parenthood is a crucial part of an effective family policy. A special programme to promote responsible parenthood is being run by a fund to support children living in difficult circumstances that was established pursuant to Presidential Decree No. 404 of 26 March 2008.

137. Support is being provided for the web portal I Am a Parent ([www.ya-roditel.ru](http://www.ya-roditel.ru)). In 2011, it published 2,500 responses from psychologists to questions from parents and some 100 articles on raising children and held 40 consultations with psychologists by video. More than 85,000 persons, 57 companies, 200 non-profit organizations, 85 media outlets, 107 regions and cities and about 1,500 children's institutions have joined the Russia without Child Abuse movement through this web portal.

138. Among the measures to promote awareness on the adoption of children without parental care and to present a positive public image of families who raise such children was a forum for adoptive families held in Moscow on 10 and 11 November 2011 and attended by foster parents and representatives of executive authorities fulfilling tutorship and

guardianship functions for children from all the constituent entities of the Russian Federation.

## Article 24

139. A party to the Convention on the Rights of the Child, the Russian Federation has undertaken the obligation to give priority to protecting the interests of the child in all actions relating to children, be they by public or private institutions.

140. A fund to support children living in difficult circumstances was established pursuant to Presidential Decree No. 404 of 26 March 2008. The fund focuses on the following priority areas:

- Prevention of the dysfunctioning of families and the abandonment of children, including prevention of child abuse, restoration of a family environment conducive to raising children and provision of a family setting for orphans and children deprived of parental care;
- Social support for the families of children with disabilities to ensure that, to the greatest extent possible, they grow up in a family environment, with social skills, and are ready to lead independent lives and integrate into society;
- Social rehabilitation of children in conflict with the law (who have committed misdemeanours or crimes) and prevention of child neglect, homelessness and juvenile delinquency, including repeat offences.

The fund operates mainly by partnering with the constituent entities of the Russian Federation and municipal authorities in their programmes and projects to address child neglect.

141. A national strategy for action in the interests of the child for 2012–2017 was enacted by Presidential Decree No. 761 of 1 June 2012 and a timetable for priority measures up to 2014 has been drawn up to carry out the major provisions under the strategy. The national strategy covers a number of areas:

- Family childcare policy;
- A decent education and upbringing, cultural development and Internet safety for children;
- Child-friendly health care and healthy lifestyles;
- Equal opportunities for children in need of special care from the Government;
- A system for the protection and promotion of the rights and interests of children and child-friendly justice.

142. The national strategy is being carried out in conjunction with the long-term strategic framework for the social and economic development of the Russian Federation through the year 2020, the strategic framework for demographic policy of the Russian Federation through the year 2025 and national priority projects in the fields of health and education.

## Article 25

143. The participation of citizens in elections is free and voluntary under the Convention on Standards for Democratic Elections and Electoral Rights and Freedoms in the States members of the Commonwealth of Independent States of 7 October 2002, which the Russian Federation took the lead in drafting, adopting and joining. No one may force a

person to vote in favour of or against any particular candidate (or candidates) or particular list of candidates, and no one has the right to engage in coercion of an elector's decision to vote or not to vote or free expression of will. No elector may be forced by anyone to declare how he or she will vote or has voted for a candidate (candidates) or list of candidates (art. 8).

144. Constitutional restrictions on the right to stand for election are established under articles 32, 81 and 97 of the Constitution, and legislative restrictions are established by federal laws, as follows:

(a) The age requirement to stand for election is set at 21 years for the State Duma and 35 years for the Presidency; the minimum age at which a person has the right to stand for public office in regional elections is set at 21 years; the age at which a person has the right to be elected has been brought into line with the age at which a person is eligible to vote in municipal elections, as the election law has been amended to reduce the minimum age for the right to stand for public office in municipal elections from 21 to 18 years. Citizens who have reached the age of 30 years may stand as candidates for senior official posts (heads of the executive bodies of the constituent entities of the Russian Federation);

(b) The following persons do not have the right to be elected:

- Citizens declared by the courts to lack legal capacity;
- Citizens incarcerated under a court sentence;
- Citizens of the Russian Federation with dual nationality or a residence permit or other document giving them the right of permanent residence in a foreign State (such citizens have the right to be elected to local government bodies if provision has been made for this in the international agreements of the Russian Federation, as is currently the case with Kazakhstan, Kyrgyzstan and Turkmenistan);
- Citizens sentenced to deprivation of liberty for serious and (or) especially serious offences or offences of an extremist nature or citizens with sentences that have not been served out on the date of the voting;
- Citizens subject to administrative penalties for advocating Nazism or publicly displaying Nazi symbols (Code of Administrative Procedure, art. 20.3) if the voting takes place before the end of the period for which they are considered to be subject to the administrative penalty (one year from the date on which the sentence is pronounced);
- Citizens found by a court to have infringed the law on extremist activity during an election campaign (where such offences or acts are committed prior to the voting day during the period established by law for election to the relevant State or local decision-making body or official position. This restriction also applies if the offence or act was committed by a voter association that has put forward a candidate (or list of candidates);
- In accordance with legislative decisions on restoring universal direct elections for the highest public office of a constitutional entity of the Russian Federation, candidates running in direct elections for such office must be Russian citizens who are at least 30 years old. In addition, it has been established that the person holding the highest public office of a constituent entity of the Russian Federation may not occupy that post for more than two consecutive terms.

145. There is no longer a minimum voter turnout required for elections to be recognized as valid. Voter turnout for the parliamentary elections was 61.85 per cent in 1999, 55.75 per

cent in 2003, 63.78 per cent in 2007 and 60.2 per cent in 2011: in other words, voter turnout remained high, even though it fell by 1.65 per cent in 2011 as compared to 1999.

146. From 2007 to 2012, amendments were made to the law on elections and referendums that sought to enhance the guarantees for the enjoyment and effective protection of the voting rights and freedoms of citizens. Federal Act No. 42-FZ of 5 April 2009, on amendments to articles 25 and 26 of the Federal Act on Political Parties and the Federal Act on Fundamental Guarantees of Russian Citizens' Electoral Rights and Right to Take Part in Referendums, aimed at establishing a procedure for the participation of voluntary associations in elections to local authorities. The legislative amendments aim to establish new forms of participation of voluntary associations that are not political parties in nominating candidates for municipal elections in cooperation with political parties, ensure that such voluntary associations are represented in local government bodies and improve the quality of the work of such bodies.

147. Federal Act No. 112-FZ of 31 May 2010, concerning amendments to the Federal Act on Fundamental Guarantees of Russian Citizens' Electoral Rights and the Right to Take Part in Referendums, in connection with changes in early voting procedures in local elections, is aimed at carrying out the provisions on streamlining early voting procedures in municipal elections set forth in the message of the President of the Russian Federation to the Federal Assembly on 12 November 2009. The purpose of such new developments is to prevent the abuse of voting rights in early elections.

148. Federal Act No. 133-FZ of 1 July 2010, on amendments to the Federal Act on Fundamental Guarantees of Russian Citizens' Electoral Rights and Right to Take Part in Referendums, contains an exhaustive list of documents that need to be submitted by an electoral association to the election commission that has organized the elections if the law of the constituent entity stipulates that a list of candidates for a single- or multi-seat electoral district must be certified. Federal Act No. 133-FZ also determines the documents to be submitted to the electoral commission and the district commission of the relevant district. The amended law will make it possible to take a uniform approach to certification of the list of candidates for single- or multi-seat electoral districts during elections in the constituent entities of the Russian Federation, standardize the relevant procedures and establish common grounds for denying certification for a list of candidates for single- or multi-seat electoral districts.

149. Furthermore, Federal Act No. 133-FZ limits the scope for refusal to certify a list of candidates for a consolidated electoral district under the law of the constituent entity of the Russian Federation. The adoption of the Federal Act has helped to ensure equal rights among candidates nominated by electoral associations on a consolidated list for single- or multi-seat electoral districts or on lists of candidates for a consolidated electoral district, regardless of where the elections take place.

150. Federal Act No. 222-FZ of 27 July 2010, concerning amendments to a number of legislative acts of the Russian Federation to provide further guarantees of equal accommodation of meetings with the electorate and participants in referendums, was aimed at carrying out the message addressed by the President to the Federal Assembly on 12 November 2009. The national law on elections and referendums provides that once premises that are State or municipal property or the property of an organization in which the share of authorized capital or investment on the date of an official announcement of elections or a referendum held by a constituent entity of the Russian Federation or municipal authority is more than 30 per cent have been made available to a registered candidate, electoral association, group that initiated a referendum or other group participating in a referendum for a meeting with the electorate or participants in a referendum during a campaign, then the owner (holder) of the property may not refuse to accord the use of the premises, under the same conditions, to another registered candidate,



electoral association, group of participants in a referendum (or group that initiated the referendum).

151. Federal Act No. 263 of 4 October 2010, concerning amendments to a number of legislative acts of the Russian Federation in connection with improving the procedures for the use of absentee ballots during elections and referendums, is aimed at carrying out the message addressed by the President to the Federal Assembly on 12 November 2009 on the adoption of measures needed to prevent unlawful acts involving absentee ballots during elections and referendums. The relevant amendments to the electoral legislation concerning absentee ballots were favourably assessed in the final report of the Organization for Security and Co-operation (OSCE) Office for Democratic Institutions on the elections to the State Duma held on 4 December 2011.

152. Federal Act No. 38-FZ, concerning amendments to articles 35 and 38 of the Federal Act on Fundamental Guarantees of Russian Citizens' Electoral Rights and Right to Take Part in Referendums and to the Federal Act on Basic Principles for the Organization of Local Self-Government in the Russian Federation in connection with the use of a proportional electoral system in elections of deputies to representative bodies of municipal regions and city districts, is aimed at carrying out the message addressed by the President to the Federal Assembly on 30 November 2010 concerning the use of a proportional electoral system in elections of representative bodies of municipal entities.

153. Federal Act No. 44-FZ of 5 April 2011, concerning amendments to article 25 of the Federal Act on Political Parties, provides that the collegial standing governing bodies of political parties may nominate candidates from their respective parties to positions in regional and local representative authorities if there is no regional or local branch of the party. This right may be set out in the statutes of the political party concerned.

154. Federal Act No. 143-FZ of 14 June 2011, on amendments to a number of legislative acts of the Russian Federation for the purpose of improving the mechanisms for protecting the electoral rights of citizens, was adopted to bring the legislation of the Russian Federation into line with the Convention on the Rights of Persons with Disabilities. Under the Federal Act, if a candidate or person in a list of candidates is a person with disabilities and for this reason is unable, without assistance, to give his or her written consent to stand for election in an electoral district, complete a candidacy list or fill in other documents stipulated by law, that person is entitled to call on others for assistance in doing so.

155. Under Federal Act No. 259-FZ of 23 July 2011, on amendments to a number of legislative acts of the Russian Federation, the legislative criteria for declaring the signatures of voters invalid or inauthentic have been established, the forms for candidacy lists standardized and the procedures for electoral associations to submit documents to the relevant commissions simplified.

156. All political parties are exempt from collecting voters' signatures for any elections other than elections to the presidency of the Russian Federation under Federal Act No. 41-FZ of 2 May 2012, concerning amendments to a number of legislative acts of the Russian Federation in connection with the exemption of political parties from collecting voters' signatures for elections to the State Duma of the Federal Assembly, to the decision-making bodies of the constituent entities of the Russian Federation and to local decision-making bodies. Only voluntary associations that are not political parties and that have the status of electoral associations for elections to local decision-making bodies must collect signatures in support of the candidates they put forward. The elections to the presidency of the Russian Federation have retained the existing requirements on the collection of voters' signatures by political parties that are not represented in the State Duma or legislative (representative) bodies of government in at least three constituent entities of the Russian

Federation, although the minimum number of signatures required has been reduced significantly.

157. Under Federal Act No. 157-FZ of 2 October 2012, on amendments to the Federal Act on Political Parties and to the Federal Act on Fundamental Guarantees of Russian Citizens' Electoral Rights and Right to Take Part in Referendums, a single election day has been established, namely the second Sunday of September in the year in which the term of the legislative body of a constituent entity of the Russian Federation expires and the day of the year on which elections for the State Duma are regularly called. New principles for the formation of electoral districts for elections to State and local legislative bodies and of electoral precincts for elections and referendums have been established under the same Federal Act. The boundaries of electoral districts have been set and will be maintained for 10 years, and those of electoral precincts, for 5 years, and will be the same for all elections and referendums held in the various geographical regions and constituent entities of the Russian Federation. The boundaries for single- and/or multi-seat electoral districts must be set for a period of 10 years by the legislative (representative) bodies of the constituent entities of the Russian Federation and by municipal legislative bodies within a year of the date of the elections closest to the date of entry into force of the Federal Act and, for elections to be held on the second Sunday of September 2013, no later than 1 February 2013. Electoral precincts must be established for a period of five years no later than 20 January 2013, and district electoral commissions must be established for a period of five years no later than 30 April 2013.

158. Any decisions or actions, collectively or individually, of government bodies, local authorities, voluntary associations and commissions that violate the electoral rights of citizens and the right of citizens to take part in referendums may be challenged in the courts in accordance with article 75, paragraph 1, of Federal Act No. 67-FZ of 12 June 2002 on Fundamental Guarantees of Russian Citizens' Electoral Rights and Right to Take Part in Referendums. The procedures for defending citizens' electoral rights and right to participate in referendums are set out in chapter 26 of the Code of Civil Procedure. The Plenum of the Supreme Court of the Russian Federation adopted Decision No. 5 of 31 March 2011, concerning the practice of judicial review of cases involving the protection of citizens' electoral rights and right to take part in referendums, so as to ensure the most effective use of judicial remedies and to establish uniform jurisprudence for the protection of such rights.

159. Webcasts from polling stations during the voting and counting of the votes will help to make electoral procedures more transparent and enable any citizens with access to the Internet to observe the electoral process in real time. In accordance with the Central Electoral Commission's Decision No. 82/635-6 of 27 December 2011 concerning procedures for video surveillance of polling stations for the presidential elections of 4 March 2012, web cameras for video broadcasts on the Internet were used at polling stations for the first time throughout virtually the entire country during the voting and counting of the votes; the Ministry of Communications and the Mass Media has also set up a web page, entitled "Web-based election monitoring technology" (<http://www.webvybory2012.ru>), and hyperlinks to the page have been placed on the Commission's website. Every video image on the Internet includes information on the number of the district electoral commission of the relevant constituent entity of the Russian Federation and is streamed in real time. The fact that the website, which broadcast live images from the polling stations, was visited a billion times on 4 March 2012, and follow-up requests for video recordings to certify the results were made by citizens who were asserting their electoral rights, is evidence of the effectiveness of the new information technology.

160. Polling stations will be outfitted with the appropriate technical means to count votes, including a ballot paper processing system and an electronic voting system, for the next

round of federal elections under a programme for fast-track upgrading of voting equipment. This is one of the measures taken to build voters' confidence in election results, ensure that votes are counted in a transparent, free, honest and fair manner and create an environment conducive to the sustainable and progressive development of the State and society.

161. Since 2007, international information centres have been providing foreign (international) observers, guests from abroad and representatives of foreign States with information about federal and local elections held in the Russian Federation. For the 4 December 2011 elections to the sixth State Duma, the Central Electoral Commission accredited 688 foreign (international) observers from 54 States and international organizations (the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the Commonwealth of Independent States (CIS), the Shanghai Cooperation Organization (SCO), the Nordic Council and the OSCE Office of Democratic Institutions and Human Rights) and the Association of European Election Officials, including long-standing election observers from the CIS and OSCE. International monitoring of the parliamentary elections was also carried out by 65 persons from the diplomatic corps working in Moscow, 51 international experts from 19 foreign States who are recognized authorities on the electoral process and 59 representatives of central electoral bodies from 23 foreign States. The international observers, both long-standing and short-term, monitored elections in 49 of the constituent entities of the Russian Federation, covering a total of 78 per cent of registered voters. During the 4 March 2012 elections for President of the Russian Federation, the Central Electoral Commission accredited 685 foreign (international) observers from 58 foreign States and international organizations (the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe despite the fact that the basic instruments of the Council of Europe envisage monitoring only parliamentary, regional and municipal elections – CIS, SCO, the OSCE Office of Democratic Institutions and Human Rights, the Organization of American States and the Association of European Election Officials). There were also 60 representatives from top electoral bodies from 22 foreign States taking part in the international monitoring of the presidential elections. Long-standing international monitors from the CIS Observer Mission organized international monitoring of the preparations for the presidential elections at polling stations established outside the Russian Federation.

162. The final report by the OSCE Office of Democratic Institutions and Human Rights Election Observation Mission stated: "Despite the challenge of organizing elections for nearly 110 million voters residing in a territory comprising nine time zones, the administrative preparations for the presidential election proceeded efficiently. The [Central Election Commission] undertook measures to increase transparency of voting and counting during the presidential election by placing web cameras in almost all polling stations across the country ... and equipping approximately 30 per cent of polling stations with transparent ballot boxes. Two types of new voting technologies were used during this election. A total of 5,233 polling stations were equipped with ballot scanners across the country, a slight increase compared to the 2011 State Duma elections. Such a gradual introduction of new technologies is in line with good practice. The use of ballot scanners was assessed positively by the majority of presidential candidates and political parties as a safeguard against incidental or deliberate changes to the result protocols."

163. The Russian Federation has thus observed the provisions of the International Covenant, made it possible for its citizens to exercise the rights and freedoms set out in the Covenant fully and effectively and promoted sustainable peaceful democratic development in accordance with the letter and spirit of the Charter of the United Nations.

## Article 26

### Responses to paragraph 27 of the Committee's concluding observations

164. There are no discriminatory policies against lesbian, gay, bisexual or transgender persons in the Russian Federation.

#### Paragraph 27 (a)

165. The Constitution has delineated a system of fundamental rights and freedoms that is open in nature, in that it guarantees the rights and freedoms set out not only in the Constitution but also in other universally recognized international instruments (Constitution, arts. 17 and 55).

166. Russian legislation does not contain specific regulations governing relations among citizens of the Russian Federation or foreign nationals with a non-traditional sexual orientation. Under article 19, paragraph 2, of the Constitution, the State guarantees equal human and civil rights and freedoms regardless of a person's sex, race, ethnicity, language, origin, financial situation, function, place of residence, attitude towards religion, convictions, membership of associations and other circumstances. There may be no discrimination on any grounds, including sexual orientation, in the Russian Federation. The Labour Code, Criminal Code and legislation in the area of education, health and social protection contain general anti-discrimination norms that allow for the protection of the rights of all persons, regardless of their sexual orientation.

167. Issues involving recognition of the basic rights of persons with a non-traditional sexual orientation, including the legalization of single-sex marriages and the right of such persons to adopt children, are dealt with in accordance with the cultural and moral traditions of the State and, thus, may not be subject to international regulations. Neither the Constitution nor the international commitments undertaken by the Russian Federation impose any obligation on the State to facilitate the advocacy, support or recognition of single-sex unions. The lack of regulation in this field in no way affects the degree to which the rights and freedoms of people with a non-traditional sexual orientation are recognized and guaranteed; furthermore, under article 23 of the International Covenant on Civil and Political Rights, both men and women are accorded the right to marry and found a family, and article 12 of the Convention for the Protection of Human Rights and Fundamental Freedoms expressly stipulates that a family may be founded in accordance with the national laws governing the exercise of this right.

#### Paragraph 27 (b)

168. On 3 October 2010, the television channel NTV aired a feature entitled "Between Us Girls" on its programme *Frank Confession*, about the lives, families and children of homosexual and bisexual women in the Russian Federation and Ukraine. With the support of a few other voluntary associations, the Russian LGBT Network, an interregional voluntary association, filed a complaint about the programme with the Public Board for Press Complaints. The complainants considered that *Frank Confession* presented a negative and false image of lesbians and bisexual women, misrepresented the facts and disseminated information on the personal and family lives of specific persons without their consent (one of the participants was forced to change not only her place of work but also her place of residence after the programme was aired). According to the complainants, the programme helped to shape and reinforce negative stereotypes of homosexual and bisexual women and discredited their relationships and families. The Board took a decision in the case of the *Group of Voluntary Associations v. NTV* which recognized that one of the writers of the show had taken a discriminatory approach to presenting the matter and violated

professional ethics. The Board raised the issue of the need to hammer out a common understanding of discrimination to be used in other cases in future.

169. On 27 November 2011, the national television channel NTV broadcast on its programme *NTVshniki* a feature on draft legislation to prohibit the “advocacy” of homosexuality (legislation adopted in St. Petersburg on 30 March 2011). It was the first programme in the history of Russian television in which problems of the LGBT community were discussed from an appropriate rather than a prejudiced and homophobic perspective. Members of the show business community, political figures, LGBT activists and other officials took part in the programme.

## Article 27

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

171. Federal Act No. 74-FZ of 17 June 1996 on Ethnic and Cultural Autonomy, 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 thus work independently towards the preservation of their ethnic identity and the advancement of their language, education and ethnic culture. The following principles were established to help autonomous ethnic cultural organizations to function: free expression of will, self-organization and self-government, diversity of forms of internal organization, backing of community initiatives with State support and respect for the principles of cultural pluralism.

172. The basic issues involving the establishment and running 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 Ethnic Cultural Autonomy Act elaborated in detail on many of the rights of autonomous ethnic and cultural organizations, such as the right to receive support from various State authorities, to represent their ethnic and cultural interests before those authorities, to receive and disseminate information in their national languages, to found educational and academic institutions and to take part in the activities of international non-governmental organizations. According to the justice authorities, there are altogether more than 250 different autonomous ethnic and cultural organizations registered in the constituent entities of the Russian Federation.

173. Under the amendments to the Federal Act of 29 June 2004 on Ethnic and Cultural Autonomy the constituent entities of the Russian Federation were delegated responsibility for providing autonomous ethnic and cultural organizations with financial support in preserving their ethnic identity, developing ethnic (native) languages and ethnic culture and upholding the ethnic and cultural rights of citizens of the Russian Federation who identify with a particular ethnic community (art. 19). The amendments make it possible for constituent entities to be involved in carrying out public policies on ethnic and cultural autonomy.

174. The right of small indigenous peoples in the Russian Federation to preserve and develop their native language, traditions and culture is set out in Act No. 1807-I of 25 October 1991 on the Languages of the Peoples of the Russian Federation, as amended on 24 July 1998 and 11 December 2002, and the Federal Act on Ethnic and Cultural Autonomy. In particular, the Act on the Languages of the Peoples of the Russian Federation governs the system of regulations over the use of the languages of the peoples of the Russian Federation. 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 Act No. 8-FZ of 25 January 2002 on the National Census and in Federal Act No. 133-FZ, which allows an electoral commission to decide to print ballot papers in Russian, the official language of the Russian Federation, 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).

175. Federal Act No. 3612-I of 9 October 1992 on Basic Legislation of the Russian Federation on Culture, 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, established the right of peoples and other ethnic communities to “preserve and develop their cultural and ethnic identity and protect, restore and maintain their ancestral cultural habitat” (art. 20). It contains a specific provision that “policies with regard to the preservation, establishment and dissemination of the cultural property of indigenous ethnic groups after which specific State entities are named shall not be prejudicial to the cultures of other peoples or ethnic communities living in the territories in question” (art. 20).

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