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Committee on Economic, Social and Cultural Rights

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Summary record of the 15th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 11 May 2011, at 10 a.m.

Chairperson: Mr. Pillay

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The meeting was called to order at 10 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Fifth periodic report of the Russian Federation (E/C.12/RUS/5; E/C.12/RUS/Q/5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Russian Federation took places at the Committee table.*

2. **Mr. Voronin** (Russian Federation), introducing his country's fifth periodic report (E/C.12/RUS/5), said that significant economic growth had enabled the Government to make substantive progress in the areas mentioned by the Committee in its concluding observations of 2003 (E/C.12/1/Add.94). Despite the effects of the global financial and economic crisis in 2008 and 2009, his country had fulfilled all its social obligations to its citizens in terms of income and employment. The minimum wage had almost doubled since 2003 and the maximum unemployment benefit had increased by almost 150 per cent. Additional resources had been allocated to social insurance, health and education, and no budget allocations for social needs had been cut during that period.

3. As the country had begun to emerge from the financial and economic crisis, the Government had undertaken to modernize all aspects of economic and social life. The policies adopted in late 2010 and early 2011 had been designed to tackle the most pressing issues and improve the standard of living in the most disadvantaged regions. They included a State programme to modernize health and education, steps to increase the availability and quality of health services and medicines, and measures to make all vital infrastructure accessible to persons with disabilities. There were no plans to increase the pensionable age or reduce pension payments. In 2010, social pensions had been increased to the minimum subsistence level and retirement pensions had increased in real terms by over 30 per cent. Strategies for increasing employment opportunities and improving living conditions in the republics of the northern Caucasus included a project giving residents temporary employment in other regions of the country where additional manpower was required. Considerable federal budget resources had been earmarked for that project, and for rebuilding infrastructure and private housing. Some 74,000 citizens whose property had been destroyed during military operations had received timely, adequate compensation. The problem of internally displaced persons from Chechnya had been almost totally resolved.

4. His country had been the first State Member of the United Nations to set up its own national organizing committee for the Second International Decade of the World's Indigenous People. In 2009, the Government had approved a policy framework for the sustainable development of the small indigenous minorities which increased their opportunities to use their mother tongue and included plans to preserve their native habitat and traditional way of life and guarantee their right to priority access to historical natural resources. Additional funds had also been allocated to improving indigenous peoples' health and education and preserving and promoting their culture. The Government was currently considering a bill on the territories where the small indigenous minorities of the North, Siberia and the Far East had their traditional habitats and practised traditional economic activities. The bill, which had been discussed in detail with experts and representatives of the relevant minorities, addressed the legal aspects of education and the functioning of the territories.

5. The system of registration of place of residence had been changed substantially. As of 1 January 2011, citizens could send all the relevant documents over the Internet or by

post. Measures had been taken to address the particular problems the homeless and the Roma faced in that regard. The policy of forcibly resettling the Roma had been abandoned and regional bodies were striving to legalize Roma residents and provide them with housing. In 2010, some 100 Roma families had received State housing in three different regions. Some 138 shelters now existed for the homeless, providing over 7,000 places. Every year, over 100,000 people used the shelters, where they were given a bed, clean bedding and personal hygiene items. They received food vouchers and first aid if necessary and assistance in obtaining identity papers, health care and employment.

6. Until August 2008, the labour market had enjoyed stable development and unemployment had been negligible. As of February 2009, unemployment had increased by 150 per cent and there had been a sharp rise in part-time employment. The Government had taken unprecedented measures to prevent further unemployment and protect people's incomes. In 2009 and 2010, significant resources had been allocated to supporting companies and entrepreneurs that had suffered as a result of the crisis in an attempt to prevent them from cutting jobs. Funds had been invested in urban redevelopment projects which had provided employment. Former employees of companies that had been declared bankrupt had been offered training in different fields in order to encourage people to set up small businesses. Over 12 million people had benefited from employment support and about 800,000 had undertaken paid community service. Temporary jobs had been given to about 1 million young people aged between 14 and 18. Currently, the unemployment rate was back to the pre-crisis level and most companies had been able to pay the arrears they had owed their staff. The Government had cooperated with the trade unions to ensure a progressive wage increase. Between 2004 and 2010, the average monthly wage had risen from the equivalent of \$528 to \$1,140 in purchasing power parity (PPP) terms. The increase in wages, pensions and benefits had significantly reduced poverty in recent years. The proportion of people living below the poverty line had fallen from 17.6 per cent in 2004 to 13.1 per cent in 2010 and extreme poverty had been almost eradicated.

7. In 2006 four priority projects had been launched to improve the right to health and education. Significant State resources had been allocated to developing primary health care and combating cardiovascular diseases and cancer and preventing illness. Most medical facilities were now fitted with modern equipment and doctors had undergone retraining in new technologies. Since 2006, the birth rate had increased by 21 per cent and the mortality rate had fallen by 6 per cent. Infant mortality had decreased by almost 27 per cent and maternal mortality by over 13 per cent. Special measures to prevent illegal abortions had resulted in a drop of over 23 per cent in such cases. However, the nation's health had not yet reached the level of developed countries.

8. Slight progress had been made in gender equality, but the wage gap between women and men had not narrowed. There were many problems with illegal migration and informal employment. Working conditions were improving gradually.

Articles 1 to 5 of the Covenant

9. **Ms. Barahona Riera** (Country Rapporteur) commended the State party for its high-level delegation of specialists in each area of the Covenant, with a good gender balance. She also praised the quality of the State party's fifth periodic report and the written replies to the Committee's list of issues (E/C.12/RUS/Q/5/Add.1), both of which took full account of the Committee's 2003 concluding observations.

10. She requested additional information on the bill on the traditional territories of the small indigenous minorities, particularly in the light of reports the Committee had received concerning the exploitation of those lands by private companies.

11. Given that the situation of women had clearly improved in the State party, she failed to understand why relevant legislation had not been introduced, such as an equal opportunity law. There appeared to be a lack of coordination between Government bodies in that regard. She asked whether the Government planned to introduce legislation on non-discrimination which would include prohibition of all the traditional grounds, including sexual orientation, age and gender. She would appreciate details of the number of complaints the Office of the Human Rights Commissioner had received concerning discrimination, and information on any such cases that had been brought before the courts.

12. She asked whether the new electronic system for residence registration would provide an effective guarantee of the enjoyment of people's rights, particularly the right to health and education.

13. She welcomed the fact that some of the State party's executive authorities supported the signature of the Optional Protocol to the Covenant and urged the State party to sign and ratify that instrument as soon as possible.

14. **Mr. Abdel-Moneim** recalled the fundamental role the State party had played in the elaboration of the Covenant and noted that its experience in economic, social and cultural matters was of great significance regionally and internationally. While welcoming the quality and precision of the fifth periodic report, the Committee would have appreciated annual statistical data indicating the growth in the realization of economic, social and cultural rights since the time of the fourth periodic report. That said, the methodology employed in the fifth periodic report of making direct reference to the Committee's 2003 concluding observations was an excellent initiative which should serve as a model to other States parties.

15. **Ms. Cong** welcomed the development of a legislative and institutional framework for the protection of human rights in the State party, particularly the establishment of the Office of the Human Rights Commissioner and the Social Forum. She also commended the State party on its success in reducing the number of people living in poverty.

16. She asked whether a monitoring mechanism had been established to review the implementation of the Strategic Plan on State Nationalities Policy. It would be interesting to learn what obstacles had been encountered in the implementation process.

17. Clarification should be provided on the difference between "ethnic minorities", "small indigenous peoples" and "small ethnic communities". She wished to know whether the small indigenous peoples enjoyed the same rights and freedoms as the ethnic minorities.

18. **Mr. Kedzia** noted that, according to the State party's Constitution, the Covenant was a component part of the legal system and should prevail in case of inconsistency with domestic legislation. He wished to know whether there was any information available on the number and nature of court cases in which the Covenant had been invoked. It would also be useful to have data on complaints concerning infringements of economic, social and cultural rights, particularly in cases where the Covenant had been invoked by courts considering the constitutionality of domestic legislation.

19. In the light of paragraph 44 of the written replies, it would appear that the State party did not plan to sign the Optional Protocol to the Covenant in the near future. However, the State party should bear in mind that its signature would send a particularly powerful signal at the initial stage of that important instrument.

20. **Mr. Ribeiro Leão** asked how the different State bodies coordinated their work to support ethnocultural development and inter-ethnic cooperation. He also requested information on the legal basis for the strategic objectives that had been drawn up for the protection of the rights of small indigenous minorities.

21. **Mr. Sadi** said he hoped that awareness of the Covenant among the various ministries in the country was as strong as its delegation was large. Beyond the question of the Covenant's juridical status in the country, he wished to know what role it played in national policymaking, and whether it was used as the main reference tool in the ministries.
22. Noting that the former Soviet Union had been an architect of the Covenant, he asked to what extent, in the light of the transition to a democracy and market economy, the Russian Federation had remained a prime advocate of the Covenant. If its support was still as strong, evidence should be provided through examples of cases of Russian citizens who had sought redress or remedies after exhausting domestic remedies in the context of the rights under the Covenant, and ratification of the Optional Protocol to the Covenant. He asked whether the Human Rights Commissioner was fully aware of and applied the Covenant and jurisprudence of the Committee, its general comments in particular.
23. He wished to know whether corruption posed a serious challenge in the country and, if not, how that scourge had been defeated, by citing examples of macrolevel strategies.
24. The delegation had mentioned in its opening statement that all the social needs of Russian society had been met; he wondered how those needs were defined, particularly in relation to the rights set out in the Covenant.
25. He also asked what challenges the State party had faced in the light of the country's shift to privatization, particularly with regard to fulfilment of its obligations under the Covenant.
26. **Mr. Schrijver** commended the overall quality of the documents prepared by the State party, which reflected significant progress in the realization of rights under the Covenant. Nevertheless, he wondered why its core document (HRI/CORE/1/Add.52/Rev.1) had not been updated since 1996, as a more recent version would more accurately reflect the situation on the protection of human rights in the country.
27. He urged the Russian Federation to consider becoming a party to the Optional Protocol to the Covenant, and wondered why it was still not considering ratification of the International Labour Organization (ILO) Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169). Its report of 5 June 2009 under the universal periodic review (A/HRC/11/19/Add.1/Rev.1) stated that the country's legislation was "more progressive [...], and provides a more realistic picture of the specific situation of the country's indigenous peoples". If that was the case, there was no reason why it should not ratify the ILO Convention.
28. He would welcome more information on the implementation of the Covenant by the judiciary and administrative institutions, including the Human Rights Commissioner.
29. While the Government had made strides in reducing poverty in recent years, 30 per cent of the population was reportedly living below the poverty line. He wished to know what measures were in place to help lift those persons out of poverty, and also to address homelessness and the issue of unregistered persons in the country.
30. He asked to what extent the Russian Federation's foreign policy helped encourage other countries to implement the Covenant, since the State party had undertaken, by virtue of article 2, to take steps, individually and through international assistance and cooperation, to help other countries to fully realize the rights recognized in the Covenant.
31. **Ms. Shin**, referring to the statement in the Government's written replies (para. 7) that approximately half of the petitions received were declared inadmissible "because they were inconsistent with the criteria set out in Federal Constitutional Act No. 1 of 26 February 1997", asked whether that was due to a lack of publicity about the Covenant, or

rather to a problem with the criteria themselves. She asked how the Government ensured public awareness of rights under the Covenant and how citizens could claim those rights.

32. She also asked the State party to provide disaggregated data by sex, origin, and socio-economic status so that the situation of different groups, such as persons with disabilities, indigenous peoples, refugees and asylum-seekers, could be reviewed.

33. With regard to privatization and the rights of indigenous persons, the State party's determination to preserve that group's traditional way of life and economic activities was commendable. Nevertheless, the sale of their land to private companies and the high rents charged hindered their fishing, hunting and herding activities and threatened their survival. In that context, she wished to know what share of State-owned property had already been sold to commercial companies and whether the Government would maintain its policy of privatization in the light of those negative consequences, and what was being done to ensure the protection of indigenous persons' rights in the long term.

34. Commending the State party for engaging in consultations with representatives of indigenous groups, she asked how many such meetings had taken place and how many representatives of indigenous persons had attended and from which groups, since it must be challenging to bring together all the individuals concerned from so many different and remote parts of the country. She asked whether the State party had been monitoring the use of the subsidies it had granted to the budgets of constituent entities to support the economic and social development of small indigenous minorities of the North, Siberia and the Russian Far East (written replies, para. 51) to ensure that those went to the indigenous persons in need and did not fall prey to corruption.

35. **Mr. Texier** said that Act No. 5242-1 of 25 June 1993 on the right of citizens to freedom of movement and freedom to choose their place of residence within the boundaries of the Russian Federation (*ibid.*, para. 53) and the registration of citizens seemed to place restrictions not only on their mobility but also on the social services provided to them, and could thus give rise to discrimination. He would welcome the delegation's comments on that matter.

36. He also asked what was being done to curb the exploitation of immigrants, especially those in an irregular situation, by employers, in the light of the number of complaints of abuses such as the confiscation of workers' passports, excessive working hours, and withholding of wages. He reminded the State party of its obligation to ensure immigrants' access to social, cultural and economic rights.

37. He wondered whether the State party had plans to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

38. **Mr. Atangana**, referring to cases of corruption, requested additional information on the relationship between the Supreme Court and lower courts in the context of the independence of judges, and whether judges could be prosecuted for corruption.

39. He wondered why the State party's written replies started with an answer to the question in part I, paragraph 2, of the list of issues, skipping the general question in paragraph 1.

40. **Mr. Riedel** said that while the State party had mentioned that quite a few Roma had expressed a desire to register, various NGOs and other sources had indicated that the Roma were not registering because of cases in which Roma who had presented themselves for registration had been sent to prison, or their children placed in separate centres – in some instances, never to be seen by their parents again. He would welcome more information in that regard.

The meeting was suspended at 11.10 a.m. and resumed at 11.30 a.m.

41. **Ms. Svetlichnaya** (Russian Federation), in response to questions on the status of the Covenant in her country's legal system, said that the provisions of international treaties ratified by the Russian Federation were an integral part of its legal system and prevailed over domestic provisions in the event of a conflict between them.

42. The rights outlined in the Covenant were guaranteed under chapter 2 of the Constitution. In considering particular cases, judges did refer to national legislation as a rule, but a number of court decisions made specific reference to provisions of the Covenant. One example was decision No. 1 of the Plenum of the Supreme Court, which referred to article 11 of the Covenant, also enshrined in article 7 of the Constitution.

43. **Mr. Yurakov** (Russian Federation), replying to questions on minorities, said that his Government had come to realize that the Federal Act No. 49 of 7 May 2001 on the territories of traditional natural resource use by the small indigenous minorities of the North, Siberia and the Russian Far East encountered practical difficulties, since the provisions to categorize the territories used by small indigenous minorities as specially protected natural territory placed restrictions on that group's use of the land to carry out traditional economic activities.

44. In response, a new bill had been drafted on territories for traditional use after broad discussions between ministries and representatives of indigenous groups, and had been submitted for adoption. One new provision was that land could be used not only by small indigenous groups, but also by others who practised traditional economic activities.

45. The bill simplified the procedure for designating territories of traditional natural resource use and stipulated that applications to designate land as such could be made to the competent ministry, the Ministry of Regional Development, by State bodies, local authorities or organizations of indigenous persons. It also contained a comprehensive list of activities that could be prohibited or restricted in those territories, such as industrial activities.

46. The Ministry of Regional Development was responsible for implementing and monitoring, in close cooperation with regional authorities and civil society, State policy on cultural development of the peoples of the Russian Federation, the rights of small indigenous peoples, sustainable development, and social and economic development. A body dealing with issues relating to inter-ethnic relations existed in almost every constituent entity in the State party. Those bodies collected information on the implementation of activities, monitored any problems arising with regard to inter-ethnic relations, and submitted reports to the Ministry of Regional Development.

47. A consultative council on relations with NGOs had been established to conduct discussions and meetings on issues related to the cultural development of the peoples of the Russian Federation, and to adopt decisions. Its members were representatives of different autonomous ethnic groups. In 2008, a national ethnic policy and activities for the cultural development of people of the Russian Federation had been included in the federal budget. As a result of the financial crisis, expenditure for that policy had been reduced, so the focus was now placed on small indigenous peoples.

48. With regard to the difference between ethnic minorities and small indigenous peoples, "small indigenous peoples" referred to ethnic groups comprising fewer than 50,000 persons who lived on the territory of their ancestors and carried out traditional activities. The inventory of indigenous peoples currently listed 47 such groups. As a general term, "minorities" was used to encompass everyone who was not Russian. A number of special measures to support national minorities, such as Russian Germans, existed in national legislation.

49. Cultural interaction within the constituent entities was ensured at the federal level: annual meetings were held by the Ministry of Regional Development with the bodies responsible for ethnic cultural development in the constituent entities. In addition, public associations of ethnic groups could interact through consultative bodies and under the auspices of the consultative council of the Ministry of Regional Development.

50. The Russian Federation had carried out a thorough evaluation of the provisions of ILO Convention No. 169 and the obligations arising from it. Public hearings had been held that had been attended by representatives of indigenous persons, leading national jurists and international experts. The conclusion of the hearings was that the Russian Federation should develop and improve its domestic legislation on protecting the rights of indigenous persons as much as possible, in order to bring it into line with the Convention. Given that some of the provisions of the Convention were no longer relevant and others were already included in Russian domestic legislation, and that the Russian Federation was already a party to the Council of Europe Framework Convention for the Protection of National Minorities, the State party considered that ratifying the Convention would be a duplication of its efforts with regard to legislation on the rights of minorities.

51. Monitoring was undertaken of the activities and events funded by Government subsidies that were organized by indigenous persons; the way in which the subsidies were used and the results that were obtained were taken into account when considering subsequent applications. NGOs for small indigenous peoples and regional associations worked together to prepare applications for subsidies.

52. Regarding the status of the Roma, he said that acts such as the removal of Roma settlements no longer took place in the Russian Federation. In 2011, the Government had created an interdepartmental working group on inter-ethnic relations that would consider issues relating to the cultural development of the peoples of the Russian Federation, including the Roma. The working group was intending to examine the possibility of creating a special programme and body on Roma issues. The Ministry of Regional Development had almost finalized its draft federal programme on strengthening the unity of the peoples of the Russian Federation; efforts to promote the ethnic and cultural development of the Roma would be part of that programme.

53. **Mr. Voronin** (Russian Federation), in response to the question on when the State party would adopt a law on gender equality, explained that Russian legislation was organized by sector and that it was rare to adopt a law on a cross-cutting issue such as gender equality. Gender equality was covered under legislation on labour, family and marriage, civil rights, land rights and political rights. The State party believed that all of the recommendations of the Committee and the provisions of the Covenant on gender equality were being implemented in the Russian Federation but it would be prepared to consider additional recommendations and to continue improving the legislation in force to ensure the realization of the principle of gender equality.

54. The procurator's office and labour inspectorates could investigate infringements of labour and social rights and transparent mechanisms also existed for taking a complaint to court. The prohibition of all discrimination that existed in the Russian Federation also covered discrimination on the grounds of sexual orientation.

55. The registration of the place of residence of Russian citizens was purely for statistical and accounting purposes; it did not restrict citizens' rights in any way. The registration procedure was designed to facilitate socio-economic planning: information on population numbers, age, gender and distribution made it easier to plan the provision of infrastructure such as schools, clinics and cultural facilities. People could choose where they lived and could receive their pensions and social benefits at their chosen residence. That also applied to labour rights and medical care: under Russian legislation, it was

forbidden to refuse to employ someone or to provide medical treatment based on the location of either their permanent or temporary residence.

56. The electronic registration system had been designed in such a way as to make it as user-friendly as possible for citizens and to allow them to register either electronically or by post. The Russian Government was paying particular attention to developing the concept of “e-government” and almost all services related to economic, social and cultural rights were available electronically, which facilitated the access of citizens to their rights.

57. Ratification of and accession to the Optional Protocol to the Covenant was being closely studied by the State party and it was considering all the issues that would arise as a result of accession, such as the procedural mechanism to deal with the complaints submitted under the Optional Protocol. The State party was prepared to cooperate and work with the Committee and other United Nations bodies to move towards signing and ratifying the Optional Protocol and it was an issue that was discussed regularly at the Government level.

58. The State party had tried to strike a balance between providing enough data and description in its fifth periodic report and not making it too long. However, it would endeavour to provide further data and indicators on socio-economic development in its next periodic report.

59. All of the rights provided for in the Covenant were integrated into Russian law and they were considered inalienable. References to the principles of the Covenant could be found in the case law of both the Supreme and Constitutional Courts and the State party was devoted to respecting them.

60. Students at all levels of the education system, in particular those studying law, were familiar with fundamental rights under the Covenant. A basic course was provided in all schools in that regard and legal experts received specialized training on the provisions of the Covenant and the European Convention on Human Rights.

61. Moreover, work was being carried out to develop a State-funded free legal aid scheme for disadvantaged persons across the Russian Federation, in order to ensure the protection of their rights. The Covenant was one of the pillars of that scheme.

62. President Medvedev had made it a priority to combat corruption, which posed a grave problem. The Russian Federation was introducing measures relating to criminal liability and the repression of corruption, and was working to raise public awareness in that regard. Efforts were also ongoing to eliminate the factors that gave rise to corruption. The President had established a council which regularly examined the implementation of anti-corruption measures. A special procedure had been implemented by the Ministry of Justice with a view to analysing the laws which had been adopted in order to exclude any factors or ambiguity that might give rise to corruption. In the wake of a presidential decree, the Office of the Procurator-General was preparing a law under which the results of its investigations into cases of corruption would be made public within a fixed time frame.

63. With regard to the declaration of income by officials and their families, the incomes of officials at all levels, including the President, were made public. A system for the declaration of expenditure was also being developed. Amendments had been introduced to toughen sanctions in cases of corruption and the corresponding fines had been raised. Furthermore, the wages of civil servants had been increased, in an effort to make officials less susceptible to bribery.

64. Regarding judges, they formed a special category and guarantees were required to ensure the independence of the judiciary. Judges had their own mechanisms for the establishment of accountability through collegial systems and disciplinary measures.

65. **Mr. Kondratiev** (Russian Federation) said that, according to the guidelines on the core document, the document simply had to be updated on a regular basis. All of the updated information had been included in the periodic report and in the answers to the list of issues. The Russian Federation had presented all of its reports to the treaty bodies within the agreed time frame. The Russian Federation was, however, prepared to present a new, updated core document which would take into account the work that had been carried out in connection with other treaty bodies.

66. The Russian Federation was actively involved in international cooperation as part of its obligations under article 2 of the Covenant. It was developing an assistance programme which involved the provision of State subsidies, or preferential loans, for the development of infrastructure projects in the least developed countries. Specific projects were agreed on at the intergovernmental level. The Russian Federation, as the successor state to the Union of Soviet Socialist Republics, had waived all the debts of the least developed countries. It was also a regular donor to United Nations bodies and other international organizations involved in ensuring economic, social and cultural rights. The Office of the United Nations High Commissioner for Human Rights received \$2 million per year from the Russian Federation, which contributed the same sum to the Office of the United Nations High Commissioner for Refugees. Donations were also made to the United Nations Office for the Coordination of Humanitarian Affairs, the International Civil Defence Organization and many other bodies. Furthermore, the Russian Federation had contributed \$32 million to the World Food Programme in 2010. In international forums, the Russian Federation consistently advocated equal consideration of civil, cultural, economic, political and social rights, as well as the right to development. The Russian Federation had been a co-sponsor of a number of resolutions of the Human Rights Council on economic, social and cultural rights. Those rights were also key issues in the Russian Federation's bilateral discussions on human rights issues with other countries. The thirteenth round of human rights consultations with the European Union had been held on 4 May 2011 and had involved active discussion of the observance of economic, social and cultural rights. The Russian Federation had always taken the view that, even in times of economic and social crisis, States should meet their social obligations, and had maintained its own levels of social spending despite the financial crisis.

67. **Mr. Kolbanov** (Russian Federation) said that a great deal of progress had been made with regard to combating poverty. The claim that around 30 per cent of the population lived below the poverty line was inaccurate. That figure applied to the year 2000, when 42 million people had been living in poverty. According to the most recent data, there were 18 million people living in poverty in the Russian Federation, or 13 per cent of the total population. The minimum daily living requirement was being raised to match that of other European countries and currently stood at more than \$10. In 2010, average daily income had been over \$30 per person per day and the average daily wage was currently about \$40 per person per day. Statistics were also available on issues such as persons with disabilities.

68. With regard to the admissibility criteria for petitions, a request would be made to the Human Rights Commissioner for the relevant information. The criteria used to evaluate petitions were set out in the law regulating the Commissioner's activities. Should the petition contain elements which required the intervention of the procurator or the courts, then the Human Rights Commissioner would contact those bodies prior to taking any further action. The Commissioner intervened only if there was a need for a change to legislation. Additional efforts needed to be made with regard to the admissibility of petitions and work was being carried out to raise citizen awareness of their rights and complaints procedures.

69. On the issue of the possible simplification of procedure in administrative courts, a bill was currently being discussed in that regard.

70. Regarding disaggregated figures on complaints to the Human Rights Commissioner, a request would be made to the Commissioner's Office for additional information.

71. As to the ability of the Supreme Court to order lower courts to apply legislative acts without violating the principle of judicial independence, the Federal Constitutional Law on the judicial system regulated the powers of the Supreme Court. The Supreme Court was obliged to compile and send out a digest of judicial decisions to all other courts on a regular basis. That digest contained analysis of decisions in which the Supreme Court had repealed rulings of lower courts, including in cases of corruption. A Plenum of the Supreme Court had also been established which discussed the most difficult issues of jurisprudence and gave exhaustive explanations of how such matters were dealt with in legislation in order to ensure uniform implementation of legislation by all courts.

72. **Mr. Gadenko** (Russian Federation) said that a law had been in place since 2002 on the legal status of immigrants and the right to reside and work in the Russian Federation. According to that law, foreign workers could only work in the Russian Federation if they had a labour permit. Employers could hire foreign workers if they could justify the need for such recruitment. The hiring of workers from Commonwealth of Independent States countries did not require special authorization. An amendment had recently been introduced to the labour legislation that enabled highly-skilled specialized workers to be engaged by employers without being subject to a quota. In 2010, a list of occupations for which foreign-worker quotas did not apply had been drawn up with the aim of encouraging the lawful recruitment of foreign labour.

73. On the protection of worker's rights, under the Code on Administrative Infractions substantial fines could be imposed for the illegal employment of foreign workers. In 2009, over 7,000 employers had been fined and in 2010, 6,800 employers had been prosecuted.

74. **Ms. Shin** asked for additional statistical data on the privatization of land inhabited by indigenous peoples and enquired about the Government's future plans in that regard.

75. **Ms. Barahona Riera** (Country Rapporteur) asked for clarification regarding the exclusion, under new legislation, of territories of traditional land use from the category of territories which enjoyed special protection.

76. She requested further information on the harmonization of existing legislation on equal opportunities, gender equality and non-discrimination across the country.

77. **Mr. Kedzia** requested clarification regarding the relationship between the Human Rights Commissioner of the Russian Federation and the Human Rights Commissioners of the constituent entities of the Russian Federation and asked whether the cases dealt with by the different levels of Commissioner were similar.

The meeting rose at 1 p.m.