



**International covenant
on civil and
political rights**

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SUMMARY RECORD OF THE 2144th* MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 23 October 2003, at 3 p.m.

Chairperson: Mr. AMOR

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* No summary record was prepared for the 2143rd meeting.

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT (agenda item 6) (continued)

Fifth periodic report of the Russian Federation (CCPR/C/RUS/2002/5;
HRI/CORE/1/Add.52/Rev.1; CCPR/C/78/L/RUS)

1. At the invitation of the Chairperson, the members of the delegation of the Russian Federation took places at the Committee table.
2. Mr. CHAIKA (Russian Federation) said that the concluding observations and recommendations adopted by the Committee following the consideration of the Russian Federation's fourth periodic report (CCPR/C/79/Add.54) had proved very valuable to the Government in its efforts to improve the observance of human rights. The presence of a large delegation representing a wide range of government departments was indicative of the importance that his Government attached to human rights and the work of the Committee. Ensuring the effective protection of human rights and freedoms in accordance with the provisions of the Constitution was one of the priorities of both the domestic and foreign policy of the Government, a position that had been reiterated by the President in his address to the Federal Assembly in May 2003. All the activities of the Russian leadership were, in one way or another, linked to the observance of human rights.
3. A number of important changes had been made in the field of civil and political rights since the submission of the fifth periodic report (CCPR/C/RUS/2002/5). The country's economic growth had created favourable conditions for pursuing its goals in that regard. A legal, political and institutional foundation had been laid, providing a basis for the implementation of human rights and freedoms. The principle of the rule of law was replacing the law of power both among the State authorities and in society as a whole.
4. Particular efforts were being made to develop national legislation in the field of human rights. Measures to bring the basic legal system into conformity with the Constitution had been carried out in a relatively short period of time. It was noteworthy that a number of codes directly linked with basic human rights and fundamental freedoms, such as the Criminal Code, the Administrative Code, the Labour Law Code and the Codes of Civil and Arbitration Procedure, had been adopted, some of them having been reviewed prior to adoption by international organizations. The decisions of the European Court of Human Rights were used as a basis for measures to improve Russian legislation and law enforcement in the field of human rights. A particular milestone had been the adoption and entry into force, on 1 July 2002, of the new Code of Criminal Procedure, under which criminal justice was administered on an equal and competitive basis. Under the new Code, only the court was authorized to take decisions on measures of suppression and investigation linked to the restriction of human rights and freedoms. The process of humanizing the criminal justice system was still under way, the main objective being to ensure that punishment was inevitable but not excessively rigorous.
5. The use of detention as a means to suppress and prevent crime was strictly regulated by law. As a general rule, only persons who had committed a serious offence could be placed in detention. Preference was often given to measures such as release on bail and house arrest. A

draft law providing for the reduction of maximum prison terms and lighter penalties for certain offences had been prepared. It was expected that its adoption would further reduce the number of persons currently being held in prisons or detention centres (since 2001, that figure had already been reduced by over a third). Only 3 per cent of detention centres were currently overcrowded, as opposed to 70 per cent in 2000.

6. The situation in prisons and detention centres had improved dramatically as a result of the prison system reforms carried out since 1998, when the system had been transferred from the authority of the Ministry of the Interior to the Ministry of Justice. A number of laws had been adopted to strengthen local guarantees for ensuring the rights and lawful interests of convicted persons, suspects and the accused, and to create more humane prison conditions. As a result, significant improvements had been made in conditions in detention centres. Each detainee now had access to four square metres of living space, in accordance with international standards. In October 2003, his Government had taken unprecedented action by adopting a set of regulations governing the conditions of detention - including the catering and medical services - of those arrested for administrative offences. Furthermore, a special human rights service had been established in the Ministry of Justice to monitor the legality of activities and the observance of human rights in the prison system. In addition, Russia's prison establishments had been opened up for international inspection. In September 2003, the State Duma had adopted a draft federal law establishing public control over the human rights situation in places of detention.

7. In general, the activities of all regions were governed by the Constitution and by federal laws. However, a number of illegal regional normative acts had restricted the implementation of a number of human rights and fundamental freedoms that were guaranteed by the Constitution, in particular the right to vote and to be elected and the right to freedom of movement. Since 2000, over 120,000 regulations of the constituent entities of the Russian Federation had been reviewed with due legal diligence. Whereas in 2000 approximately a third of all regulations had not been in compliance with the Constitution, the figure currently stood at less than 2 per cent. Almost all of the acts that restricted human rights had been amended or abrogated. Efforts had also been made to improve the right to information. The Federal Register of Regulations had been created in digital format and was available on the Internet.

8. The task of strengthening the rule of law and ensuring respect for human rights required fundamental changes to the system of administration of justice. A package of legal and organizational measures had therefore been introduced. Its main objective was to ensure effective judicial protection and the strict observance of human rights in accordance with universal norms and the principles of international law.

9. As part of the judicial and legal reform process, the institution of "justices of the peace" had been introduced with the aim of bringing the courts closer to the needs of the local population. To date, over 5,500 justices of the peace had been appointed. In 2002, they had heard over 2 million civil cases, approximately half of all cases examined by the courts of general jurisdiction. As a result of recent efforts, jury courts were operating in 83 of the 89 constituent entities. Similar courts would be set up in the six remaining entities in early 2004, with the exception of the Chechen Republic, where their establishment had been scheduled for 2007.

10. As part of the judicial specialization process, the Federal Assembly had adopted a draft law that provided for the establishment of a federal administrative court system to examine legal disputes between citizens, associations and State bodies. It would focus in particular on disputes relating to elections and the activities of political parties, citizenship issues and the status of refugees. The authorities were also considering the establishment of a juvenile justice system.

11. A Federal Master Plan for 2002-2006 had been formulated to develop the judicial system and to ensure the effectiveness of the independent judiciary. It aimed to increase the number of judges and judicial officers, raise their salaries, and reconstruct and build court premises.

12. The Constitutional Court was making an important contribution to the protection of human rights by rendering decisions on the conformity of laws and by-laws with the Constitution. Over the previous decade, it had examined in public hearings approximately 3,000 complaints by nationals and 65 complaints by their associations. As part of the efforts to develop the system of constitutional control, over half of the constituent entities had established their own constitutional (statutory) courts.

13. Courts regularly referred in their decisions to the relevant provisions of international treaties, including the Covenant. In doing so, they were guided by the Constitution, which stipulated that international law took precedence over domestic law. The Supreme Court had recently adopted a resolution to give the courts further guidance on the application of international law in judicial practice.

14. In 2002, the district courts and the courts of subjects of the Russian Federation had heard over 120,000 complaints concerning illegal actions and decisions by the authorities and civil society associations. Two thirds of those complaints had been found to be justified. The Public Council of the Minister of Justice had been established in 2003 to address problems relating to the prison system and to issue recommendations to the Minister of Justice. The Council comprised representatives of human rights and charitable organizations, including international ones.

15. In 2002, a federal law had been enacted providing qualified legal assistance for nationals, in accordance with the Constitution. In order to strengthen the system of executing judgements, a bailiff service had been established within the Ministry of Justice. A number of State institutions providing for the quasi-judicial protection of human rights and fundamental freedoms had been established. In that context, the activities of the Office of the Procurator-General, the federal and regional ombudsmen and the Commissioner for Human Rights were being improved.

16. The creation of the office of Special Representative of the President for ensuring human rights and freedoms in the Chechen Republic was clear evidence of the importance attached by the Russian authorities to human rights issues. Since 2001, applications for pardon had been examined on a preliminary basis in the constituent entities by commissions on pardon issues. At least two thirds of the members of those commissions were required to represent civil society.

17. Conditions were being created for the development of a vibrant civil society. A package of measures had been adopted aimed at the formation of political parties, trade unions and other civil society associations, notably in the field of human rights. A federal law on political parties had been adopted in 2001 and the electoral system was constantly being improved. Particular

efforts were being made to strengthen the dialogue between the State authorities and NGOs. Government bodies at the federal, regional and local levels were cooperating more actively with civil society. Local authorities were playing an increasingly active role in the development of civil society in Russia. A new federal law enacted in October 2003 had been designed to address the factors that impeded the efficiency of the system of local self-government.

18. In 2003, a referendum had been held in Chechnya on the Constitution of the Chechen Republic and elections to appoint a President had taken place. A system of alternative preference voting had been used and over 80 per cent of the population had turned out to vote. Subsequently, life in Chechnya was becoming more peaceful, the economic system was recovering, and people were returning to their homes and receiving compensation for the property they had lost.

19. The judicial institutions in Chechnya had been fully reconstructed and were currently working efficiently. Since 2001, the Supreme Court and 12 district courts had been working in the region. In 2002 alone, those courts had heard 1,530 criminal cases and 9,455 civil cases. The execution of legal acts was ensured, and the State registration of immovable property rights and transactions was being carried out. A total of 19 legal assistance agencies provided legal advice to the Chechen population, in many cases free of charge.

20. Nevertheless, the situation in the Chechen Republic continued to be highly complex. Remaining groups of bandits were attempting to destroy the political settlement process, sometimes by means of threats, murders and terrorist attacks, not only against representatives of the State but increasingly against citizens. The war against terrorism, at both the national and international levels, should be conducted in accordance with international law. Efforts should be made to ensure that the rights enshrined in the Covenant were guaranteed.

21. His Government was not idealizing the progress that had been made in terms of implementation of the provisions of the Covenant. It recognized that a great deal of work remained to be done and that a number of obstacles lay in its path. For example, it would take time to change the attitudes of such a vast population on issues such as the death penalty. The Government would welcome the constructive proposals of the Committee aimed at further strengthening the mechanisms in place to guarantee the rights embodied in the Covenant.

22. The CHAIRPERSON invited the members of the delegation to reply to questions 1 to 17 of the list of issues (CCPR/C/78/L/RUS).

23. Mr. SIDORENKO (Russian Federation), in reply to question 1, said that, although the mandatory nature of the decisions of the Constitutional Court had never really been challenged, the federal constitutional law on the Constitutional Court had recently been amended with the objective of improving the machinery for implementing the Court's decisions and confirming their binding nature. The revised legislation contained a more precise definition of the legal consequences of non-constitutional provisions. It also stipulated that State officials and authorities could be held legally responsible for failing to implement Court decisions within a certain period. Under the new legislation, any decisions based on non-constitutional acts should not be implemented and should be reviewed in accordance with due process.

24. A number of guarantees were in place to ensure that local authorities complied with federal law. For example, all new legislation enacted in the constituent entities must be reviewed by the Ministry of Justice in order to ensure that its provisions were in conformity with the Constitution and the international treaties to which Russia was a party.

25. A number of mechanisms were in place at various levels to ensure that all presidential decrees and laws were in conformity with the international human rights instruments to which Russia was a party. In addition to being subjected to scrutiny by the Ministry of Justice, many draft laws were reviewed by international experts. It was also possible to appeal to the Constitutional Court or to the ordinary courts about any legislation that did not conform to international standards.

26. In reply to question 2, he said that the post of Commissioner for Human Rights had been instituted in accordance with the Constitution by a federal constitutional act in 1997. The Commissioner's legislative mandate required him to consider complaints from citizens of the Russian Federation, foreign nationals and stateless persons residing in the national territory regarding decisions, actions or omissions by State authorities, local government bodies and civil servants. Those complaints could be resolved through either criminal or administrative measures. The Commissioner could act on his own initiative with regard to cases involving serious violations of human rights, cases of particular social significance or cases involving persons who were unable to defend their own interests. Any recommendations issued by the Commissioner must be acted on within a period of one month. Any action by State officials aimed at interfering with the work of the Commissioner or hindering the implementation of his recommendations was punishable by law.

27. The importance of the factors mentioned in paragraph 23 of the report, which hampered the effectiveness of the Commissioner's efforts, should not be exaggerated. In practice, any legislation proposed by the Commissioner with a view to improving federal human rights law was introduced subsequently in the State Duma. The Commissioner also had the power to address complaints concerning the compatibility of new legislation with the Constitution.

28. Mr. LEBEDEV (Russian Federation), replying to question 3, said that the Ministry of Foreign Affairs was responsible for coordinating follow-up to Views adopted by the Committee under the first Optional Protocol. The Supreme Court and the Procurator's Office shared the task of carrying out a legal analysis with a view to making the necessary reforms. With regard to the Committee's Views concerning Ms. Lantsova v. the Russian Federation, following a long process of analysis and consultation, the Supreme Court had confirmed the legality of the original decision. Nevertheless, the Russian Federation gave serious consideration to all the Committee's recommendations, which helped it to ensure respect for the principles of international law.

29. Mr. SIDORENKO (Russian Federation) said that there was no longer a state of emergency in Chechnya (question 4). While a state of emergency had been declared during the active phase of conflict resolution in the 1990s, it had led to many human rights abuses, and was no longer justified by the improved security situation. A new federal States of Emergency Act had been introduced on 30 May 2001, which brought Russian legislation into line with its international human rights obligations. The Counter-Terrorism Act gave law enforcement authorities sufficient powers to combat terrorism within the normal legal framework.

30. Ms. MALYSHEVA (Russian Federation) said, in reply to question 5, that the national plan of action to enhance the status of women, in conjunction with the social and economic development strategy, had helped to reverse the trend of deepening poverty among women. Women's real incomes had risen by an average of 10 per cent from 2000 to 2002, and an increase in benefits for young mothers had been introduced from January 2002. The plan of action focused especially on single mothers and other vulnerable groups.
31. Frequent debates were held in the State Duma concerning the prevention of domestic violence against women. The provisions contained in the draft bills on domestic violence had been incorporated into the Criminal Code, the Code of Criminal Procedure and other legislation, including special amendments to protect mothers, older women, minors and other vulnerable groups.
32. Mr. SIDORENKO (Russian Federation) said that, pursuant to the Political Parties Act of 2001, parties were required to ensure equal opportunities for women to be represented on governing bodies, candidate lists, and State and local government bodies (question 6). Consequently, two major parties had female leaders, most parties had between three and five women on their executive bodies, and the participation of women in political affairs was expected to improve further. Women were found in practically all State authorities, including government ministries, and the people of St. Petersburg had recently elected a female governor. On 16 April 2003, the State Duma had enacted new anti-discrimination legislation, providing for special measures to end discrimination against women in the fields of vocational training, labour regulations and employment.
33. Mr. CHEKALIN (Russian Federation), replying to question 7, said that the Russian Federation was party to the three major international instruments designed to combat trafficking in persons, and was preparing to ratify the United Nations Convention against Transnational Organized Crime, which would help it to combat the structures that allowed trafficking to flourish. Under the Criminal Code, abduction carried a penalty of up to 20 years' imprisonment, while trafficking in minors was a separate offence, punishable by between 5 and 15 years' imprisonment. Since the discovery of an extensive network of child trafficking under the guise of international adoption, 83 foreign organizations had been licensed to process international adoptions, and the powers of the Ministry of the Interior had been extended with regard to the monitoring of adoption procedures.
34. Mr. SIDORENKO (Russian Federation) said that, since the moratorium on the death penalty had come into effect in 1996 (question 8), the sentences of all prisoners awaiting execution had been commuted to imprisonment, and no further death sentences had been imposed. In 1998, the Constitutional Court had ruled that the death sentence could not be reintroduced in part of the Russian Federation without being applicable throughout the country. The State Duma was currently considering draft legislation on the abolition of capital punishment.
35. Mr. REZNIK (Russian Federation), responding to question 9, said that the violent "hazing" of conscripts in the armed forces was a problem that occurred in many countries. The Russian military procurator's office had accordingly drawn on international experience in

seeking to prevent irregular conduct. Sociological research into the underlying criminological factors had been carried out with a view to developing more effective responses to violent behaviour in the army. Enhanced supervision, including regular visits by military procurators to selected units, and confidential hotlines for receiving complaints, were among the measures taken to protect conscripts. Rigorous investigations had taken place in response to injuries or deaths within the armed forces. Efforts to enforce the criminal liability of military commanders had led to a 50 per cent reduction in the number of officers subjected to irregular and violent conduct since 1998.

36. Mr. CHEKALIN (Russian Federation) said that the Civil Forum of November 2001 had produced a number of recommendations designed to eradicate torture (question 10). Consequently, joint social working groups had been set up to enhance dialogue between government and civil society, and several legislative measures had been taken. The Criminal Code had been amended to bring the definition of torture into conformity with the United Nations Convention against Torture. Tighter judicial supervision over the treatment of detainees had been introduced, and special training programmes were provided for law enforcement officials.

37. Mr. DEMIDOV (Russian Federation), replying to question 11, said that the new Code of Criminal Procedure prohibited torture and other cruel, inhuman or degrading treatment, and stated that any evidence obtained in such circumstances was inadmissible in court. In approaching issues relating to the ill-treatment of detainees in the course of criminal proceedings, courts were required to apply the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Supreme Court had ruled that, in accordance with the Convention, the age and state of health of the prisoner should also be taken into account in determining instances of torture. An investigator or other official who was convicted of subjecting a detainee or witness to violence, torture or harsh treatment was liable to a term of imprisonment of between two and eight years. For the first time in Russian history, the Criminal Code would shortly contain a separate article defining the crime of torture and specifying levels of responsibility for the commission of such a crime. The article had been adopted at first reading.

38. Ms. MOSKALKOVA (Russian Federation) said, in reply to question 12, that the criminal proceedings against servicemen found guilty of crimes against Chechen civilians in 2002 had resulted in 10 servicemen being convicted of murder, 7 of theft, 3 of hooliganism, 7 of breaches of the rules governing the driving of military vehicles, 3 of abuse of authority, 1 of abuse of service weapons and 1 of manslaughter. The following measures had been taken against them: 12 had been imprisoned for various periods; 1 had been given a suspended sentence; 3 had been fined and restrictions had been placed on their military service; and 3 had been found guilty of offences but granted an amnesty. In 2002, 48.8 per cent of serious crimes in the Chechen Republic had been investigated and resolved, compared with 42.1 per cent in 2001. That had brought the detection level up to that prevailing in the country as a whole. In the first nine months of 2003, a considerably higher rate had been recorded in the Chechen Republic, thanks to the deployment of highly experienced investigators and procurators. Investigations were hampered not just by the complex circumstances in the Republic but also by, for example, religious traditions which prevented exhumation for evidential purposes.

39. Compliance with the law by the military authorities and military personnel was closely monitored and a procuratorial investigative team had carried out preliminary investigations in five garrisons of crimes allegedly committed by servicemen during counter-terrorist operations in the Chechen Republic. Since 9 November 2002, the main Military Procurator's Office was required to be present as a preventive measure when military personnel conducted special operations in settled areas of Chechnya. To coordinate the examination of complaints by Chechen residents, a joint working group had been set up under the Procurator-General's Office; it drew on the resources of the Special Representative of the President of the Russian Federation for ensuring human and civil rights and freedoms in the Chechen Republic. Local residents were received on a daily basis in all procurators' offices. Action on complaints was taken by the heads of administrative centres and regions in the Republic in conjunction with the clergy, village elders, persons designated by the Military Procurator's Office and representatives of the forces of law and order. A record of the proceedings was signed by the responsible authorities and an official from the Ministry of the Interior. The Ministry had decreed, for example, that military personnel should not wear masks when inspecting premises during special operations.

40. Criminal proceedings had been instituted by the Military Procurator's Office to investigate the murder of nine people in Alkhan Yurt in December 1999. Eighteen alleged sites had been inspected, local people had been questioned and forensic medical research had been undertaken. Proceedings were still under way. Following allegations by a journalist concerning crimes committed by the military in the Staropromyslovskii district of Grozny in February 2000, 10 corpses had been discovered. On 3 May 2000, the Procurator's Office of the Chechen Republic had instituted criminal proceedings. Local residents had been questioned, the site had been inspected and forensic tests had been conducted. But no eyewitnesses could be found and the case was still under investigation. Criminal proceedings had also been instituted in connection with the incidents in the Novye Aldy district of Grozny on 1 March 2000. The Procurator-General's Office was monitoring progress in all three investigations.

41. The Northern Caucasus Military Tribunal was investigating legal practice in respect of military personnel who committed offences against law-abiding citizens of the Chechen Republic. From 2000 to the end of June 2003, 54 servicemen had been convicted of such offences. For example, four had been convicted of wilful beatings, nine of hooliganism, eight of theft, two of abuse of authority, four of illegal use of military vehicles, six of dangerous driving, two of rape, two of wilfully causing bodily harm, and four of other general offences. Those figures were relatively insignificant compared with the overall number of criminal cases considered by the Tribunal during the period under review. However, the social echo of such incidents meant that a special effort was needed to ensure effective law enforcement.

42. Mr. SULTYGOV (Russian Federation), replying to question 13 of the list of issues, said that allegations of disappearances of Chechen civilians who had been taken into custody by Russian soldiers were unjustified. However, the Military Procurator's Office had investigated cases of abduction where members of the armed forces might have been involved and six such cases were currently under investigation. The legislation and regulations aimed at preventing such offences included Decree No. 36 of the Procurator-General's Office on strengthening supervision of respect for the rights of citizens with a registered place of domicile, the Military Procurator's decree on procuratorial supervision of counter-terrorist operations, and the joint

provisions of the Office of the Procurator of the Chechen Republic and the Military Procurator's Office on the creation of joint investigative teams to deal with alleged disappearances. Representatives of the Military Procurator's Office had taken part in all but 3 of over 100 special operations conducted in 2002.

43. The issue of arbitrary disappearances of civilians had been blown up out of all proportion. Reports that abductions had been undertaken for political purposes had been ignored. In the context of disappearances, provision had been made for: night patrols in human settlements by military officers and personnel belonging to organs of the Ministry of the Interior; the creation of local voluntary associations to cooperate with the military in ensuring the proper conduct of administrative matters; ensuring access to mobile telephones and other communication facilities; and joint patrols with authority to stop and search civilian or military vehicles.

44. Regular meetings on the problem of disappearances were held between the Office of the Special Representative of the President of the Russian Federation, the Office of the Procurator-General and the Office of the Procurator of the Chechen Republic. Thorough searches for missing people were conducted. In 2002, 123 cases had been investigated and many missing persons traced. As of 1 April 2003, 290 of a total of 703 missing persons had been located. A database on abductions had been established. Fresh impetus had been given to the work on disappearances by a message from the President of the Chechen Republic, Mr. Kadyrov, announcing the setting-up of an interdepartmental group on the problem.

45. Between January and April 2003, there had been an increase in the number of kidnappings by local bandits or gangs and illegal armed groups. Written information had been received on the whereabouts of some of the people who had been abducted. It would thus be incorrect to draw conclusions in the light of the figures for disappearances alone without taking into account the criminal dimension. Moreover, the proportion of persons traced, about 40 per cent, was similar to that for the country as a whole. Over the past decade, between 30 and 35 per cent of those reported missing had been discovered alive and 10 per cent dead. Many of those traced were returning refugees or internally displaced persons. Others were responding to the declaration of amnesty. According to some estimates, the former illegal regime was responsible for many of the abductions and disappearances. The problem was in any case exaggerated by the figures for registration and the institution of criminal proceedings. As of 1 January 2003 the overall figure for disappearances was 1,663. By comparison, during the so-called Maskhadov regime, according to data obtained from the Committee of Relatives established in 1997, local gangs had kidnapped 1,217 people for purely criminal gain from ransoms. Clearly, from the beginning of the counter-terrorist operations, an important factor in the growth of the number of disappearances was the action of extremist armed groups who terrorized those who cooperated with the lawful authorities.

46. Mr. CHEKALIN (Russian Federation) said that carrying out law enforcement activities while wearing a mask or using unmarked armoured vehicles without registration numbers were prohibited. The Code of Criminal Procedure forbade searches, seizures or the interrogation of witnesses or victims during night-time. Suspects could only be held in places of detention established by law, namely the 19 temporary holding centres and two investigation centres in Chernokozovo and Grozny. Relatives of detainees were informed of the place where they were being held.

47. Information on law enforcement measures was provided to heads of local administrative bodies, religious authorities and village elders, and provision was made for the participation of staff from the Procurator's Office. Lawyers were often involved at the custody stage to ensure that preliminary investigations could be conducted. The Office the Procurator-General of the Russian Federation had issued Decree No. 802 in September 2002 establishing a Military Procurator's Office for the Northern Caucasus region to monitor compliance with the law by members of the armed forces.

48. Mr. KALININ (Russian Federation), replying to question 14, said that the rules governing prisons and detention centres administered by the Ministry of Justice had been published in the Official Gazette and the Compendium of Regulations governing criminal procedure. Paragraph 2 of Ministry of Justice Decree No. 148 of May 2000 empowered the heads of central and regional criminal justice systems to adopt measures to ensure that suspects and accused persons were fully informed of their rights. To that end, copies of the regulations were made available in places of detention. The rules and regulations governing correctional institutions had been published in the Official Gazette in 2001. Copies were kept in institutional libraries and issued to suspects, accused and convicted persons, relatives and visitors.

49. To monitor respect for human rights in the subdivisions of the justice system, a Social Council comprising representatives of NGOs from the Russian Federation and abroad had been set up under the Ministry of Justice. The bodies responsible for the execution of criminal penalties cooperated with over 300 non-governmental legal defence organizations. Members of the organizations could now take part in joint inspections to investigate complaints by suspects and detainees. Subdivisions of the justice system were visited by representatives of the Office of the Commissioner for Human Rights, which had established machinery linked to local administrations in virtually all regions of the Russian Federation. Observance of the human rights of detainees was also monitored continuously by the Office of the Procurator-General and local procurators' offices and by an independent unit within the Ministry of Justice. Subdivisions of the criminal justice system were also regularly inspected by representatives of the International Committee of the Red Cross (ICRC) and the European Committee for the Prevention of Torture. ICRC delegations had paid 25 visits to places of detention in 2002 and 22 visits to date in 2003.

50. On 16 September 2003, the State Duma of the Federal Assembly of the Russian Federation had adopted at first reading a draft federal law on social supervision of respect for human rights in places of detention. The Ministry of Justice, the central authorities responsible for the administration of justice and execution of criminal penalties, and academic experts had been involved in preparing the draft. A second reading was about to take place and the draft law would probably be enacted before the end of the year.

51. Food deprivation was not used as a form of punishment in prisons. Decree No. 935 laid down rules governing the daily food intake of persons in detention or police custody. To ensure its proper implementation, the Ministry of Justice had issued Decree No. 136 of 4 May 2001 establishing nutritional standards for those deprived of their freedom. Over the past two years, budget allocations for food in places of detention had been substantially increased and there had been an improvement in the food provided to juveniles and sick detainees.

52. Mr. CHEKALIN (Russian Federation), responding to question 15, said there was a single detention regime, covered by Federal Act 103-F3, which applied throughout the State party's territory. There were no centres in Chechnya that were not covered by that regime.

53. Temporary detention could be authorized only by the court, on the basis of a submission by the Procurator's Office; the latter was also responsible for monitoring implementation of the regime and had repeatedly confirmed the legality of such detentions. No deaths, suicides, epidemics or hostage-taking had occurred in remand centres in Chechnya. Protection of persons held in such centres was provided only by police of Chechen origin.

54. There were two investigation centres in the Chechen Republic, with over 450 places, of which only 50 per cent were occupied. In short, detention conditions for persons under arrest met international standards. A single detention centre was planned for 2004, meeting all health and sanitation standards.

55. Replying to question 16, he said the practice of arbitrarily detaining persons at checkpoints in Chechnya had been highlighted by the President of the Russian Federation on a recent visit to the Chechen Republic. Anyone detaining individuals at checkpoints for purposes of extortion was guilty of abuse of official powers and liable to prosecution under the Criminal Code. Measures had been put in place to detect such cases and also to protect law and order officials themselves. Criminal and disciplinary proceedings had been instituted in a number of cases following inspections to ensure compliance with citizens' rights at checkpoints. Senior administrators and regional officials of the Chechen Republic, and also religious and community leaders, were involved in procedures to investigate complaints by individuals. The principal means of reducing such abuses, however, had been to cut the number of checkpoints significantly. Federal and Chechen police manned the checkpoints jointly, and their activities were monitored by internal security officials.

56. Mr. KALININ (Russian Federation), replying to question 17, said there had been a major drive to reduce the numbers of pre-trial detainees since responsibility for that area had been transferred from the Ministry of the Interior to the Ministry of Justice.

57. A whole series of regulatory and legislative amendments, including the adoption of the new Code of Criminal Procedure, had resulted in changes in judicial and investigative practice, leading in turn to a halving of the numbers of detainees, which were now in line with both Council of Europe and United Nations standards. Other proposed amendments currently before parliament could further cut those figures. The same amendments envisaged a wider range of alternative forms of punishment, such as suspended sentences and fines, and the groundwork was currently being done for the introduction of penalties such as mandatory work that would not involve deprivation of liberty, and other non-custodial forms of punishment.

58. A number of programmes had recently been implemented to prevent fatal illnesses in prison. Budget allocations for medicines in prisons, for example, had increased sixfold over the past two years. Tuberculosis and hepatitis were being successfully treated, and deaths attributable to tuberculosis had been cut to 10 per cent. The Ministry of Health was working closely with WHO and foreign partners in implementing those programmes.

59. Mr. SCHEININ commended the State party for having managed to keep its report to a reasonable length, despite the size of the country, the major developments in recent years and its previous history of human rights violations. While it was incomplete in some respects, the large, high-level delegation was filling the gaps and the Committee had other sources of information. The late submission of the report was, however, regrettable; had it been submitted four years previously, fewer changes would have taken place and that would have eased the Committee's task.

60. Turning to question 17, he said there had been commendable developments in the detention system, but concerns remained. The figure of 3 per cent overcrowding in prisons was an overall level and the problem might be far worse in certain places, particularly cities. He wondered what was being done to identify institutions where the problem persisted and to put an end to overcrowding. Moreover, not all the problems of prison conditions were a result of overcrowding: some related to human rights issues such as health and sanitation.

61. He was concerned that the State party's response to the Lantsova case appeared to belie the rapid pace of change in that regard. In that case, the Committee had found that the State party was responsible for persons it had taken into custody and was guilty of a violation of the right to life if an inmate contracted a fatal illness and died. He wondered why the State party appeared to contest that reasoning. Surely recognition of its responsibility would provide the strongest possible incentive for rapid measures to further improve prison conditions?

62. In answer to question 4, the delegation had informed the Committee that there had been no state of emergency in Chechnya in recent years. The question could, however, be put in a broader framework of issues arising from a general context of emergency powers and derogations from Covenant rights. There had been serious allegations of systematic violations of human rights, particularly the human rights of women (including rape), by Russian Federation military troops in Chechnya and the border areas. The figure of only two members of the military having been found guilty of rape, provided by the delegation in reply to question 12, was, by contrast, alarmingly small. He wondered whether the delegation saw a need for more transparent, comprehensive and impartial investigation of human rights violations, particularly against women.

63. The hostage-taking at a Moscow theatre one year previously had involved the loss of around 200 lives, raising a number of issues concerning the right to life and the use of military force. First, the State party had an obligation to protect life - in the case in question the lives of the hostages. He wondered whether the operation had been planned purely as a military exercise, without due regard to the hostages' situation: no oxygen had been available, no hospitals had been prepared to receive the injured and some deaths could undoubtedly have been avoided. It might be said that the State party had been responsible for the loss of life as a result of the lack of adequate precautions.

64. Secondly, the fact that the lives of all the hostage-takers had been terminated raised issues relating to article 6 of the Covenant, particularly as many of them had presumably been unconscious when the military had entered. Even in a situation of armed conflict, it would have been strange for them all to have been killed on the spot.

65. Thirdly, there were issues relating to the fight against terrorism. He welcomed the statement by the head of delegation that the war on terrorism must be fought within the law, including human rights law. However, the Russian Federation's reports to the Counter-Terrorism Committee of the Security Council raised the question whether that "war" was in fact being fought by presidential decree, unregulated by suitably precise legislation. His question therefore was whether the measures adopted in the war on terrorism complied with article 15 of the Covenant and other provisions requiring comprehensive legislation.

66. In its reply to question 8, the delegation had said that "the process" would be quicker than expected, but he was not clear whether it had been referring to the process of introducing jury trials or the process of abolishing capital punishment. He would appreciate clarification of that point.

67. Despite the fact that the Constitution stated that the death penalty could be imposed following a trial by jury, the Constitutional Court had ruled that it could not be applied until trial by jury had been instituted nationwide. That position was well in line with article 26 of the Covenant, on equality before the law and before the courts. Capital punishment could not be applied only in some courts and not in others. If the death penalty was reintroduced, however, another issue might arise under article 26, namely that only a minority of the population - men between the ages of 18 and 65 - were liable to capital punishment, thereby violating the principle of equality before the law.

68. Lastly, he asked whether the delegation saw any other constitutional obstacles to the reintroduction of capital punishment once jury trials were in place, or would it be for the international community to assess the situation at that stage?

69. Mr. ANDO said he would welcome more information on the procedure for appointing and dismissing judges under the new system. He would be particularly interested in any comparisons between the salaries of judges, civil servants and comparable private-sector professionals.

70. Referring to paragraph 108 of the report, which described a Constitutional Court decision to withdraw various court functions, he asked what the legal basis for those functions had been, and on what basis the Court had taken its decision. From the information given, the Court appeared to enjoy almost legislative competence.

71. Turning to question 3 of the list of issues, he said that, while the State party's evaluation of the Lantsova case might differ from that of the Committee, its ratification of the Optional Protocol meant that once the Committee had adopted its Views the State party should comply with them. In that regard he would be interested to know the Russian Federation's position on the European Court of Human Rights judgement on that case.

72. With regard to question 5, he understood that a government agency was responsible for providing assistance to women in extreme poverty, but wondered whether there was any independent mechanism for receiving complaints and monitoring the functioning of that body. The delegation had explained that the Duma had not enacted new legislation on domestic

violence because it considered such cases to be covered by existing legislation. It was perhaps relevant that only around 7 per cent of the members of the Duma were women. Had any cases of domestic violence been brought before the courts, and with what outcome? It was his understanding that not all local authorities had legal provisions to combat domestic violence. If that was the case, what did the State party intend to do about it?

73. Mr. WIERUSZEWSKI observed that the size of the Russian delegation showed the State party was taking dialogue with the Committee seriously. He hoped, however, that the gender balance would improve in the future. The State party appeared to have an encouragingly democratic approach to NGOs, and he wished to express his gratitude to NGOs for their participation and assistance in obtaining objective information concerning the Russian Federation.

74. The report was of very high quality, but the State party did not always provide the information requested by the Committee in its concluding observations. States parties should react to those observations as a matter of principle. A significant proportion of the observations had related to Chechnya; it was unfortunate that the Committee needed to discuss the problem yet again, for it meant the State party had been unable to secure human rights in what was a very vulnerable region.

75. With regard to question 2, he wondered why the Commissioner's activity was so limited and why he was not seen as an active human rights defender. Naturally, much depended on the incumbent's personality, but he would like to know whether it was a matter of not using the tools available or whether new tools were in fact required.

76. Turning to question 3, he said the State party was not reacting properly to the Committee's Views on the cases that came before it. In the Lantsova case, certain steps had been taken to address the general situation leading to the violation, but the Committee was deeply distressed to note that, in that and certain other cases, nothing had been done for the victims, an attitude that undermined the Optional Protocol.

77. The replies to the Committee's questions concerning Chechnya had not been fully satisfactory. If the situation was so good, then why were things so bad? The Committee did not wish to pronounce judgement but to debate a problem, yet the State party appeared not to see a problem. He wondered to what extent the Government relied on local regional or independent sources. The State party must be prepared to cooperate with NGOs that could provide information at the local level.

The meeting rose at 6 p.m.