



**Economic and Social
Council**

Distr.
GENERAL

E/C.12/2003/NGO/1
11 September 2003

ENGLISH
Original: RUSSIAN

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Thirty-first session
Geneva, 10-28 November 2003

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

Joint written statement

Submitted by the Russian non-governmental organizations Patients' Defenders League, Independent Psychiatric Association of Russia, Independent Institute for Social Policy, Civil Society Foundation, Centre for Educational Monitoring and Statistics, Centre for the Development of Democracy and Human Rights and Centre for Social and Labour Rights with the support of non-governmental organizations in special consultative status with the United Nations Economic and Social Council, the International Helsinki Federation and the Network of Russian NGOs to promote and protect social and economic rights in the Russian Federation using international instruments*

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1988/4.¹

[11 September 2003]

* The Network currently includes 85 Russian non-governmental organizations from more than 20 regions of the Russian Federation.

¹ The document is published as received.

I. INTRODUCTION

1. This statement has been prepared by Russian NGOs in connection with the consideration of the Russian Federation's fourth periodic report to the Committee on Economic, Social and Cultural Rights (hereinafter - "the Committee"). The statement is supported by the International Helsinki Federation* and the Network of Russian NGOs to promote and protect social and economic rights in the Russian Federation using international instruments.

2. In 2001-2002 the Russian NGOs participating in the Network monitored compliance with the Russian Federation's obligations under the International Covenant on Economic, Social and Cultural Rights (hereinafter - "the Covenant"). The results of the monitoring will be described in an alternative report by the Russian NGOs and submitted to the Committee in connection with the consideration of the fourth periodic report of the Russian Federation.

3. The purpose of this statement is to draw the Committee's attention to the most pressing issues concerning the realization of social, economic and cultural rights which were not reflected either in the Russian Federation's report or in its replies to the Committee's questions, as submitted by the Russian Federation in preparation for the report's consideration. This document sets out a list of questions and recommendations that it is important, in our view, to raise during the Committee's consideration of the report of the Russian Federation.

II. GENERAL COMMENTS

4. The main problem of the report and replies to the Committee's questions submitted by the Russian Federation is that these documents deal extensively and in detail with the procedure for and scope of the legal regulation of particular rights by the national legislation, including the amendments made thereto. Yet what remains unclear is what aims have been pursued in the adoption of the legislation, what real effects for the realization of rights have resulted from the various amendments and how far these aims are being achieved in the process of implementation of the legislation. Also not reflected are the many problems that exist in the application of what at first sight appears to be satisfactory legislation.

III. LIST OF QUESTIONS AND RECOMMENDATIONS

A. Social policy and non-discrimination (article 2 of the Covenant)

5. What measures in the field of legislation and law-enforcement practice are being taken to define as priorities of State social policy the exercise of the rights to health care, housing and social security for especially vulnerable groups, including older persons, children, families living below the minimum subsistence level, the disabled, refugees and forcibly displaced persons, HIV-infected persons, the homeless, detainees and others?

* The International Helsinki Foundation has special consultative status with the Economic and Social Council.

6. In the reply to the Committee's question 10, the Russian Federation has given a detailed list of legislative measures prohibiting discrimination on the basis of registration by place of residence. However, what remains unclear is how this legislation is applied in practice. We hope that the Committee will ask the following question: what specific measures in law-enforcement practice are being undertaken to eradicate the practice of discrimination in access to social rights and services on the basis of registration by place of residence?

7. In the reply to question 10, the Russian Federation has given no information about the reasons for refusal of citizenship and registration for certain ethnic groups, including 12,000 Meskhetian Turks. We hope that the Committee will ask the Government to explain why representatives of some ethnic groups, in particular Meshketian Turks, are refused Russian citizenship and registration by place of residence in contravention of the Constitution of the Russian Federation and federal legislation, as well as to comment on reports about the increasing number of cases where Meshketian Turks are encountering problems in access to the realization of rights (including the denial of medical assistance, segregation in schools and the refusal to issue birth certificates for newly-born children).

B. The right to work (article 6 of the Covenant)

8. It is obvious that the problem of discrimination in labour relations cannot be resolved only by including norms on the impermissibility of discrimination in the legislation. Does the Government intend to study this problem and organize a system of monitoring and statistical observation that would really make it possible to assess the scale of the problem? What measures are planned to ensure genuine equal opportunities in access to work and occupations?

9. In the reply to the Committee's question 16, there is no information whatsoever about measures undertaken by the State to combat discrimination in the labour field with respect to ethnic groups, refugees, asylum-seekers, peoples of Central Asia and the Roma (gypsies). The Government has confined itself to providing information on legislative measures regarding job placement for former detainees. We hope that the Committee will raise the following question: what law-enforcement measures are applied by the State to ensure effective protection from discrimination in the field of work against refugees, persons seeking asylum, migrants and ethnic minorities, including emigrants from the Caucasus, Central Asia and the Roma (gypsies)?

10. An analysis of the existing minimum subsistence level provides grounds for concluding that it helps to ensure only a person's minimum, inalienable living requirements. In this connection, we hope that the Committee will ask the Government to explain the reasons for the current minimum wage, which in the past five years has been 4-9 times lower than the minimum subsistence level. What measures does the Government intend to take, and within what time frame, to guarantee workers a wage that could ensure a decent livelihood for workers and their families?

11. In the reply to the Committee's question 18, it is stated that article 133 of the Labour Code of the Russian Federation has established that the minimum wage cannot be lower than the minimum subsistence level for an able-bodied individual. However, this rule currently does not apply until the entry into force of a special federal law. We hope that the Committee will ask the Government when it is proposed to adopt this law.

C. Trade unions (article 8 of the Covenant)

12. What measures are being taken by the Government to ensure that workers who are members of a trade union and trade union leaders are protected against discrimination and pressure from employers? What is the Government doing to encourage employers to engage in a real dialogue with workers' representatives and to increase the authority and role of collective bargaining?

13. The monitoring results and information from independent experts indicate that there are instances of the State obstructing actions by workers to protect their rights, including strikes and other collective actions, by means of the introduction of ever more new laws and conditions that are difficult in practice to fulfil. We hope that the Committee will recommend that the Government take the necessary steps to ensure that the proclaimed right to strike can really be used as a tool for the protection of workers' rights.

D. The right to social security (article 9 of the Covenant)

14. What measures are being taken to change the legislation in the social field to ensure that social security is better targeted at improving the situation of genuinely needy people? Further to the Government's reply to question 22, we hope that the Committee will recommend that, when defining the responsibilities of the authorities at various levels with regard to the financing of special State social assistance, the Government should consider including provisions for guaranteeing such assistance to socially vulnerable population groups (women, young people, pensioners, the disabled, large families, the unemployed, migrants and people with no fixed place of abode).

15. The results of the Russian NGOs' monitoring have shown that most older pensioners who live alone are living in extreme poverty. We hope that the Committee will recommend that the Government consider special measures as part of the implementation of the pension reform to improve the situation of this category of persons.

16. What measures are being undertaken to eliminate discrimination in the level of pension provision between former State or municipal officials and other pensioners?

E. The right to an adequate standard of living (adequate housing) (article 11 of the Covenant)

17. Further to the Government's reply to question 27, we hope that the Committee will ask the Government for comparative and disaggregated statistical data (by sex, age, region, etc.) on the number of homeless over the past five years.

F. The right to the highest attainable standard of physical and mental health (article 12 of the Covenant)

18. Please provide information on what measures are being taken to accelerate the reform of the health-care system.

19. Our monitoring data indicate that the findings of the forensic medical offices, which are part of the Russian Federation's Ministry of Health system, concerning medical errors and the quality of the services provided are usually aimed at protecting departmental interests, and not the rights of patients. We hope that the Committee will raise the following question: what measures are being taken by the Government to transfer the network of forensic medical offices from the authority of the Ministry of Health and make it accountable to the Ministry of Justice or other bodies?

20. Please provide information on what measures are being taken to adopt a federal law on the rights of patients.

21. Please provide information on what measures are being taken to recognize at the State level the importance of human rights in the context of the HIV/AIDS epidemic and to ensure observance of the legislative prohibition of discrimination against people with HIV (when providing health care, ensuring medical confidentiality, in labour relations, protecting privacy, etc.).

22. What measures are being taken to ensure adequate financing of State programmes aimed at fighting HIV/AIDS and the actual disbursement of funds allocated in the federal budget.

23. Please provide information on what measures are being taken to create a service independent of the Ministry of Health to protect the rights of patients in psychiatric hospitals.

G. The right to education (article 13 of the Covenant)

24. What measures are being taken to change the system of financing education to switch from non-specific transfers to poor regions and municipalities from higher-level budgets to special subsidies for education?

25. What measures are being taken to improve the distressing material situation of the majority of schools and to resolve the problem of their underfunding?

26. Please provide information about what measures are taken to ensure guaranteed access to schooling for children living in rural areas in places where some rural schools are being expanded and others closed. Please provide information on what measures are taken to achieve the same quality of education at schools in rural and in urban areas.

27. What measures are being taken, in line with international trends, to extend the practice of integrated education of disabled and non-disabled children? What measures are being taken to improve the system of vocational training for disabled children, without which their socialization becomes substantially more difficult?
