

RUSSIAN FEDERATION

CESCR E/1987/28

170. The second periodic report (E/1986/4/Add.14) of the Union of Soviet Socialist Republics on the rights covered in articles 10 to 12 of the Covenant was considered by the Committee at its 16th to 18th meetings, held on 18 and 19 March 1987 (E/C.12/1987/SR.16-18). The report was introduced by the representative of the reporting State.

171. After stating that, as far as the USSR was concerned, the adoption of the two International Covenants on Human Rights had been a great achievement of the United Nations, the representative of the USSR emphasized that all human rights were inseparable and she also stressed that economic, social and cultural rights were still the foundation for the exercise of civil and political rights. From that standpoint, the twenty-seventh Congress of the CPSU had set as its objective the development of the entire range of rights and freedoms and the creation of conditions to promote the well-being of the population. Attainment of this objective was tied into a thorough reshaping of all aspects of Soviet life aimed at perfecting democracy, broadening the role of the people's soviets and the participation of the workers in the overall administration of the country, greater transparency and the strengthening of the affirmation of the law. The realization of this programme would ensure realization of the rights of Soviet citizens, including the rights embodied in articles 10 to 12 of the Covenant, on a qualitatively higher level.

172. In regard to realization of the rights set forth in article 10 of the Covenant, she described the measures taken to strengthen the role of women and the family: in five years, the working conditions of 6 million women had greatly improved and women had been released from the most arduous tasks; a committee of women existed to monitor the laws in force and to take the initiative in proposing draft laws. In the years ahead, the intention was to apply a large number of measures to strengthen the family and to reconcile maternity and work, namely, 18 months' leave would be granted to mothers after the birth of a child, pre-maternity leave would be increased from 56 to 70 days, medicines would be free of charge for children up the age of 3, and the number of nurseries would be increased.

173. With reference to the realization of article 11 of the Covenant, she informed the Committee that, under the Soviet Constitution (article 15), the supreme goal was the fullest possible satisfaction of the material and spiritual requirements of the population and, to achieve that goal, the public authorities allocated four fifths of the national income to improving the well-being of the population. Real income per capita had risen over the past five years by 11 per cent, the average wage for workers by 13 per cent and that of collective farm workers by 29 per cent. In the years to come, it was also planned to increase the wages for some categories of workers still more. One of the fundamental principles of socialist justice, that everyone should be paid in terms of the quality and quantity of his work, was thus fully respected.

174. She also said that at the twenty-seventh Congress of the CPSU and the Plenum of the Central Committee of the CPSU in 1987, it had been found that there was still room for progress, particularly in regard to housing. Admittedly, there were no homeless people in the Soviet Union, but the objective was to provide individual housing for all families by the year 2000.

175. Referring to the measures taken to ensure the realization of article 12 of the Covenant, she said that the USSR considered that nothing was more important for the citizen than health and it intended to go beyond the measures mentioned in the report. The Soviet Union was endeavouring to strengthen basic services and apply advances in medicine to public hygiene. As an example, she cited the fact that, since June 1985, there had been a 24 per cent decline in deaths from industrial accidents, poisoning and traumatism. The public authorities were endeavouring to ensure better protection at the place of work and had increased expenditure for that purpose by 20 per cent over the period 1980-1985. She said efforts were also being made to ensure stricter compliance with legislation on protection of the environment, thanks to an information campaign at all levels, from the schools upwards.

General observations

176. The Committee commended the Government of the USSR for its report, for its excellent oral presentation and for sending a high-level delegation to present the report to the Committee. It welcomed the readiness of the representative of the USSR to enter into constructive dialogue with the Committee.

177. Members of the Committee noted that the report and the oral presentation attested not only to the positive way in which the Soviet Government was implementing the provisions of the Covenant by ensuring the rights set forth in articles 10 to 12, but also the great progress achieved in the realization of those rights. Some members observed, however, that the statistical information provided in the report was inadequate. It was also said that the report had been presented in too theoretical a fashion and that it lacked the detail necessary to enable the Committee to determine what progress had been made by the State party.

178. The members asked for additional information on the number of inhabitants, the distribution and density of the population, of the ethnic minorities and the relative importance of agriculture and industry.

179. With reference to article 2 of the Covenant, a question was asked about the present situation of the various nations in the Soviet Union and the special measures taken to ensure their development.

180. More detailed information was requested by members on the allocation of competence as between the Soviet Union and the various constituent republics.

181. A question was raised concerning equality between men and women and the measures taken with a view to ensuring that it was realized.

182. With reference to the interdependence of economic, social and cultural rights and civil and political rights clarification was requested regarding the Party's new programme adopted by the twenty-seventh Conference of the CPSU, in which emphasis was laid on the material foundation for the enjoyment of human rights, since it was considered that the realization of some rights should not be a prerequisite for the realization of the others.

183. In response, the USSR representative stated that the Soviet Union had consistently advocated an integrated approach to the implementation of the International Covenants on Human Rights. It had supported General Assembly resolution 32/130 of 16 December 1977, which had paired the implementation of Covenants, and it had always opposed the adoption of a selective approach to the exercise of the rights set out in the Covenants. She emphasized her Government's view that economic, social and cultural rights were the basis for the realization of civil and political rights, noting at the same time that the notion of the interdependence of those rights was underlined in the Constitution of the Union of Soviet Socialist Republics.

184. Taking up the question of the allocation of competence, she referred to article 73 of the Constitution of the USSR, establishing the principles for allocating competence as between the Union and the federated republics.

185. In regard to equality between men and women, it was pointed out that the Constitution and the corresponding legislation not only proclaimed but also guaranteed such equality. Women had rights equal to those of men in the economic, political, social, cultural and other fields of life in Soviet society. However, in a number of branches of industry, certain types of work which were too arduous or harmful to health were forbidden for women. The density of the population varied considerably, ranging for the country as a whole from 12.5 individuals per square kilometre to 1.7 in some areas.

Article 10: Protection of family, mothers and children

186. The members of the Committee stated that it was clear that the rights provided under article 10 of the Covenant were well safeguarded, but at the same time additional information was needed on a number of subjects.

187. With regard to the statement that the employment of persons under the age of 16 was prohibited, yet persons who had reached the age of 15 might be employed in exceptional cases, the question was raised as to what were such exceptional cases.

188. It was also asked whether the children of unmarried couples had the same rights as the children of married ones. More information was requested by several members on the role of the father in bringing up and educating children and whether the father would be eligible for the same benefits which were provided for working mothers.

189. The question was asked whether it was possible to contract marriage by proxy and whether it was possible for a foreigner not residing in the USSR to marry a Soviet citizen.

190. Some members wished to have more information on the role of boarding schools, their number, the total proportion in the overall number of the educational establishments and their cost in relation to that of the other educational establishments.

191. More information was requested on the current reform of the system of education. Several members asked about the present rate of divorce.

192. A few members asked whether certain factors affected the more or less privileged situation of mothers and about the situation of single mothers and mothers of children born out of wedlock. The wish was also expressed for more details on the reasons for the advantages granted to single mothers.

193. Reference was also made to the development of the concept of the legitimate and the natural family in the USSR and information was requested on that subject.

194. The representative of the USSR, in response to questions, said that child labour was forbidden under article 74 of the fundamentals of the labour legislation of the USSR and the Union republics. Children under 15 years of age could none the less engage in an activity which was intended to prepare them for an occupation. In principle, it was forbidden to employ adolescents under 16, an age at which they were continuing their secondary education. Exceptionally, authorization could be given in some cases by the Ministry of Education, so as to employ young people at the age of 15 in certain types of work, with the consent of the trades union Committee of the enterprise concerned. Such authorizations were given only on very limited grounds, generally speaking for mentally deficient adolescents who could not expect to complete their secondary education, for whom it would be pointless to remain at school and for whom entry into working life was preferable.

195. She confirmed that the rate of divorce, which was 1.4 per cent of married couples per year, was stable, but it was regarded as high and a matter of concern to the authorities.

196. There was no difference in status between illegitimate and legitimate children. Special measures were taken in favour of single mothers and in favour of the children of single parents.

197. With reference to the question of the educational reform, it was pointed out that the reform was aimed essentially at improving the content of education, so as to provide young people with the best possible training and to prepare them for occupations in the future. In the case of higher education, legislation in course of preparation planned to give enterprises a more important role than in the past in the training of highly-qualified specialists.

198. As for unregistered marriages, no statistics were available on the subject, and it was held that it was a personal matter for individuals. However, it should be noted that such marriages were not viewed as families for administrative or legal purposes. Marriage by proxy did not exist.

199. If a man was performing the tasks normally done by a woman, for example raising a child, he was entitled to the same rights and benefits, including days off to care for sick children and priority in the allocation of annual leave during the summer.

200. About one third of all school children attended boarding schools, most of which were extended day schools; full boarding schools were fewer and had recently been reduced in number. Boarding schools existed for children whose parents travelled a great deal and who had no other close relatives. On the other hand, it was indicated that about 500,000 children were in orphanage boarding schools.

Article 11: Right to an adequate standard of living

201. In view of the important role that social consumption funds played in the Soviet Union, it was asked how they functioned and were financed. Some members wanted more information on the purchasing power of the minimum wage. The question of the homeless was also raised.

202. Reference having been made to the general trend in the mobility of workers, it was asked whether, in the USSR, workers who stayed in the same sector benefited from special bonuses.

203. More information was requested on the Government's policy towards retired persons and their participation in productive activities.

204. In reply to the questions, the representative of the USSR stated that social consumption funds were formed from contributions by trade unions, enterprises and allocations from the State budget and were a conspicuous achievement in the Government's social strategy in that they helped to achieve equality of economic and social rights among all citizens, including the less well paid. The social consumption funds were used, *inter alia*, to provide free education at all levels, vocational training, free medical care, grants and pensions and to finance stays in rest homes, travel and leisure activities. In 1985 alone, 50 per cent of all cash benefits paid to workers had come from those funds. The funds had supplied, for instance, 80 per cent of expenditure on child care in day nurseries and nursery schools, and 100 per cent of expenditure on hospital care. The total amount of these funds in 1986 was 153 billion roubles.

205. As to the real value of the minimum wage, which was 80 roubles a month paid to unskilled workers and which did not include other benefits from social consumption funds, it was said that it could pay the rent for 10 two-room apartments; accounted for about 3 per cent of the average wage, it could buy 100 kg of bread, 40 kg of meat and 200 litres of milk. People on low incomes could also receive benefits from the social consumption funds in such matters as education and medical care, school uniforms, free meals for children given in schools and free holidays for children in pioneer camps. It was emphasized that no one was hungry, homeless or unemployed in the USSR.

206. In the Soviet Union, the population in general was very mobile, but stability of manpower was much sought after by enterprises, which considered that a worker who stayed a long time in the same place improved his qualifications and, consequently, increased his productivity. For that reason, material advantages were offered to persons who worked for a long period in the same enterprise.

207. With reference to the question of retired persons, the representative of the USSR explained that pensions were granted in terms of wages. Persons who reached retirement age were not obliged to leave their job if they were in good health, and they continued to engage in productive work. Once they were retired, workers could hold a full-time job. Under the new labour legislation, a retired person was entitled to gainful employment and he received his pension and his wage.

Article 12: Right to physical and mental health

208. Some members expressed their wish to know how the individual could in practice avail himself of the various health care, social and cultural and other facilities. It was asked whether persons with deviant opinions were incarcerated in psychiatric institutions, as had been reported, what procedures existed to prevent such abuses and whether recourse procedures were available to persons whose

right to health had thus been violated. Details were requested on the situation regarding drug abuse and whether drug addicts were regarded as delinquents and punished as such, or as victims.

209. Noting that health was a priority field for the Soviet Union and that a special effort was being made in regard to preventive medicine, it was asked whether there were any regulations on the functioning of spas and health centres and on the stay and treatment of patients in such places.

210. A wish was expressed for information as to what environmental protection measures had been taken in connection with the possible consequences of the use of nuclear energy for peaceful purposes.

211. The question of the birth rate was raised and additional statistical information was requested.

212. It was said that it would be desirable to learn whether medical care and medicaments were available to all Soviet citizens on an equal footing, given the extent of Soviet territory and the difficulties that might occur in this regard for the population in remote areas.

213. The representative of the USSR, referring to the questions on the right to health raised in the discussion, gave details on this subject, pointing out, more particularly, that in the Soviet Union there were 130 hospital beds and 142 doctors per 10,000 inhabitants. She emphasized that they were not the only indications of the high level of health services in the USSR and that qualitative aspects were also a major concern of the Soviet State, which was planning to improve the management of health services, to engage in greater effort and to assign more resources to the supply of health care, and to extend health coverage.

214. In regard to the quality of the services supplied in the different regions, she said that, despite the difficulties of providing care for the population in the areas far removed from regional centres or capitals, treatment was equal for all of the population, irrespective of the regions in which they lived.

215. The birth rate differed from region to region. The average rate for the country as a whole had been 19.4 per cent in 1985, and had been 16.5 per cent in the RSFSR, 15 per cent in the Ukraine, 37.2 per cent in Uzbekistan and 36 per cent in Turkmenia.

216. As for the question concerning preventive measures taken in order to protect the environment from the eventual hazards linked with the peaceful uses of nuclear energy in the light of the Chernobyl accident, it was stated that this accident clearly showed what could happen if atomic energy went out of control. As for Chernobyl, the fourth reactor had been shut in a container and release of radioactive material had been halted. A series of protector devices had been installed to prevent any leakage of radioactive materials into ground water. Since the accident, much work had been done at the national level to assess the operational safety of nuclear power stations, as well as a number of other measures which were taken, at the initiative of the USSR, at the international level.

217. As for medical care provided for the patients in hospitals and other medical institutions and supervision on their functioning, it was stated that all such institutions in the Soviet Union were

closely supervised and each republic bore responsibility for medical care. They were monitored by the local authorities, the Soviet People's Deputies' health commissions, members of which were independent and had basic medical training; the office of the Prosecutor at all levels also had wide powers in this field. In this connection, reference was made to article 36 of the Fundamentals of the legislation on care of public health and to articles 8 and 56 of the Law of the Russian Soviet Federative Socialist Republic.

218. The representative of the USSR informed the Committee about the order of hospitalization of patients in psychiatric institutions and on the controls applied in this field and stated that allegations about the so-called incarceration of patients in such institutions for their opinion did not correspond to reality.

219. As for drug addiction, it was said that at the present time it was not a serious problem, but the Government was nevertheless aware of its potential hazards and was waging a major information campaign. Drug addicts were not subjected to prosecution but their condition was viewed as a disease for which they should seek treatment and clinics and hospitals were available for that purpose. However, dealers or smugglers were liable to criminal prosecution. Efforts were made to control the cultivation of the poppy, which was used for medical as well as narcotic purposes, and the medicines which could be used as narcotics by young people were sold only on prescription.

220. In concluding the consideration of the report, the Chairman thanked the representative of the State party for having co-operated with the Committee in a spirit of constructive dialogue and with the common objective of implementing the rights recognized in the Covenant.

CESCR E/1998/22

87. The Committee considered the third periodic report of the Russian Federation on articles 1 to 15 of the Covenant (E/1994/104/Add.8) at its 11th to 14th meetings on 5, 6 and May 1997 and, at its 25th meeting on 15 May 1997, adopted the following concluding observations.

A. Introduction

88. The Committee appreciates the State party's submission of its third periodic report in accordance with the Committee's guidelines. It notes with interest that this was the first report of the State party after the end of the Soviet era. The Committee is grateful that the report was comprehensive and informative, and in particular that it was frank in acknowledging the serious problems that the State party is encountering in protecting the economic, social and cultural rights of the population. It also appreciates the additional information provided in response to its list of issues, which unfortunately was not provided in time to be translated. The Committee welcomes the sending of a large and high-level delegation with which it engaged in an open and constructive dialogue, as well as the provision of additional information orally by the delegation during the discussion.

B. Positive aspects

89. The Committee welcomes, to the extent that economic, social and cultural rights would thereby be promoted, efforts by the State party to develop a State based on the rule of law and the fact that it is reforming or establishing institutions to that end. The Committee also welcomes the planned reform of a whole range of institutions which are engaged in the delivery of social welfare services.

90. The Committee notes that inflation has been lowered substantially, that the decline in gross domestic product appears to have been stopped and some sectors of the economy are beginning to grow again, and that efforts are being made to improve the system of taxation and tax collection. It recognizes the importance of such a framework in providing sustainable funding for institutions designed to protect the economic, social and cultural rights of the population.

91. The Committee welcomes the statement by the representative of the State party that proposed legislation is reviewed by the executive institutions of the Government to ensure that bills are consistent with international human rights instruments, including the Covenant, before submission to the Duma for consideration. It appreciates that the Constitutional Court has cited the Covenant when deciding issues. It also appreciates that the State party's new Labour Code was inspired directly by provisions of the Covenant, as well as other pertinent international instruments, including those of ILO.

92. The Committee welcomes the 1996 law on the reform of the Judicial Branch and the 1997 bill to strengthen support to the judiciary, as well as the bill to establish a human rights ombudsman, inasmuch as the protection of economic, social and cultural rights enshrined in the Covenant is thereby enhanced.

93. The Committee notes with appreciation that employers are given tax incentives for the hiring of disabled persons to facilitate their access to gainful employment.

94. The Committee welcomes the development of pluralism in the trade-union movement, although it recognizes that there are many practical problems to be resolved to enable the new trade unions to function effectively.

95. The Committee welcomes the assurances by the representative of the State party that psychiatric institutions are no longer used abusively.

96. The Committee welcomes the current official policy of family planning, which has resulted in a decline in the number of abortions.

97. The Committee views favourably efforts undertaken by the State party to educate students as to legal remedies available for violations of human rights.

98. The Committee welcomes the State party's support for an optional protocol to the Covenant providing for the receipt of communications concerning alleged violations of the Covenant.

C. Factors and difficulties impeding the implementation of the Covenant

99. The Committee recognizes that the State party has inherited from the former regime an unfavourable framework for the promotion of economic, social and cultural rights. It also notes with apprehension that the process of transition to a democratic country with a market-based economy is being undermined by corruption, organized crime, tax evasion and bureaucratic inefficiency, resulting in inadequate funding for social welfare expenditure and for the payment of wages in the State sector.

D. Principal subjects of concern

100. The Committee expresses its concern at the situation of the indigenous peoples of the Russian Federation, many of whom live in poverty and have inadequate access to food, and some of whom suffer from malnutrition. The Committee is particularly concerned for those whose food supply is based on fishing and an adequate stock of reindeer, and who are witnessing the destruction of their environment by widespread pollution. It is alarmed at reports that the economic rights of indigenous peoples are violated with impunity by oil and gas companies which sign agreements under circumstances which are clearly illegal, and that the State party has not taken adequate steps to protect the indigenous peoples from such exploitation.

101. The Committee expresses its concern that women appear to be disproportionately affected by unemployment and that little concrete action has been taken by the State party to discourage discriminatory dismissal or hiring on the basis of sex or to provide meaningful remedies to the victims of such discrimination.

102. The Committee expresses its concern at the significant level of domestic violence against women and the hesitation of the police in intervening to protect women or in bringing charges

against their aggressors, despite the fact that the criminal law against violence against persons applies to violence against a woman by her husband.

103. The Committee notes with concern the rapid development of prostitution and the growing phenomenon of street children and their exploitation for criminal and sexual activities. The Committee further expresses its concern at the rate of increase in criminal acts by juvenile offenders.

104. The Committee observes with concern that there are numerous problems regarding labour regulation and that the State party has not taken adequate steps or devoted sufficient funding to find ways of addressing the following issues:

- (a) Dangerous working conditions in many enterprises, including use of dangerous and out-of-date technology, lack of protection for workers and excessively long hours of work;
- (b) The high rate of serious industrial accidents, including an excessive number resulting in death;
- (c) Refusal by some enterprises to compensate workers in cases of workplace injuries;
- (d) An inadequate system for the reporting of unsafe working conditions and accidents, including the absence of a legal framework which protects workers, whether unionized or not;
- (e) Inadequate funding for the labour inspectorate to conduct sufficient inspections to deter and sanction non-compliance by employers;
- (f) The large number of illegal dismissals, which in practice are without remedy;
- (g) The development of large-scale child labour;
- (h) The refusal of some employers to recognize or deal with new, "alternative" unions and the fact that some employers take adverse action, including dismissal, against union activists.

105. The Committee notes with concern that the State party is ill-equipped to deal with the problem of unemployment, which now affects, according to the data provided, between 3 million and 7 million persons. The criteria for eligibility for unemployment benefits, the system for detecting fraudulent benefits applications, and the low amount of such benefits all appear to be in need of reconsideration. Moreover, services to assist the unemployed to obtain employment, including information and retraining services, need to be developed more fully.

106. The Committee is very concerned at the non-payment of wages, which has led to a large number of strikes, particularly in the State sector, as well as at the payment of wages in kind by some employers. According to one report, some \$10 billion are owed in back wages to approximately one out every four workers, and most of this sum is the responsibility of the State. Late payment of wages is similarly unacceptable because it impedes the workers' meeting their needs and, in an inflationary environment, robs them of the value of the money that has been earned.

107. The development of poverty, estimated to affect at least 30 per cent of the population, and the

inability of the State party to provide adequate social services and a reasonable subsistence-level revenue to these persons are of serious concern to the Committee.

108. The Committee expresses its concern that the Government's ability to pay pensioners, who constitute a sizeable and increasing percentage of the population, is seriously affected by a lack of adequate financial resources. As a result, many are not receiving their pensions and are thus unable to satisfy their basic needs. The Committee is further concerned that funding of pensions is being seriously impaired by the failure of enterprises to make their legal contributions to the pension fund.

109. The Committee is seriously concerned that the diet of the Russian population, on average, is deteriorating. It also notes with alarm that malnutrition and hunger have developed among the poorer segments of the population. Particular concern is expressed for the plight in this respect of the homeless, families without income, large families, and indigenous people in the northern part of the country where the infrastructure for food delivery is inadequate.

110. The Committee expresses its serious concern that the level of contamination of both domestically produced and imported foodstuffs is high by international standards, and appears to be caused - for domestic production - by the improper use of pesticides and environmental pollution, such as through the improper disposal of heavy metals and oil spills, and - for imported food - by the illegal practices of some food importers. The Committee notes that it is the responsibility of the Government to ensure that such food does not reach the market.

111. The Committee is alarmed at the extent of the environmental problems in the Russian Federation and that industrial leakage of harmful waste products is such a severe problem in some regions that they could be correctly declared environmental disaster areas. It is also very concerned that there has been a curtailment of funds to modernize an out-of-date water-delivery system, which adversely affects the population's access to clean water.

112. The Committee is very concerned at the re-emergence of tuberculosis in the State party, particularly in prisons, where the health and social conditions of detention are unacceptable.

113. The Committee expresses its serious concern that in 1996 there was an eightfold increase in the rate of HIV-infection, which, according to the State party's representative, was largely due to increased drug use. It is also a source of concern that drug addiction is a major and growing problem among the young.

114. The inadequate funding of hospitals is a major source of concern. Moreover, the non-availability of medicines is also a source of preoccupation, particularly for those who cannot afford them.

115. The Committee expresses its concern with regard to the deterioration of the educational system in the Russian Federation and its effects on school achievement levels, as well as on attendance and drop-out rates among the young at all levels of the system.

E. Suggestion and recommendations

116. The Committee recommends that action be taken to protect the indigenous peoples from exploitation by oil and gas companies, and more generally that action be taken to ensure their access to traditional and other sources of food.

117. The Committee recommends that more vigorous steps be taken to ensure protection of women against sex discrimination in employment, and that victims of sex discrimination may receive compensation from employers who act illegally.

118. The Committee also recommends that legislation be adopted to protect women victims of domestic violence, that specific programmes be put in place to assist such victims and that the perpetrators of such acts be brought to justice.

119. The Committee recommends that comprehensive steps be taken to ensure safety and health in the workplace and that, to this end, increased funding of the labour inspectorate be provided. It further recommends that a framework be developed to encourage and protect workers who report inadequate conditions of work. The Committee also recommends that the State party take steps to accelerate further the development of trade unions by, *inter alia*, removing the practical constraints on the right to freedom of association, to ensure that management is separated from official unions as part of a bargaining unit, and, generally, to enable the unions to function more effectively. Furthermore, it recommends that a comprehensive strategy be developed to combat child labour.

120. The Committee recommends that the State party develop and improve its policy for helping the unemployed to find work and to receive unemployment benefits. In this regard, the State party may wish to call upon ILO for assistance.

121. The Committee recommends that immediate steps be taken to ensure the payment of wages by both the State and private enterprises, and to punish those who have illegally diverted the funds in question for other purposes.

122. The Committee recommends that assistance to those who live in poverty be increased, and that adequate financial resources be made available to them so that they can live in dignity. Similar efforts should be undertaken on behalf of pensioners, many of whom live in serious financial difficulty. The Committee is of the view that greater efforts should be made to target social welfare expenditure to the truly needy sectors of the population.

123. The Committee recommends the adoption of a plan of action for food subsidies for the poor. It encourages the State party to try to resolve problems of legal title to land, the financing of supplies and equipment for farm areas, and transportation to markets as soon as possible to stimulate domestic food production.

124. The Committee is of the view that the question of an acceptable and adequate food supply is also linked to questions relating to a seriously polluted environment and the lack of investment in infrastructure for the maintenance and improvement of the water supply. It recommends that the State party examine these linkages and take appropriate action to clean up the environment and prevent enterprises from engaging in further pollution, especially that which contaminates the food chain. The Committee also recommends that the maintenance and improvement of the water-supply

system be undertaken as a matter of priority. The Committee further recommends that vigorous action be taken against enterprises which have been found to have imported contaminated food.

125. The Committee strongly recommends that the State party take immediate action to improve the health conditions in prisons, especially with regard to the rise in the rate of tuberculosis among prisoners and detainees.

126. The Committee urges the State party to address the eightfold increase in HIV-infection in 1996 as a health question of utmost importance. It recommends that an information campaign which explains the nature of the disease, the modes of transmission, including sexual modes of transmission, and prevention techniques be undertaken in the mass media. It also recommends that the State party adopt laws and take all necessary measures to prevent discrimination against persons who are HIV-positive, so that they may live normal lives.

127. The Committee recommends that funding of hospitals be increased and that medicines and medical attention be made available to those who cannot afford them, given the existing problems already highlighted above.

128. The Committee recommends that efforts to treat drug addiction and to apprehend and punish drug dealers be continued and intensified.

129. The Committee strongly recommends that firmer and more effective measures be adopted to reinforce the educational system, reduce the school drop-out rate and enhance the protection of children against illegal employment and other abuses.

CESCR E/2004/22

443. The Committee considered the fourth periodic report of the Russian Federation on the implementation of the Covenant (E/C.12/4/Add.10) at its 41st to 43rd meetings, held on 17 and 18 November 2003, and made public, at its 56th meeting, held on 28 November, the following concluding observations.

A. Introduction

444. 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 (E.C.12/Q/RUS/2) as well as the additional written information provided during the dialogue.

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

B. Positive aspects

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

447. 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.

448. The Committee welcomes the adoption of the federal Political Parties Act which contains provisions aiming at enhancing women's participation in political life.

449. 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.

450. The Committee welcomes the State party's ratification on 25 March 2003 of ILO Convention No. 182 (1999) 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

451. 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

452. 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.

453. 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 Natural Resource Use (Small Indigenous Minorities of the North, Siberia and the Russian Far East), which provides for the demarcation of indigenous territories and protection of indigenous land rights, has still not been implemented.

454. 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.

455. 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 Meskhetians living in Krasnodar Krai.

456. 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.

457. 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.

458. 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,²⁸ have been removed.

459. 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.

460. 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 (arts. 7 and 11 of the Covenant).

461. The Committee remains concerned about the high incidence of serious accidents in the workplace in the State party.

462. 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.

463. 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.

464. The Committee remains concerned about the inadequate amounts paid in pensions and social benefits, while noting that the problem of arrears has been addressed.

465. 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.

466. 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.

467. 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.

468. 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.

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

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

471. 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.

472. 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.

473. 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.

474. 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.

475. 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.

476. 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.

477. 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.

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

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

E. Suggestions and recommendations

480. 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.

481. 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 of Traditional Natural Resource Use.

482. 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.

483. 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 Meskhetians and members of other ethnic groups who have reportedly been denied registration.

484. 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, freedoms and opportunities for men and women in the Russian Federation currently before the Duma.

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

486. 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.

487. 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 as indicated in the State party's report (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.

488. 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.

489. 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.

490. 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.

491. 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.

492. The Committee urges the State party to ensure that under the new pensions system, introduced by the Federal Law 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 minimum pension levels and to ensuring that social benefits are targeted to the families most in need.

493. 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 combating 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.

494. The Committee calls upon the State party to intensify its efforts to combat domestic violence by enacting specific legislation criminalizing it 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.

495. 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 minimum subsistence level to 28-30 million by 2006.

496. 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.

497. 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.

498. 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.

499. 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.

500. 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.

501. 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.

502. 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.

503. The Committee recommends that the State party intensify its efforts to combat tuberculosis, under the special federal programme on urgent measures to tackle tuberculosis 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.

504. The Committee, in line with its general comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant), 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.

505. 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.

506. 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.

507. The Committee recommends that the State party reinforce its efforts under the federal programme entitled "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) on the right to education (art. 13 of the Covenant) for guidance on how to prepare the information on the right to education in the next report.

508. 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.

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

Notes

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²⁸ [*Official Records of the Economic and Social Council, 1998, Supplement No. 2*] (E/1998/22-E/C.12/1997/10), chap. IV, para. 93.
