

UNITED
NATIONS

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**Economic and Social
Council**

Distr.

GENERAL

E/C.12/1/Add.94

12 December 2003

Original: ENGLISH

***Concluding Observations of the Committee on Economic, Social and Cultural
Rights : Russian Federation. 12/12/2003.
E/C.12/1/Add.94. (Concluding Observations/Comments)***

Convention Abbreviation: CESCR

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

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

Concluding observations of the Committee
on Economic, Social and Cultural Rights

RUSSIAN FEDERATION

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

A. Introduction

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

3. The Committee welcomes the frank and constructive dialogue with the high-level delegation of the State party.

B. Positive aspects

4. The Committee notes with appreciation that the Constitutional Court continues to apply the Covenant in its rulings.

5. The Committee welcomes the State party's commentary on an optional protocol to the Covenant in which it restates its support for a complaints procedure.

6. The Committee welcomes the adoption of the Federal Act entitled "Political Parties" which contains provisions aiming at enhancing women's participation in political life.

7. The Committee welcomes the new Labour Code of 2001, which introduces further protection against forced labour and discrimination in the field of labour and employment.

8. The Committee welcomes the State party's ratification on 25 March 2003 of the International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

C. Factors and difficulties impeding the implementation of the Covenant

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

D. Principal subjects of concern

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

11. The Committee is concerned about the precarious situation of indigenous communities in the State party, affecting their right to self-determination under article 1 of the Covenant. The Committee notes that the Law of 2001 On Territories of Traditional Nature Use of Indigenous Numerically Small Peoples of the North, Siberia and the Far East of the Russian Federation, which provides for the demarcation of indigenous territories and protection of indigenous land rights, has still not been implemented.

12. The Committee is concerned about reports of cases where the lack of registration of place of residence and other identity documents in practice places limitations on the enjoyment of rights, including work, social security, health services and education. The Committee is also concerned about reports that some groups of people, including the homeless and the Roma, face particular difficulties in obtaining personal identification documents, including registration of residence.

13. The Committee notes the statement of the State party's delegation that any former citizen of the Soviet Union living in the country can exchange their old Soviet passports for new Russian Federation ones without any difficulty. However, the Committee is concerned about reports that registration and recognition of citizenship have been denied to some groups, particularly the Mesketians living in Krasnodar Krai.

14. The Committee remains concerned about gender inequality in the State party, particularly with regard to discrimination in employment, in the family and in political representation.
15. The Committee remains concerned about the relatively high rates of unemployment in the State party, particularly among young people, women, people of pre-pensionable age and persons with disabilities. It also notes with concern the significant regional disparities, with unemployment rates ranging from 32.4 to 56.5 per cent in the nine worst affected regions.
16. The Committee notes with concern that the employment of persons with disabilities has significantly decreased in recent years. The Committee regrets that two important tax benefits, which served as incentives for hiring persons with disabilities and which were commended by the Committee in its previous concluding observations, have been removed.
17. The Committee notes with concern that the informal economy in the State party has grown considerably and that illegal migration of labour is widespread, which means that a large number of people work without legal and social protection.
18. The Committee remains concerned about the low level of wages in the State party, with an estimated 32.8 per cent of workers earning wages equal to or below the subsistence level. The Committee notes that the situation is aggravated by the persistent problem of wage arrears. The low level of the minimum wage is also a cause of concern since it remains well below the minimum subsistence level and is inadequate to provide workers with a decent living for themselves and their families (articles 7 and 11 of the Covenant).
19. The Committee remains concerned about the high incidence of serious accidents in the workplace in the State party.
20. The Committee is concerned about the difference in wages between men and women as well as about working conditions for women. It is also concerned about sexual harassment of women in the workplace.
21. The Committee is concerned that the Labour Code may impose undue restrictions on the right to strike, by requiring a quorum of two thirds of the total number of workers and the agreement of at least half of the workers present at the meeting to call a strike.
22. The Committee remains concerned about the inadequate amounts paid in pensions and social benefits, while noting that the problem of arrears has been addressed.
23. The Committee is very concerned about the high incidence of trafficking in persons in the State party and about the lack of reliable statistics on the number of people trafficked and of information on cases where persons have been prosecuted under existing anti-trafficking legislation.
24. The Committee remains concerned about the high incidence of domestic violence and the fact that victims of domestic violence are not adequately protected under existing legislation.
25. The Committee is concerned that income disparities, which have further increased in the reporting period, affect the standard of living of a considerable part of Russian society, and that, despite economic recovery in the last years, the level of poverty in the State party has still not been brought down to the pre-1998 level. The Committee is also deeply concerned that, according to the most recent figures (2002), an estimated 35.8 million people, or 25 per cent of the population, live on an income below the minimum subsistence level.

26. The Committee remains concerned about the problem of street children in the major cities of the State party. The Committee is also deeply concerned about the growing number of orphaned children and children deprived of parental care.

27. The Committee notes with concern that homelessness is a growing problem in the State party.

28. The Committee is concerned about delays in the payment of compensation for houses destroyed during military operations in Chechnya.

29. The Committee is concerned about reports indicating maltreatment of conscripts in the armed forces as well as their sub-standard living conditions and lack of access to adequate food and health care.

30. The Committee is concerned about the precarious situation of more than 100,000 internally displaced persons from Chechnya living in Ingushetia. The Committee emphasizes in this respect its view that the closing down of tent camps without provision of alternative lodging would be in contravention of the Covenant.

31. The Committee is concerned about the general deterioration of the level of availability and accessibility of health care in the State party. The Committee also notes with concern that hospitals and clinics in poor regions often do not stock all essential drugs, and that, despite the constitutional guarantee of free medical care, many health clinics charge fees for their services and request patients to purchase medicaments. Furthermore, the Committee is concerned about the poor health status of northern indigenous peoples, the life expectancy of whom is estimated to be 15-20 years lower than the national average.

32. The Committee notes that the State party lacks federal legislation on the rights of patients concerning, inter alia, professional ethics and redress for medical errors.

33. The Committee remains concerned about the high incidence of tuberculosis in the State party, particularly in prisons, in the Republic of Chechnya and in the regions of the Far North, in particular among indigenous communities.

34. The Committee notes with concern the sharp increase in the HIV-infection rate during the last three years, the increasing incidence of HIV contracted through heterosexual contacts, and the increasing number of children born of HIV-positive mothers.

35. The Committee is concerned about the high levels of infant and maternal mortality in the State party. It also notes with concern that unsafe abortion remains a main cause of maternal mortality.

36. The Committee remains concerned about the spread of drug addiction in the State party.

37. The Committee remains concerned about reports that a sizeable number of children, due to migration, homelessness and neglect, do not attend school.

E. Suggestions and recommendations

38. The Committee urges the State party to allocate sufficient funds to reinstate basic services, including the health and education infrastructure, in the Republic of Chechnya.

39. The Committee, recalling the right to self-determination enshrined in article 1 of the Covenant,

urges the State party to intensify its efforts to improve the situation of the indigenous peoples and to ensure that they are not deprived of their means of subsistence. The Committee also encourages the State party to ensure the effective implementation of the Law on Territories and Traditional Nature Use.

40. The Committee urges the State party to ensure that the lack of residence registration and other personal identity documents do not become an obstacle to the enjoyment of economic, social and cultural rights.

41. The Committee urges the State party to take effective measures to ensure that no one will be deprived of their legal status and enjoyment of rights as a consequence of the expiry of Soviet passports on 31 December 2003. The Committee also calls upon the State party to ensure that the authorities in Krasnodar Krai legalize the residence of Mesketians and members of other ethnic groups who have reportedly been denied registration.

42. The Committee recommends that the State party strengthen its efforts to promote gender equality and encourages the adoption of the draft federal law "On State Guarantees of Equal Rights and Freedoms, and Equal Opportunities, for Men and Women in the Russian Federation" currently before the Duma.

43. The Committee urges the State party to ensure that programmes to promote employment are targeted to the regions and groups that are most affected.

44. The Committee recommends that the State party take effective measures to promote the integration of persons with disabilities into the labour market, including by strengthening the system of job quotas for them, or by providing penalty payments for non-employment.

45. The Committee recommends that the State party strengthen its efforts to protect the human rights of workers in the informal labour market with a view to creating the conditions for unimpeded implementation of migrants' rights, and protecting migrants' legal rights and interests (E/C.12/4/Add.10, para. 69). The Committee also encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

46. The Committee urges the State party to take effective measures to raise wages, prevent wage arrears, and ensure the implementation of article 133 of the Labour Code, which, in line with the Covenant, stipulates that the minimum wage must not be lower than the worker's minimum subsistence level.

47. The Committee urges the State party to ensure that adequate funds are allocated for the prevention of accidents in the workplace and to strengthen the resources and powers of the labour inspectorate so as to ensure that sanctions are imposed on employers who fail to observe safety regulations.

48. The Committee recommends that the State party undertake effective measures, including through affirmative action, to improve the working conditions for women and to ensure equal pay for work of equal value. The Committee also recommends that the State party enact legislation criminalizing sexual harassment in the workplace.

49. The Committee encourages the State party to revise section 410 of the Labour Code so as to lower the quorum required for a strike ballot.

50. The Committee urges the State party to ensure that under the new pensions system, introduced by Federal Act of 1 January 2002, the basic component of pensions is raised to the minimum subsistence level. In view of the fact that the realization of this goal may take time, owing to limited resources, the Committee urges the State party to give priority to raising the minimum pension levels and to ensuring that social benefits are targeted to the families most in need.

51. The Committee calls upon the State party to ensure effective implementation of existing anti-trafficking legislation. It also encourages the State party to proceed with the adoption of proposed legislative amendments and of the draft act "On Counteracting the Trafficking of People" which aim at providing more effective protection for victims and ensuring the prosecution of traffickers. Moreover, the State party should ensure the availability of accessible crisis centres where victims of trafficking can receive assistance.

52. The Committee calls upon the State party to intensify its efforts to combat domestic violence by enacting specific legislation criminalizing domestic violence and providing training for law enforcement personnel and judges regarding the serious and criminal nature of domestic violence. Moreover, the Committee urges the State party to ensure the availability and accessibility of crisis centres where victims of domestic violence can find safe lodging and counselling.

53. The Committee urges the State party, in order to fulfil its Covenant obligations under article 11, to ensure that the increase in available funds in the State budget is also used to promote an adequate standard of living for all, including through a comprehensive national strategy to combat poverty. The Committee requests the State party to provide, in its next periodic report, updated statistical information on a comparative basis on the results of the efforts undertaken to reduce the number of people living below the subsistence minimum to 28-30 million by 2006.

54. The Committee urges the State party to further strengthen measures to prevent child neglect and to ensure adequate assistance and social rehabilitation for neglected or abandoned children. The State party should take effective measures to deal with the root causes of neglect and abandonment, particularly by increasing assistance rendered to families with children, including by increasing the levels of family benefits.

55. The Committee urges the State party to strengthen its efforts to address the problem of homelessness, including by ensuring that adequate resources are set aside for the provision of social housing, with priority given to the most disadvantaged and vulnerable groups. The Committee also encourages the State party to undertake a study into the problem of homelessness so that it may acquire a more accurate picture of the scope of the problem and of its root causes.

56. The Committee calls upon the State party to guarantee that timely and adequate compensation is duly provided to all persons whose property has been destroyed during the military operations in Chechnya.

57. The Committee calls upon the State party to ensure that mechanisms are in place to ensure the enjoyment of basic rights of conscripts, including their access to adequate food and health care.

58. The Committee reminds the State party of its obligation under the Covenant to ensure the provision of adequate temporary housing for those people who fear that Chechnya is too insecure for them to return.

59. The Committee calls upon the State party to ensure that the ongoing reform of the health sector will improve the quality of and equitable access to health services in all regions of the country. The State party should also take effective measures to improve the health status of indigenous peoples in

the regions of the Far North.

60. The Committee recommends that the State party address the matter of patients' rights and report back to the Committee on this issue in its next periodic report.

61. The Committee recommends that the State party intensify its efforts to combat tuberculosis, under the special federal programme "Urgent measures to tackle tuberculosis in Russia for the period 1998-2004", including by ensuring the availability of medicines and adequate sanitary conditions in prisons, and by taking special measures to combat the epidemic in the worst affected regions.

62. The Committee, in line with its general comment No. 14 (2000) on the right to the highest attainable standard of health, calls upon the State party to take urgent measures to stop the spread of HIV/AIDS. The State party should ensure that all persons know about the disease and how to protect themselves, including through sex education in schools, and that methods of protection are available at affordable prices. Moreover, awareness-raising campaigns should aim at preventing discrimination against HIV-positive people.

63. The Committee urges the State party to reinforce its efforts to reduce infant and maternal mortality. The State party should promote awareness of safe contraceptive methods and ensure that abortions are carried out under adequate medical and sanitary conditions.

64. The Committee recommends that the State party ensure the effective implementation of programmes to prevent and combat drug abuse, targeted at young people and the worst affected regions of the country, and to report back to the Committee on this issue in its next periodic report.

65. The Committee recommends that the State party reinforce its efforts under the federal programme "Youth of Russia (2001-2005)" to ensure that no child is deprived of the right to education. The Committee notes that a statistical survey of the number of children who do not attend school was introduced in 2003 and it requests the State party to provide in its next periodic report disaggregated data on a comparative basis on enrolment and dropout rates among boys and girls and vulnerable groups. It refers the State party to its general comment No. 13 (1999) for guidance on how to prepare the information on the right to education in the next report.

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

67. Finally, the Committee requests the State party to submit its fifth periodic report by 30 June 2008.



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