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RUSSIAN FEDERATION

April 2002

Country Information & Policy Unit

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1. INTRODUCTION

A. Scope of Document

1.1. This assessment has been produced by the Country Information & Policy Unit of the Immigration & Nationality Directorate, Home Office, from information obtained from a variety of sources.

1.2. The assessment has been prepared for background purposes, for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It concentrates on the issues most commonly raised in asylum claims made in the United Kingdom.

1.3. The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4. It is intended to revise the assessment on a six-monthly basis while the country remains within the top 35 asylum-producing countries in the United Kingdom.

1.5. An electronic copy of the assessment has been made available to the following organisations:

Amnesty International UK

Immigration Advisory Service

Immigration Appellate Authority

Immigration Law Practitioners' Association

Joint Council for the Welfare of Immigrants

JUSTICE

Medical Foundation for the Care of Victims of Torture

Refugee Council

Refugee Legal Centre

UN High Commissioner for Refugees

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2. GEOGRAPHY

A. Location and Climate

2.1. The Russian Federation (until 25 December 1991, the Russian Soviet Federative Socialist Republic of the Soviet Union) is bounded by Norway, Finland, Estonia and Latvia to the north-west and by Belarus and Ukraine to the west. The southern borders of European Russia are with the Black Sea, Georgia, Azerbaijan, the Caspian Sea and Kazakhstan. The Siberian and Far Eastern regions have southern frontiers with the People's Republic of China, Mongolia and the Democratic People's Republic of Korea. The eastern coastline is on the Sea of Japan, the Sea of Okhotsk, the Pacific Ocean and the Barents Sea. The northern coastline is on the Arctic Ocean. The region around Kaliningrad, on the Baltic Sea, became part of the Russian Federation in 1945. It is separated from the rest of the Federation by Lithuania and Belarus.[2]

2.2. The Russian Federation covers a total area of 17,075,400 sq km (6,592,850 sq miles), making it by far the largest country in the world. Its territory consists of 89 federal units, including the cities of Moscow, the capital, and St Petersburg, the old tsarist capital.[1] Given its size, it is not surprising that the climate of Russia is extremely varied, ranging from severe Arctic conditions in northern areas and much of Siberia to generally temperate weather in the south.[2]

B. Population

2.3. The Russians are Eastern Slavs, inhabitants of the huge Eurasian land mass, which is a territory with no great natural frontiers, a fact that has made them throughout history both vulnerable to invaders and themselves inclined to migration and expansion. Many ethnic Russians live beyond the borders of the Russian Federation, forming significant minorities in neighbouring other countries of the former Soviet Union, such as Estonia, Latvia, Belarus, Ukraine and Kazakhstan, in addition to Moldova and the Central Asian countries.[1]

2.4. The estimated total population of the Russian Federation at 1 January 1999 was 146,693,000, making the population density just 8.6 per sq km. The majority of the population lives in European Russia, the population of Siberia and the Far East being only some 32 million in 1989, approximately 22% of the total. At the 1989 census, Russians formed the largest ethnic group in the Federation, accounting for 82.6% of the population. Other major ethnic groups include Tatars

(3.6%), Ukrainians (2.7%) and Chuvash (1.2%). There are also Belarusians, Bashkirs, Mordovans, Mari, Chechens, Kazakhs and Uzbeks.[1]

C. Language and Religion

2.5. The official language is Russian, but a large number of other languages are also used. Religious adherence is varied, with many religions closely connected with particular ethnic groups. Christianity is the major religion, mostly adhered to by ethnic Russians and other Slavs, with the Russian Orthodox Church the largest denomination. The main concentrations of Muslims are among Volga Tatars, Chuvash and Bashkirs, and the peoples of northern Caucasus, including the Chechen, Ingush, Ossetians, Kabardinians and the peoples of Dagestan. Buddhism is the main religion of the Buryats, the Tyvans and the Kalmyks. The large pre-1917 Jewish population has been depleted by war and emigration,[2] but there remain some 400,000 Jews in the Russian Federation.[1]

D. Economy

2.6. During 2001, the economy continued to grow strongly, although at a slower rate than in 2000. The gross domestic product (GDP) figure for 2000 was recalculated to show an 8.3% growth rate, and growth during the year was estimated to be 5%. Industrial production growth was estimated to be 4.9%. GDP was \$224.3 billion for the first 11 months of the year. During the same period, total foreign investment grew by 23% and equaled \$9.7 billion (283 billion rubles). In 2000, inflation reached 20.2% and was estimated at 18.6% at the end of 2001. An increase in domestic demand continued to spur economic growth, partially compensating for a decline in net exports during the first half of 2001.[14a]

2.7. Real income grew during 2001 by 6.5%, compared with 2000. Average wages increased to \$143 (4,294 rubles) per month compared with \$89 (2,492 rubles) per month in 2000. However, approximately 27% of citizens continued to live below the official monthly subsistence level of \$52 (1,574 rubles). Official unemployment was 9% at the end of 2001, down from 10.2% at the end of 2000. Corruption continues to be a negative factor in the development of the economy and commercial relations.[14a]

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3. HISTORY

A. Pre-Twentieth Century Russia

3.1. The Russians' first state was established towards the end of the ninth century, around Kiev (now in Ukraine). Kievan Rus was the forerunner not only of the 'Great' Russians, but also of the Belarusians or 'White Russians' and the Ukrainians or 'Little Russians', and was a slave-holding society, which was officially Christianised in the year 988. The state did not last for long, however, and by the late twelfth century, the early Russians were scattered over a large area in what is now western Russia, Belarus and Ukraine. This disintegration was halted in 1237, when Mongol Tartars invaded from the east and imposed almost 250 years of subjugation on the Russian people. From the late fourteenth century, the Mongol Empire itself began to disintegrate into smaller khanates, and in 1480 a new Russian state finally emerged, when the Muscovite prince, Ivan III, proclaimed complete independence from the Tatars. However, the new state retained many of the features of the Mongol system, including the supremacy of the state over the individual and the principle of universal compulsory service to the state. Over subsequent centuries, Russia's development was marked by almost continuous expansionism and by arguments over whether to follow a Western, European model of civilisation, or to create a peculiarly Russian one, informed more by the country's geographical position on the frontier between Europe and Asia.^[1]

B. The Union of Soviet Socialist Republics (USSR)

3.2. Despite the attempts of Alexander II to introduce liberal reforms, the Empire remained an autocracy until 1905.^[2] Meanwhile, European liberal and revolutionary ideas increasingly threatened the political stability of late nineteenth century Russia, and the last Tsar, Nicholas II, was obliged to introduce elements of parliamentary democracy, with the establishment of a legislative assembly, the Duma, in 1906.^[1] However, this and ensuing attempts at reform failed to placate the increasingly restive workers and peasants.^[2] In 1917, the pressures of defeat in the First World War and growing social and economic chaos in the country at large brought two revolutions. The first, in March, overthrew the Tsar and established a provisional government, which, however, soon found itself sharing power with the new workers' councils, known as soviets. The second, the Bolshevik Revolution on 7 November, brought the Communists to power in the capital (renamed Petrograd in 1914) and, after three years of civil war, throughout most of the territory of the Russian Empire.^[1]

3.3. Led by Vladimir Ulyanov (Lenin) until 1924, the Communists established the Union of Soviet Socialist Republics (USSR) with Moscow as its capital in 1922, in which Russia (the Russian Soviet Federative Socialist Republic or RSFSR) became just one of eventually fifteen national republics, itself containing 31 ethnically defined autonomous republics or regions. In the 1920s, genuine attempts were made to encourage other nationalities to develop their own identities and cultures under local leadership, but under Stalin (Iosif Vissarionovich Dzhugashvili) between 1924 and 1953, the accepted dogma was that the Soviet nations would merge, which most understood to mean the subjugation of other nations by the Russian people.[1]

3.4. Russia, together with the other republics of the USSR experienced considerable hardship under Stalin's collectivisation campaign of the early 1930s and the accompanying widespread repression that came to characterise his brutal dictatorship.[3] Under the Nazi-Soviet Treaty of Non-Aggression in 1939, the USSR annexed the Baltic states as well as other territories, and victory over Germany and Japan in the Second World War led to further territorial gains for Russia. Stalin died in 1953 and was succeeded by Nikita Khrushchev who began a process of cautious liberalisation, released thousands of prisoners, and admitted for the first time that there had been large-scale repressions under Stalin. However, Khrushchev's attempts to reform the Soviet bureaucracy, his erratic plans for economic reform and his conduct of international relations led to his dismissal in 1964. He was replaced by Leonid Brezhnev, who until the Soviet invasion of Afghanistan in 1979, managed to improve relations with the West, which since the late 1940s had been generally characterised by the intense mutual hostility of the Cold War era. Upon his death in 1982, Brezhnev was succeeded by Yuri Andropov, who undertook an anti-corruption campaign and attempted very cautious economic reforms. He was succeeded upon his death, in 1984, by Konstantin Chernenko, a former close ally of Brezhnev, who achieved little before his death in 1985.[2]

3.5. Chernenko's successor as General Secretary was Mikhail Gorbachev, who embarked upon a programme of changes, replacing many leading state and Communist party officials and appointing several reformists to the Politburo.[3] In addition, a policy of *glasnost* (openness) provided for a greater degree of freedom for the mass media and freer discussion of previously censored aspects of Soviet and Russian history, as well as more critical views of contemporary politics. Gorbachev's programme of gradual political and economic reform came to be known as *perestroika* (restructuring). In 1988, Gorbachev announced plans for comprehensive changes to the political system, with the introduction of a two-tier legislature, elected largely by competitive elections. In the subsequent elections to the new USSR Congress of People's Deputies, held in March 1989, many conservative candidates were defeated by reformist politicians, among them Boris Yeltsin, who won an overwhelming victory in the Moscow constituency. In May 1989, the Congress elected Gorbachev to the new post of executive President of the USSR.[2]

3.6. The first stage in the process of achieving Russian sovereignty from all-Union institutions was the election of the RSFSR Congress of People's Deputies in March 1990 by largely free and competitive elections. In May 1990, the Congress elected Yeltsin Chairman of the Supreme Soviet (the permanent working body of the Congress), the highest state post in the RSFSR and a position from which Yeltsin could effectively challenge the authority of Gorbachev and the all-Union institutions which he represented. In June 1990, the Congress adopted a declaration of sovereignty, asserting that the RSFSR was a sovereign republic and that the laws of the RSFSR had primacy over all-Union legislation. In mid-1990, the Russian Communist Party (RCP) was established and the political, cultural and scientific institutions that Russia had lacked began to be established. In June 1991, Yeltsin was elected President of the RSFSR, which gave him the executive power necessary to effect his policies as well as a sufficient popular mandate to challenge the jurisdiction of Gorbachev and the all-Union authorities.[2]

3.7. On 19 August 1991, a self-proclaimed State Committee for the State of Emergency (SCSE), led by the Soviet Vice-President, Gennadii Yanayev, seized power in Moscow, but within three days the attempted coup collapsed. Yeltsin's position was strengthened by his part in bringing about the collapse of the coup, and while the Communist Party of the Soviet Union (CPSU) and RCP were suspended, he asserted control over all-Union bodies, appointing RSFSR ministers to head central institutions. By the end of 1991, the USSR had ceased to exist. On 25 December 1991, Gorbachev resigned as its last President and the Russian Supreme Soviet formally changed the name of the RSFSR to the Russian Federation. Meanwhile, eleven former members of the USSR joined the newly established Commonwealth of Independent States (CIS). [2]

C. The Russian Federation

3.8. During 1992, while Yeltsin accelerated his economic reform programme, there were increasing threats of conflict between the executive and the legislature, and his position remained precarious. By the beginning of May 1993, anti-Yeltsin demonstrations in Moscow by neo-Communist and nationalist groups had degenerated into violent clashes. Aleksandr Rutskoi, Vice-President of the Russian Federation, denounced corruption in Yeltsin's administration and amidst arguments over proposals to amend the Constitution, Yeltsin divested Rutskoi of his official responsibilities. By September 1993, the situation had deteriorated to a point where Yeltsin suspended the Congress of People's Deputies and the Supreme Soviet on the grounds that they were obstructing both economic and constitutional reform. He also announced elections to a new bicameral Federal Assembly as envisaged in his draft Constitution. [2]

3.9. The Supreme Soviet responded by appointing Rutskoi as President in Yeltsin's place and this was ratified by the Congress of People's Deputies, which also voted to impeach Yeltsin. On 27 September 1993, Rutskoi and his supporters became besieged in the parliament building, while Yeltsin declared a state of emergency. On 4 October, tanks opened fire on the parliament building, forcing the surrender of the rebels, whose leaders were imprisoned and subsequently charged with inciting mass disorder. Meanwhile, Yeltsin announced that presidential elections, provisionally scheduled for mid-1994, would not take place and that he would fulfil his mandate until June 1996. In December 1993, the revised Constitution, increasing presidential power at the expense of the Federal Assembly, was endorsed by referendum held concurrently with elections to the Federal Assembly. No single party or bloc won a decisive majority of seats in the Duma. [2]

3.10. In November 1994, the Russian Security Council agreed to intervene militarily in the separatist republic of Chechnya, which, in November 1991, had declared its independence from Russia. In December 1994, Russian troops were sent in to Chechnya to introduce "constitutional rule". The conflict continued with varied intensity until negotiations achieved a ceasefire and Russian withdrawal in August 1996. However, despite the official cessation of hostilities in Chechnya, atrocities, including abductions and murders, continued and the political status of Chechnya remained unresolved. [2]

3.11. During 1994 and 1995, amidst continuing economic problems, the Chechen crisis, and a growing crime rate, it became clear that Yeltsin had serious health problems. This further undermined his position and in elections to the Duma in December 1995 the Communist Party emerged as the largest single party. However, Yeltsin proceeded to win the presidential elections, emerging from the second round in July 1996 with 54% of the votes cast. However, political infighting, economic problems, persistent speculation over the health of Yeltsin, and a series of financial scandals during 1997 all threatened to undermine the credibility of the government. [2] During 1998, Yeltsin dismissed the government

twice, first in March and then again in August. On the first occasion, widely interpreted as an attempt to reassert his authority, he replaced Prime Minister Viktor Chernomyrdin with Sergei Kiriyenko, who was then dismissed in August amidst financial crisis. Then Yeltsin again appointed Chernomyrdin as acting Prime Minister, but was unable to secure parliamentary approval. Eventually, in September 1998, Foreign Minister, Yevgenii Primakov was appointed as a compromise Prime Minister.[1]

3.12. In August 1999, Vladimir Putin was appointed Prime Minister.[2] Subsequently, a total of 26 parties and blocs contested the Duma elections on 19 December 1999.[32] On 31 December 1999, Yeltsin unexpectedly resigned as President and Putin became acting President until elections in March 2000, which saw him confirmed in the position with 53% of the vote. While the conflict in Chechnya continued, in April the Parliamentary Assembly of the Council of Europe voted to suspend Russia's membership unless progress were made towards ending human rights abuses there. In May 2000, Putin was inaugurated as President and formed a government headed by the former First Deputy Prime Minister, Mikhail Kasyanov.[1]

3.13. These changes took place in the context of renewed conflict in Chechnya. A 1997 accord had established an uneasy peace there, but in early August 1999 the status quo was broken when Chechen-backed Islamist guerrillas carried out an insurgent raid on neighbouring Dagestan. They withdrew after Russian troops were dispatched to the region, but there were renewed incursions and fighting in September 1999. Subsequent fatal terrorist bombings throughout Russia, allegedly the work of Chechens, led the government to launch a full-scale attack on Chechnya, in an attempt to reassert federal control there. This began in September 1999 and resulted in heavy casualties on both sides and the displacement of a large proportion of the Chechen population. In early February 2000, Putin announced victory when federal troops recaptured the Chechen capital, Grozny, but the rebels claimed that their withdrawal from the capital had been tactical and warned of a long guerrilla war.[2] This continued in the mountainous south of the republic, where Chechen guerrilla tactics met with some success, forcing Russian officials to admit that military control in parts of the republic was much weaker than officially acknowledged.[1]

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4. STATE STRUCTURES

A. Constitution

4.1. The current Constitution of the Russian Federation came into force on 12 December 1993, following its approval by the majority of participants in a nationwide plebiscite. It replaced the Constitution originally passed on 12 April 1978 but amended many times after 1990. The new Constitution declares that the Russian Federation (Russia) is a democratic, federative, law-based state, with a republican form of government. State power in the Russian Federation is divided between the legislative, executive and judicial branches, which are independent of one another. Ideological pluralism and a multi-party political system are recognised.[2]

4.2. The Constitution also states that the basic human rights and freedoms of the Russian citizen are guaranteed, regardless of sex, race, nationality or religion. It declares the right to life and to freedom and personal inviolability. The principles of freedom of movement, expression and conscience are upheld. Censorship is prohibited. Citizens are guaranteed the right to vote and stand in state and local elections and to participate in referendums. Individuals are to have equal access to state employment, and the establishment of trade unions and public associations is permitted. The Constitution commits the state to protection of motherhood and childhood and to granting social security, state pensions and social benefits. Each person has the right to housing. Health care and education are free of charge. Basic general education is compulsory. Citizens are guaranteed the right to receive qualified legal assistance. Payment of statutory taxes and levies is obligatory, as is military service.[2]

B. Political System

4.3. The 1993 Constitution established a governmental structure with a strong head of state (president), a government headed by a prime minister, and a bicameral legislature (Federal Assembly), consisting of the State Duma (lower house) and the Federation Council (upper house). The Duma has a strong pro-presidential centre that puts a majority within reach of almost all presidential priorities. Nonetheless, the Duma remains an independent institution representing powerful interests and individuals. The Constitution provides citizens with the right to change their government, and citizens exercise this right in practice. Both the President (in March 2000) and the Duma (in December 1999) were selected in competitive elections, with a broad range of political

parties and movements contesting offices. Both elections were judged by international observers to be largely free and fair, although pre-election manipulation of the media was a problem in both cases. President Vladimir Putin was elected in March 2000, and Prime Minister Mikhail Kasyanov took office in May 2000. Competitive elections for various regional and local offices were held during 2001, and observers generally viewed these elections as free and fair. [14a]

4.4. Of the 21 regions that have drawn up their own Constitutions, 19 infringe the Federal Constitution.[26] Conflicts between federal and local laws can have far reaching consequences for the functioning of the rule of law,[7] including the application and respect of principles embodied in international instruments ratified by Russia, for two main reasons. First, because those regions which are in a position of political and/or economical strength vis-à-vis the central government, do not always feel obliged to comply with the federal law, even in instances when the Constitutional Court expressly declares regional laws and rules unconstitutional. Secondly, the functioning of the principle of dual subordination of local governments' civil servants, which requires that the latter be under the hierarchical authority of both their federal ministry and the local executive, tends to give predominance to the local bodies. It results that civil servants from local law enforcement agencies will in practice apply local normative acts, even if those are in violation of federal laws.[13c]

4.5. President Putin has sought to reassert the control of the centre over Russia's unruly regions, which include 21 ethnically-based republics.[8a] In 2001, he divided Russia's 89 constituent regions and republics into seven federal districts, each with a presidential representative, whose task is to co-ordinate federal and regional laws and restore a measure of central control over issues such as policing and taxation.[1]

C. Judiciary

4.6. The Constitution provides for an independent judiciary, but while it is undergoing reforms and there are signs of limited independence, the judiciary does not yet act as an effective counterweight to other branches of government. The judiciary is divided into three branches: the courts of general jurisdiction, subordinated to the Supreme Court; the arbitration court system, under the High Court of Arbitration; and the Constitutional Court. Over 90% of all civil and criminal cases are heard by the municipal courts, the lowest level of the general jurisdiction courts. The Constitution provides for the right to a fair trial, but this right is restricted in practice. Jury trials have been introduced in only nine of the 89 regions and, where they have not been introduced criminal procedures are weighted heavily in favour of the procurator.[14a]

4.7. Judges remain subject to influence from the executive, military and security forces, especially in high profile or political cases. The judiciary also lacks resources and is subject to corruption. Low salaries and scant prestige make it difficult to attract talented new judges and contribute to the vulnerability of existing judges to bribery and corruption. Judges frequently return poorly developed cases to the procurator's office for further investigation rather than dismiss them and offend powerful procurators, who have the power to review all such decisions themselves. Furthermore, the Independent Council of Legal Expertise has reported that defence lawyers are increasingly the targets of police harassment, including beatings and arrests. Professional associations at both the local and federal levels report abuses throughout the country and charge that police are trying both to intimidate defence lawyers and to cover up their own criminal activities.[14a]

4.8. The new Criminal Procedure Code, passed by the legislature in March 2001

and which is scheduled to be phased in between 2002 and 2004, provides for the strengthening of the role of the judiciary in relation to the Procuracy by requiring judicial approval of arrest warrants, searches, seizures, and detention. Moreover, the new Law on the Status of Judges, approved in December 2001, strives to eliminate subjectivity in the selection of judges, to facilitate access to the judicial profession by minimising corruption in the appointment process, and to improve the accountability of judges by subjecting them to disciplinary and administrative liability and by introducing age limits. In addition, judicial training was mandated and strengthened during 2001.[14a]

D. Military Service

4.9. Since the dissolution of the Soviet Union, with its armed forces of more than 4 million, the Russian army has been reduced[10e] to about 1.2 million persons. [15] Persons subjected to the draft can be divided into two groups: draftees and reservists. All draftees, after six months of serving in the army, can be sent to areas of armed conflict. Reservists consist of reservist officers (those who have completed the military academy) and reservist soldiers (those who have completed their military service). A presidential decree, adopted on 10 April 2000, provides for the possibility of mobilising 15,000 reservist officers, who are currently on the reserve list; another, adopted on 27 January 2000, provides for the possibility of mobilising reservist soldiers for two months of military training, before sending them to areas of armed conflict. The age limit for reservists to be mobilised to serve in areas of armed conflict is 50 years.[13c] Meanwhile, military service is compulsory for male citizens of between 18 and 27 years of age and lasts for two years, one year in the case of university and college graduates. Certain categories of women, for example the medically qualified, are also liable for military service, although in practice there have been no cases of women being called up. Postponement may be allowed for students, and exemption for medical or domestic reasons. Those with criminal records, members of the police or security forces, individuals working abroad, university or college graduates working for the state or graduate programmes, and teachers or doctors working in small villages may also be granted exemption. The armed forces have difficulty in getting the requisite number of recruits. Only about 20% of liable conscripts are actually enlisted, while the remaining 80% are granted either postponement or exemption, or else have not responded to call-up.[15]

4.10. While the Constitution provides for the right to alternative civilian service, the government has not yet passed enabling legislation or amended the Criminal Code to make alternative service possible, and young men continue to risk imprisonment for refusing military service on conscientious grounds.[10e] Although some regional authorities have attempted to introduce alternative service programmes, the national legislation necessary to implement the constitutional right to alternative service has yet to be passed by the Duma.[14a] It is estimated that 1,500 requests for alternative service are made annually.[10b] Even though there is no legal system in place regarding alternative service, there have been instances where cases have been brought to court invoking the Constitution. However, while some have been accepted, the majority have lost their cases, and been convicted and sentenced to up to seven years' imprisonment. There is a constitutional provision for exemption from military service on religious grounds,[5b] although a member of a religious group not legally recognised may not benefit from that provision.[5a] There are believed to be thousands of conscripts who are unaware of their constitutional right to conscientious objection.[15]

4.11. Draft evasion is widespread and punishable by one to three years' imprisonment, five years in aggravated circumstances.[15] Sources suggest that there are around 20 grounds for legal deferment, which result in high numbers of potential recruits delaying conscription.[10e] Many families, fearful of brutality in

the ranks, pay huge illegal bribes to avoid conscription of their sons, sometimes paying for forged medical certificates alleging fatal or incapacitating diseases, while other potential conscripts resort to self-injury. Such desperation is encouraged by the army's notorious reputation for bullying, including torture and rape, particularly of new conscripts.[22]

4.12. Military desertion is punishable by three to seven years' imprisonment, five to seven years or execution in wartime. Like draft evasion, military desertion is widespread and can be attributed to bad conditions and human rights abuses in the armed forces, as well as to a fear of being sent to conflict zones such as Chechnya. Refusing to bear arms in combat or quitting from the battlefield without permission is punishable by fifteen years' imprisonment or execution.[15] The Criminal Code also criminalises acts such as "incitement for desertion from military service and providing refuge to a deserter," punishable by up to five years' imprisonment.[5b] Estimates indicate that there are as many as 1,500 deserters in Moscow alone, while the Soldiers' Mothers Committee says there are 12,000 nationwide.[13c] During the conflict in Chechnya between 1994 and 1996, many conscripts deserted their units, sometimes on conscientious grounds, and went into hiding either to avoid further participation in the fighting or to avoid being sent to Chechnya. At that time, there were reports of mass extrajudicial executions of groups of deserters by the Russian military authorities.[5b]

4.13. On 12 March 1997, the Duma declared an amnesty for all those who committed "socially dangerous acts connected with the Chechen conflict", which was said to apply to Russian soldiers who deserted or those who evaded conscription during the conflict, before 24 June 1998, and who gave themselves up no later than six months after that date.[13c] However, the amnesty excluded persons charged with treason, espionage and terrorism, which raised concern over the position of servicemen who evaded or deserted military service during the conflict.[5b] More recently, on 13 December 1999, the Duma adopted a further amnesty for those who committed criminal offences on the territories of Chechnya, Ingushetia, North Ossetia-Alania and the Stavropol Region, during the period of 1 August 1999 until 16 December 1999, and for those who stopped armed resistance and voluntarily delivered arms. The amnesty is not applicable to foreigners, stateless persons, those who have been recognised as extremely dangerous recidivists and those who are accused of dangerous crimes such as murder, severe injury, kidnapping, rape, robbery, terrorism, or theft of weapons. However, in spite of the declaration of the amnesty, the Soldiers' Mothers Committee claims that many Russian soldiers released in Chechnya are still being held in Russia under criminal investigation for desertion, and that some are being detained in their military units on charges of desertion.[13c]

4.14. Various abuses against military servicemen continued during 2001. Such abuses include the practice of "dedovshchina," which involves the violent, sometimes fatal, bullying of new junior military recruits, and often the extortion of money or material goods in the face of the threat of increased bullying or actual beatings. This type of treatment has resulted in permanent injuries and deaths among servicemen, and soldiers are reluctant to report bullying to officers due to fear of reprisals, since officers sometimes tolerate or even encourage such behaviour as a means of controlling their units. There are reports that officers sometimes use beatings to discipline soldiers whom they judge to be inattentive to their duties, in addition to numerous reports of other physical violence and humiliation of junior conscripts. Other reported abuses of armed forces personnel include the practice by officers and sergeants of "selling" soldiers to others for slave labour or to other officers who have a military need for personnel, often linked to units in the northern Caucasus military district. Meanwhile, degrading and substandard living conditions persist throughout the military.[14a]

4.15. In 2001, there were reports of several "round-ups" of conscript age males in Moscow, the northern Caucasus, and other regions. During such round-ups, at metro stations, or on the street, military officials stopped young males suspected

of being subject to conscription and forcibly escorted them to the local military commissariat ("voyenkomat") for induction into the military. According to the non-governmental Union of Soldiers' Mothers Committee, the responsible military officials did not follow applicable regulations and included youths with valid student or medical exemptions in the round-ups, denying them the opportunity to notify their parents, a lawyer, or human rights advocates.[14a]

4.16. One positive factor is that the Main Military Procurator's Office continues to co-operate with the Union of Soldiers' Mothers Committee to investigate allegations of abuse,[10c] and has established telephone and postal "hotlines" to receive reports directly from soldiers. However, the Union of Soldiers' Mothers Committee believes that the majority of abuses are not reported due to fear of reprisals, indifference of commanders, and deliberate efforts to cover up such activity. Meanwhile, the military leadership has made only superficial efforts to implement substantive reforms in training, education, and administration programmes within units to combat abuse, at least partly due to lack of funding and the leadership's preoccupation with urgent re-organisational issues and the conflict in Chechnya. Existing laws on military courts, military service, and the rights of service members often contradict the Constitution, federal laws, and presidential decrees, raising arbitrary judgments of unit commanders over the rule of law.[14a] However, President Putin, while admitting the prevalence of serious shortcomings in the armed forces, has made it clear since becoming president that far-reaching military reform is one of his priorities.[25]

E. Internal Security

4.17. The Ministry of Internal Affairs (MVD), the Federal Security Service (FSB), the Procuracy, and the Federal Tax Police are responsible for law enforcement at all levels of government throughout the Russian Federation. The FSB has broad law enforcement functions, including fighting crime and corruption, in addition to its core responsibilities of security, counter-intelligence and counter-terrorism. The FSB operates with only limited oversight by the Procuracy and the courts. The military's primary mission is national defence, although it has been employed in local conflicts and is available to control civil disturbances. Internal security threats in parts of the Russian Federation have increasingly been dealt with by militarised elements of the security services.[14a]

4.18. Since the demise of the Soviet system, the northern Caucasus has emerged as the most volatile region of the Russian Federation. The area is rife with territorial and border disputes involving many of the more than sixty distinct national, ethnic and religious groups. The Caucasus has experienced some major conflicts, creating more than two million refugees and internally displaced persons. While most of the conflicts are relatively quiescent, none of them appears close to finding a lasting solution.[13c]

4.19. Members of the security forces, particularly within the internal affairs apparatus, are responsible for numerous and serious human rights abuses. Arbitrary arrest and detention, and police corruption remain particular problems. Government agencies, such as the Ministry of Internal Affairs, have begun to educate officers about safeguarding human rights during law enforcement activities through training provided by foreign governments, but the security forces remain largely unreformed. The government has prosecuted some perpetrators of abuses, but many officials are not held accountable for their actions.[14a]

F. Legal Rights/Detention

4.20. There are credible reports that police throughout the country detain people without observing mandated procedures, and fail to issue proper arrest warrants or receipts for confiscated property. This is especially true for people from the Caucasus. Furthermore, reports indicate the use of physical abuse by officers during such arrests. Police are also reported to plant drugs and other false evidence as pretexts for arrests, and to arrest and detain people based on their political views and religious beliefs.[14a]

4.21. According to the Constitution, arrests, police detention, and searches require judicial approval, but the Constitution also states that until the Criminal Procedure Code is brought into conformity with the Constitution, existing legislation, which provides for the Procuracy rather than courts to approve arrests and searches, remains in effect. In the absence of measures to implement the procedural safeguards contained in the Constitution, suspects are often subjected to uneven and arbitrary treatment by officials acting under the Criminal Procedure Code and presidential decrees. Procurators are able to issue orders of detention without judicial approval and police detain suspects for up to 48 hours without a warrant. There have also been credible reports that persons have been detained far in excess of the permissible periods for administrative offences, in some cases so that police officials can extort money from friends or relatives. The practice of detaining individuals arbitrarily for varying periods of time, both within and in excess of permissible periods, is common, and often resolved only with bribes. Some authorities have taken advantage of the system's procedural weaknesses to arrest people on false pretexts for expressing views critical of the government.[14a]

4.22. Lengthy pre-trial detention remains a serious problem. There are reports that terms of pre-trial detention can be extended to three years, with the average ranging from seven to ten months. In some extreme cases, detention periods can be extended to five years, due to financial difficulties and poor investigative and court work. Extensions of the investigation period are often issued without explanation to the detainee and, until the investigation is completed, the suspect is under the jurisdiction of the procurator's office, the Ministry of Justice and the Ministry of Internal Affairs. There is no procedure for a suspect to plead guilty during the investigative period, although if a suspect informs the investigator that he is guilty, the period of the investigation is usually shorter than if he maintains his innocence. Suspects frequently fear exercising their rights to request judicial review of their detention out of fear of angering the investigating officer.[14a]

4.23. Despite a *de facto* moratorium on the death penalty, there were no steps taken during 2000 to abolish the death penalty in law. There were several calls by senior officials for the lifting of the *de facto* moratorium on the death penalty. In September 2000, some sixty deputies of the Duma appealed to the President to lift the moratorium on the grounds of rising crime throughout Russia, the series of apartment bombings in 1999 and a number of contract killings.[5a]

G. Prisons

4.24. Prison conditions remain extremely harsh and frequently life threatening, and the authorities frequently employ physical abuse and torture to coerce confessions. Prisons also remain extremely overcrowded. By September 2001, there was a prison population of 991,156 people. Prisoners often suffer from inadequate medical care. There are reported to be approximately 86,000 tuberculosis-infected and 21,576 HIV-infected prisoners. Public health measures, funded by international aid and the doubling of government resources for the prison system's medical budget, have effected a limited reversal of the spread of tuberculosis but have not contained the spread of HIV. Prisoners with HIV/AIDS are not housed in separate facilities because of space shortages.[14a]

4.25. There are five basic forms of custody in the criminal justice system: SIZOs hold those awaiting the completion of criminal investigation, trial, sentencing or appeal. Correctional labour colonies (ITKs) hold the bulk of convicts. "Prisons" are penitentiary institutions for those who repeatedly violate the rules in effect in the ITKs. Educational labour colonies for juveniles (VTKs) are prisons for juveniles of 14 to 20 years of age, where conditions are significantly better than in ITKs, but where torture, beatings and rape still occur. Finally, there are the police detention centres, where conditions vary considerably but are generally harsh. In most cases, detainees lack bedding, places to sleep, running water, toilets, showers, and adequate nutrition. Between 10,000 and 11,000 detainees and prisoners are believed to die each year in penitentiary facilities. Some die due to beatings, but most as a result of overcrowding, poor sanitary conditions, or lack of medical care. Violence among inmates, including beatings and rape, is common.[14a]

H. Medical Services

4.26. The Russian Federation provides a basic health service for all its citizens. All health care was formerly financed directly by the state, but in 1993 a health insurance scheme, the Medical Insurance Fund, was introduced, with payment by employers rather than by the state. In 1998, there were 4.7 physicians and 11.8 hospital beds per 1,000 people. Difficulties experienced by the health care system have been reflected in a serious deterioration in the health of the population. The reasons cited for this include unsatisfactory environmental conditions, a decline in immunity, a shortage of vitamins and medicines, and insufficient inoculations. Meanwhile, average life expectancy for males decreased from 64 years in 1990[2] to 58 years in 1999, and the ongoing decline of Russia's population figures, which have fallen by two million in the past decade, has caused alarm. Factors contributing to this decline include high rates of suicide, alcoholism, abortion and infant mortality. Russia has one of the highest abortion rates in the world, with 66 for every 100 pregnancies.[21]

I. Educational System

4.27. All educational institutions were state-owned under Soviet rule, but a wide range of private schools and colleges were introduced in the early 1990s. Education is compulsory for nine years, between the ages of six and fifteen years. State education is generally provided free of charge, although in 1992 some higher education establishments began charging tuition fees. Students in higher education receive a small stipend from the state. The level of education is relatively high; adult illiteracy averaged only 0.6% of the population in 2000.[1] Boys and girls are treated equally in the school system. While federal law provides for education for all children in the country, regional authorities frequently deny school access to the children of unregistered persons, asylum seekers and migrants, because they lack residential registration.[14a]

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Asylum In The UK

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5A. HUMAN RIGHTS ISSUES

A. Overview

5.1. While the human rights situation in Russia has improved significantly since the dissolution of the Soviet Union, some concerns remain.[8a] During 2001, long-standing problems of police torture, appalling prison conditions, and significant restrictions on freedom of the media, religion and movement continued,[14a] together with other serious abuses in Chechnya.[9a] As a result of the geographical scale of the country and the cultural, economic, social and political differences existing within the Russian Federation, as well as the conflicts often still existing between federal and regional laws, it is difficult to identify clear categories of people who are more likely than others to be at risk of harassment or persecution, particularly as the situation may vary quite substantially from one region to another.[13c]

5.2. Citizens can file appeals to the European Court of Human Rights (ECHR) in Strasbourg about alleged human rights violations that occurred after 5 May 1998. Complainants no longer need to exhaust all appeals in Russian courts before they can turn to the European Court. By October 2001, the ECHR had received more than 7,000 complaints from Russia, including dozens from Chechnya. However, many applications were rejected at the first stage of proceedings as being clearly incompatible with the formal requirements of the European Convention. Some cases were put on the Court's calendar for fuller consideration, but because of the extreme complexity of the procedure, and because the government has failed to reply expeditiously or at all to the initial complaints accepted by the ECHR, no cases have yet been heard on their merits. Meanwhile, government human rights institutions lack independence, but some of them make efforts to promote human rights. The Office of the Russian Federation Human Rights Ombudsman, headed by Ombudsman Oleg Mironov, comments on a broad range on human rights issues. Mironov's office has more than 150 employees and has several specialised sections responsible for investigating complaints of human rights abuses, including a section on religious freedom and a section on human rights education. In addition, many domestic and international human rights groups operate freely, although some have experienced harassment from local officials. Many domestic and international non-governmental organisations (NGOs) continue their work in Chechnya despite the threats posed by the ongoing military conflict. Within Chechnya, some international NGOs maintain small branch offices staffed by local employees, but all international NGOs have their bases outside of Chechnya.[14a]

5.3. While the Constitution prohibits torture, violence, and other brutal or humiliating treatment or punishment, there are credible reports that law enforcement personnel regularly use torture to coerce confessions from suspects and that the government does not hold most of them accountable for

these actions. Human rights groups describe the practice of torture as widespread and have documented numerous cases in which law enforcement and correctional officials tortured and beat detainees and suspects.[14a] In a 1997 report, Amnesty International refers to several methods of torture used by law enforcement officials, either to gain confessions or simply to control or abuse prisoners.[5c] Methods include beatings, asphyxiation using gas masks or bags, electric shocks and suspension by the wrists.[14a] Amnesty International also refers to the "press-camera" method, whereby violent prisoners are co-opted by guards and used to control or punish other prisoners. The co-opted prisoners are permitted to torture prisoners (sometimes to gain confessions) or deal with "difficult" prisoners. Another method of torture used is known as the "crucifixion of Christ" and involves the victim being secured in a spread-eagle position to either a metal cot or prison bars, to which powerful electric shocks are applied.[5c] Allegations of torture are difficult to substantiate because of lack of access by medical professionals and because the techniques used often leave few or no permanent physical traces. Torture is not defined in the law or the Criminal Code, and is only mentioned in the Constitution. As a result, it is difficult to charge the perpetrators, and police may only be accused of exceeding granted authority.[14a]

B. Chechnya

5.4. In response to international criticism of the human rights situation in Chechnya, where the conflict between government forces and separatist elements has continued since September 1999, several government organisations were established to examine alleged human rights violations there. The office of Vladimir Kalamonov, the Special Presidential Representative for Human Rights in Chechnya, was set up in February 2000, but has a limited mandate. Meanwhile, the government has not complied with the resolution of the UN Commission on Human Rights, calling for a broad-based, independent commission of inquiry to investigate alleged human rights violations and breaches of international humanitarian law in Chechnya.[14a]

5.5. There have been credible reports of serious violations by Russia's forces in Chechnya, including extrajudicial killings, arbitrary detention, torture, rape, looting and extortion. They have also been accused of indiscriminate force in areas of significant civilian populations, resulting in numerous deaths, the displacement of hundreds of thousands of people and massive destruction of housing, commercial and administrative buildings, as well as the breakdown of gas and water supply facilities and other types of infrastructure. Representatives of international organisations and NGOs who visited Chechnya have reported little evidence of federal assistance for rebuilding war-torn areas. Meanwhile, only a fraction of reported abuses have been investigated.[14a]

5.6. There are also credible reports of Chechen rebels torturing and killing captured Russian troops, killing civilians and officials loyal to the federal government as well as those who would not assist them, using civilians as human shields, forcing civilians to build fortifications, preventing civilians from fleeing Chechnya, provoking Russian counterattacks on civilian areas, and beating or firing on villagers when they protested. Some rebel commanders are believed to have resorted to drug smuggling, kidnapping and ransom to raise funds. As a result, it is often difficult to make a distinction between rebel units and simple criminal gangs. Kidnapping is frequently used by criminal groups in the northern Caucasus, some of which may have links to elements of the separatist forces. The main motivation appears to be ransom, although some cases have political or religious overtones. Many of the hostages are being held in Chechnya or Dagestan, and some, including religious figures, have been killed. There have also been reports of government involvement in politically motivated disappearances in Chechnya. In September 2001, Kalamonov's office stated that it had received complaints of 959 disappearances.[14a]

C. Freedom of Speech and the Media

5.7. The Constitution provides for freedom of speech and of the press, and numerous national and regional media reflect a multitude of opinions. However, government pressure on the media persists and in some respects has increased significantly, resulting in numerous infringements of these rights. The government has exerted pressure on journalists, particularly those who reported on corruption or criticised officials, by: selectively denying journalists access to information and filming opportunities; demanding the right to approve certain stories prior to publication; prohibiting the tape recording of public trials and hearings; withholding financial support from government media operations that exercised independent editorial judgment; attempting to influence the appointment of senior editors at regional and local newspapers and broadcast media organisations; removing reporters from their jobs; bringing libel suits against journalists; and intimidating and harassing journalists. An estimated several hundred lawsuits and other legal actions were brought by the government against journalists and journalistic organisations during 2001, the majority of them in response to unfavourable coverage of government policy or operations, and the high government success rate in such cases reinforced the tendency among journalists towards self-censorship. Not infrequently, journalists, in particular those who pursued investigative stories on corruption and organised crime, have been attacked physically and even murdered.[14a]

5.8. Faced with continuing financial difficulties and increased pressure from the government and large, private companies with reported links to the government, many media organisations saw their autonomy weaken during 2001. The financial dependence of most major media organisations on the government, or one or more of several major financial-industrial groups, continues to undermine editorial independence and journalistic integrity in both the print and broadcast media. In key respects, private media organisations across the country also remain dependent on the government.[14a]

D. Freedom of Assembly and Association

5.9. The government generally respects freedom of assembly, although at times this right is restricted at the local level. Organisations must obtain permits in order to hold public meetings, and the application process must begin between five and ten days before the scheduled event. Permits to demonstrate have been readily granted to both opponents and supporters of the government, although some groups have been either denied permission to assemble, or once Ministry of Justice officials issued permission, local officials have withdrawn it. In general, however, citizens have freely and actively protested government decisions and actions. The Constitution also provides for freedom of association and the government generally respects this right in practice. Public organisations must register their bylaws and the names of their leaders with the Ministry of Justice.[14a]

E. Freedom of Religion

5.10. The Constitution provides for freedom of religion,[6] the equality of all religions before the law and the separation of church and state, but in practice the government does not always respect the provision for equality of religions, and local authorities have imposed restrictions on some groups. The 1997 Law on Freedom of Conscience targeted so-called totalitarian sects or dangerous religious cults and required all religious organisations previously registered

under the 1990 law to reregister by the end of 2000 or face liquidation. Among the law's most controversial provisions are those that limit the rights, activities, and status of religious "groups" existing in the country for less than 15 years and that require that religious groups exist for 15 years before they can qualify for "organisation" status. Groups that did not manage to register under the 1990 law or groups that are new to the country remained severely hindered in their ability to practice their faith, although for those that were registered before the passage of the 1997 law, the situation was somewhat better. A November 1999 Constitutional Court ruling effectively "grandfathered in" a number of religious organisations that were registered at the time the 1997 law was passed but could not prove 15 years of operation in Russia.[14a]

5.11. In May 2001, the Ministry of Justice reported that approximately 18,130 organisations had either reregistered or registered anew, while approximately 2,095 were subject to liquidation.[14b] The Ministry reported that 87% of organisations registered under the previous law reregistered successfully. There were reports that by May 2001 almost 100 organisations had been liquidated, but, according to the Ministry of Justice, most of these organisations were defunct, existing on paper only. However, religious minority denominations and NGOs reported that a number of these groups were active and were liquidated despite repeated attempts to reregister; some of these cases are being challenged in court.[14a]

5.12. Implementation of the 1997 religion law has varied widely in the regions, depending on the attitude of local offices of the Ministry of Justice whose offices are responsible for registering new organisations, reregistering existing organisations, liquidating those religious organisations that do not manage to reregister, and banning groups deemed a threat to society. In some areas, such as Moscow, local authorities have prevented minority religious denominations like the Jehovah's Witnesses and the Salvation Army from reregistering as local religious organisations, subjecting them to campaigns of legal harassment. In some cases, religious organisations successfully enlisted the assistance of the judiciary to overcome bureaucratic resistance to their reregistration. Contradictions between federal and local law in some regions and varying interpretations of the law furnish regional officials with pretexts to restrict the activities of religious minorities. Discriminatory practices at the local level are attributable to the relatively greater susceptibility of local governments to lobbying by majority religions, as well as to discriminatory attitudes that are widely held in society. During 2001, the government was more active in preventing or reversing discriminatory actions taken at the local level, by more actively disseminating information to the regions and, when necessary, reprimanding the officials at fault. President Putin also has sought stricter and more consistent application of federal laws in the many regions of the country. Working through the Procuracy, the Ministry of Justice, the Presidential Administration, and the courts, the government has persuaded the regions to bring their laws into conformance with federal laws and with the Constitution. [14a]

5.13. Several groups continue to face discrimination in their ability to rent premises and conduct group activities. There are reports that some local governments have prevented religious groups from using venues such as cinemas, suitable for large gatherings. As a result, in some instances denominations that do not have their own property have effectively been denied the opportunity to practise their faith in large groups.[14a] The denial of access to buildings has been cited as the most widespread violation of religious freedom.[6] Property disputes are among the most frequent complaints cited by religious groups, although some synagogues, churches and mosques have been returned to communities to be used for religious services. Members of individual minority religions continue to encounter prejudice and societal discrimination, and in some cases violence. The authorities usually investigate incidents of vandalism and violence, but arrests of suspects are extremely infrequent and convictions are rarer. In addition, religious figures have been

kidnapped and killed in Chechnya.[14a]

Christianity

5.14. The **Russian Orthodox Church** is the dominant religious denomination in the Russian Federation, with an estimated 75 million adherents.[1] However, the Russian Orthodox Church was not without its own problems during the Soviet era,[3] and, like other Churches in Russia, is seeking to rebuild religious life after years of persecution, totalitarian atheism and indoctrination. Over 200,000 Russian Orthodox priests, monks and nuns were killed in the Communist purges of the 1920s and 1930s. Most of the priests were shot or hanged, while others were crucified on their church doors.[23] Between 1988 and 2001, more than 12,000 churches were established or returned to religious use, and by 2001, there were 128 dioceses, some 19,000 Orthodox communities and 480 monasteries. There were also five theological academies and 26 seminaries. The Church's jurisdiction is challenged by the Russian Orthodox Church Abroad, which was established in 1921 and rejects the hierarchy of the Moscow Patriarchate.[1]

5.15. In its preamble, the 1997 law on religion recognises the "special contribution of Orthodoxy to the history of Russia and to the establishment and development of Russia's spirituality and culture." While the law accords respect to Christianity, Islam, Buddhism, Judaism, and certain other religions, as an inseparable part of the country's historical heritage, Russian Orthodoxy is regarded in conservative nationalist circles as the *de facto* official religion of the country. Many Russians firmly believe that at least nominal adherence to the Russian Orthodox Church is at the heart of what it means to be Russian. However, many religious minority groups have complained of what they believe is a confluence between the Russian Orthodox Church and the state. Public statements by some government officials and anecdotal evidence from religious minority groups suggest that the Russian Orthodox Church in some cases may enjoy a status that approaches official. The Church has entered into a number of agreements with government ministries that have raised the question of favoritism. For example, the Russian Orthodox Church has made special arrangements with government agencies to conduct religious education and to provide spiritual counseling.[14a]

5.16. Although the Russian Orthodox Church is the dominant church in Russia, there are several independent Orthodox Churches. The **Old Believers** broke away from the Russian Orthodox Church in the late seventeenth century, in protest against the changes to the liturgy. Some Old Believers have an ordained priesthood, while others function without clergy. Despite concessions made to the Old Believers by Tsar Peter III, they suffered persecution from both the Tsarist and Communist authorities. They are thought to number several million. The **Church of True Orthodox Believers (or Catacomb Church)**, which rejected the Russian Orthodox Church's accommodation with the Soviet authorities, was driven underground in 1927. After religious restrictions were eased in the early 1990s, it surfaced and was formally registered as a Church in February 1996. Another influential Orthodox community is the **Free Orthodox Church**, whose headquarters are in Suzdal and whose spiritual leader is Archbishop Valentin. Like those of the Church of True Orthodox Believers, the members of the Free Orthodox Church are few in number, but active.[8b]

5.17. There are an estimated 300,000 **Roman Catholics** in European Russia and a further 1,050,200 in Siberia.[1] During the Soviet era, most of the millions of Roman Catholics were to be found in the Baltic states and Ukraine.[8b] Between 1917 and the late 1930s, the Catholic Church in Russia lost around 1,000 priests and most of its 614 churches. In European Russia, there are now 80 priests serving 86 parishes, and there are 18 churches and 21 small chapels currently available to the Catholic community for worship. In Asian Russia, there are 67 priests serving 80 registered parishes.[23] The Vatican has recently established new dioceses in the country, including Moscow and Novosibirsk,

where there had never before been Roman Catholic bishops.[8b] However, Roman Catholic religious workers have experienced problems in obtaining desired residency permits and visas; foreign Catholic religious workers who are assigned full-time to parishes in Russia must go abroad once a year in order to renew their visas.[14a] They have also faced sharp rent increases on land where they once owned churches that were confiscated and in certain cases demolished by the Soviet regime.[6]

5.18. During the Communist era, the **All-Union Council of Evangelical Christians/Baptists** was officially registered and recognised. A parallel group, the **Council of the Evangelical Christian/Baptist Churches**, founded in 1965, functioned underground. Other Protestants traditionally resident in Russia were **Lutherans, Mennonites and Seventh Day Adventists**. In June 1995, members of the German Lutheran Community in Perm, mainly descendants of Germans invited to work in the Demidov factories during the reign of Peter the Great, were allowed to re-open their church after a gap of nearly sixty years. Similarly, the **Anglican Church of St Andrew** in Moscow, which like other places of worship was confiscated in the early years of the Soviet Union, was returned for religious worship in 1996. There are also the **Molokans**, a Christian sect that originated in Russia in the late eighteenth century and whose teaching is based on a spiritual interpretation of selected biblical texts. Their numbers have declined dramatically, but some active groups remain, especially in the Transcaucasus.[8b]

Judaism

5.19. At the beginning of the twentieth century, approximately half of the world's Jews lived in Russia. Although many Jews emigrated from the USSR in the 1970s and 1980s, there is still a significant Jewish population in Russia (400,000 at the end of 1998), most of whom live in the larger cities.[1] Over 90% of Russian Jews are Ashkenaz, but there are communities of Sephardic Jews in Dagestan and other parts of the Caucasus.[8b] In addition, there are a small number of Jews in the Jewish Autonomous Oblast in the Far East of the Russian Federation.[1]

5.20. Jews continue to encounter prejudice and societal discrimination, and the government has been criticised for insufficient action to counter it. There have been several reports of recent acts of intimidation linked to anti-Semitic groups or motives, including the vandalism of Jewish synagogues, cemeteries, and memorials. Meanwhile, anti-Semitic leaflets, graffiti, and articles continue to appear in some regions.[14a] While anti-Semitic publications are against the law in Russia, critics have claimed that legislation designed to protect minority rights has not been strictly enforced, and that the police have failed to respond adequately to reports of anti-Semitic actions.[10d]

5.21. The 1990s saw a Jewish revival in Russia, as Jewish communities worked to re-establish religious, social and cultural life, and to provide for the education and welfare of their people. The focal point of the Jewish renaissance has been Moscow, where almost all international Jewish organisations, numbering over 100, are represented, and where numerous religious, academic and social events and programmes have been organised, including Jewish schools, kindergartens and institutes of higher education. The Jewish cultural, religious and social revival has been accompanied by a political renaissance: there were more Jews in high government positions in 1997 than there had been since 1917.[10d] While the Jewish community has met with some success on communal property restitution, it continues to seek the return of synagogues around the country and of cultural and religious artifacts.[14a]

5.22. In January 1996, there was warm official support for the Russian Jewish Congress, a non-political public organisation designed to consolidate the Jewish community in Russia, when the Mayor of Moscow stated that Jews must

be given a standard of living that would encourage them to stay in Russia, regretted that Moscow was losing some of its best intellectuals through Jewish emigration, and expressed a desire for co-operation between his administration and the Congress.[8b] During 2001, President Putin and other top Kremlin officials spoke out publicly against anti-Semitism, and in September Putin issued an open letter to members of the Jewish community on the occasion of the Jewish New Year, in which he noted that the problem of anti-Semitism persisted and reiterated the government's commitment to fight it.[14a] In July 2000, Russia's Chief Rabbi, Berel Lazar, stated that the Jewish community experiences no more anti-Semitism there than in any other East European nation and much less than in some countries. He stated further that, "We do not feel any negative attitude on the part of the state to the Jewish people and our religion," that Russia possesses the conditions for the development of all religions, and that the Russian leadership, the people, and other religions alike, have a good attitude towards the Jewish people.[27]

Islam

5.23. Muslims continue to encounter prejudice and societal discrimination.[14a] Like other religious communities, Muslims were persecuted during the Soviet period,[3] when half of all Muslim places of worship were destroyed. However, Islam is currently the second largest faith in Russia and, like the Russian Orthodox Church, is accepted as one of the country's traditional religions. In 1997, there were estimated to be between 15 and 22 million Muslims in Russia. Although 90% of Russian Muslims are Sunni, there is a Shi'a minority in the northern Caucasus, especially in Dagestan.[8b] The main concentrations of Muslims in the Russian Federation are among Volga Tatars, Chuvash and Bashkirs, and the peoples of northern Caucasus, including the Chechen, Ingush, Ossetians, Kabardinians, and the peoples of Dagestan.[2] Discriminatory attitudes have become stronger since the onset of the conflict in the predominantly Muslim region of Chechnya and since the 1999 Moscow apartment bombings, for which the mayor and others quickly blamed Chechen separatists. Authorities, journalists in the press, and the public have been quick to label Muslims or Muslim organisations "Wahhabists," a term that has become synonymous with "extremists." Such sentiment has led to a formal ban on "Wahhabism" in Dagestan and to overtures in the Duma to explore the possibility of a similar national law. Several prominent human rights activists have expressed concern about the rise of anti-Islamic attitudes following the September 11 terrorist attacks in the US.[14a] Meanwhile, groups associated with the Wahhabi Muslim community have been refused registration because they were perceived to be too radical.[13c]

5.24. In 1995, two new Islamic organisations emerged: Nur ("Light"), which has cells in 47 out of the 89 regions of the Russian Federation, is a cultural and educational foundation, which concentrates on human rights, equality for all religions and strictly Islamic issues such as access to religious education and creating conditions for the observance of Muslim customs and rituals. The Union of Muslims of Russia (SMR), which has over 50 branches, is a political organisation committed to the defence of the political, spiritual, economic and social interests of Muslims. Nur and the SMR had been preceded by the Islamic Renaissance Party (IPV), which existed between 1990 and 1994, and which aimed at a rebirth of Islam and the political awakening of all Muslims in the Soviet Union. The party had between 30,000 and 100,000 members, mostly in Russia, including 5,000 in the north Caucasus. In 1996, Nur and the SMR, by then Russia's two largest Muslim organisations, formed an association, open to all Islamic movements, under the chairmanship of Mukhaddas Birbarsov. It was intended to elaborate a single Muslim position on the future presidential elections in Russia, and was registered as the All-Russian Public Political Movement of Muslims of Russia (Muslims of Russia Movement). Meanwhile, the Central Spiritual Council of Muslims (TsDUM) is active in building mosques and madrasahs (Islamic religious academies) for its 1,411 communities. Islamic mores are a factor influencing legislation in a number of Russian republics. In

1997, the President of Ingushetia banned sales of alcohol in the republic during Ramadan (January-February).[8b]

Cults and Sects

5.25. According to some reports, up to five million Russians belong to cults, although such estimates probably include Christian fundamentalists and minor religious sects. The strength of cults in Russia can be attributed to a longstanding fascination with faith healing and the paranormal, to the spiritual and moral vacuum inflicted on the country during the Soviet era, and to the peoples' suspicion that the Russian Orthodox Church had links with the security service. Local cults include the Church of the New Holy Russia, the Church of the Last Precept, and the White Brotherhood.[8b]

5.26. The **Church of the New Holy Russia** (or Church of the Transfiguring Mother of God, formerly known as the Mother of God Centre) founded by Ioann Bereslavskiy in secret during the Soviet years, believes that at Judgement Day the Virgin Mary will separate the pure from the impure world. The **Church of the Last Precept**, based in Minusinsk, Siberia, was founded by Vissarion (formerly a policeman called Sergey Tropp) who claims to be Jesus Christ, married to Mary Magdalene. His followers, mainly of middle class urban origin and reported to number 70,000, live in poverty, in wooden houses in the Siberian forest. The **White Brotherhood**, founded by Yuriy Krivonogov and Marina Tsvigun in Kiev in 1990, is reported to have 10,000 followers, and believes that God became incarnate in the form of Mariya Devi Khristos, who took over Tsvigun's body in April 1990. Having mistakenly predicted the end of the world in November 1993, both Krivonogov and Tsvigun were arrested during a riot in Kiev's St Sophia Cathedral. They were charged with inciting mass unrest, infringing personal and civic rights under the guise of performing religious rituals, and the premeditated infliction of serious bodily injuries. Both were sentenced to a term of imprisonment, although Tsvigun was released under an amnesty in August 1997.[8b]

5.27. Foreign cults and religious groups include the **Jehovah's Witnesses**, thought to have 60,000 followers; the US-based **Church of Christ**; the **Church of Jesus Christ of Latter Day Saints (Mormons)**; the **Hare Krishnas**, who have a radio station in Moscow; the **Unification Church**, which has operated since 1990 when its founder, Rev Sun Myung Moon, met President Gorbachev; the Japanese **Aum Shinrikyo** sect, which although now banned is believed to have 50,000 followers; L Ron Hubbard's **Church of Scientology**, whose recruiting structure, featuring dianetic centres, has been active since 1992, and which has financed the refurbishment of a reading room at Moscow State University; and the New Age Movement.[8b] Some of these and numerous other religious groups have sometimes experienced various problems in Russia.[14b]

Other Religions

5.28. Other religions, including **Buddhism**, are practised in specific localities. Buddhism, established as an official religion in Russia in 1741, is most widespread in the Republic of Buryatiya, where the Central Spiritual Department of Buddhists of Russia has its seat, the Republics of Kalmykiya and Tyva and in some districts of the Irkutsk and Chita Oblasts. There are also newly established communities in Moscow and St Petersburg. Before 1917, there were more than 40 datsans (monasteries) in Buryatiya, but by 1990 only two of these remained in use. There were believed to be a million Buddhists in Russia in 1997.[1] Within Buryatiya, Buddhism is enjoying a revival, both among the Buryats and among ethnic Russian residents.[8b]

F. People Trafficking

5.29. The law does not specifically prohibit trafficking in people, although other provisions of the law may be used to prosecute traffickers. There are no reliable estimates of its scope, but observers believe trafficking in women and children for sexual exploitation to be widespread. Women are reportedly trafficked from Russia to European Union countries, the Middle East, Asia, and the US. The country also serves as a transit and destination country for women trafficked from the Caucasus and Central Asia to Western Europe. There are reports that women from Tajikistan, Ukraine, and other countries of the former Soviet Union are trafficked to Russia, and that organised crime is increasingly involved in trafficking in women and children. Men are also reportedly trafficked for their physical labour.[14a]

G. Freedom of Movement

5.30. People who have a well-founded fear of persecution from the local authorities in one of the regions of the Russian Federation, without the involvement or the complicity of the federal authorities, may, in principle, find effective protection elsewhere in Russia. However, such an alternative may be limited due to the cost of moving, the undeveloped housing market, and above all by the enforcement of strict registration regulations or practices in parts of the country.[13c] Despite constitutional protections for freedom of movement, the government places some limits on this right, and some regional authorities, most notably the city of Moscow, restrict movement in particular by denying local residency permits to new settlers from other areas of the country. These restrictions, though successfully challenged in court, remain largely in force and are tolerated by the federal government.[14a]

5.31. Although new rules were justified as a notification device rather than a control system, their application has produced many of the same restrictive results as the Soviet era *propiska* (pass) regulations. While citizens are free to travel within Russia, the government imposes registration requirements on domestic travel. All adults are issued with internal passports, which they must carry while travelling and use to register with local authorities for visits of more than three days (in Moscow, for visits of more than 24 hours), although travellers not staying in hotels usually ignore this requirement. These internal passports are also required for obtaining many governmental services. Citizens must register to live and work in a specific area within seven days of moving there; the fees for permanent and temporary registration remain low. Corruption in the registration process in local police precincts is a problem. Police demand bribes in processing registration applications and during spot checks for registration documentation.[14a] Meanwhile, lack of registration leads in practice to the deprivation of most civil, social and economic rights. People may not be admitted to public services, such as free medical services, education, pensions, child and unemployment allowances, unless they hold registration at their place of residence, and employers are required to hire only individuals holding registration in their place of residence.[13c]

5.32. Russian citizens changing residence in Russia, as well as people with a legal claim to citizenship who decide to move to Russia from other former Soviet republics, often face enormous difficulties or are simply not permitted to register in some cities.[14a] There is no uniform procedure on the registration of residence in Russia; each region and republic has its own regulations,[13c] the application of which is often arbitrary or racially motivated.[11] The United Nations High Commissioner for Refugees (UNHCR) and refugee rights non-governmental organisations have cited Stavropol, Krasnodar, Moscow, and St Petersburg as being the least open to migrants. It is not unusual for dark-skinned persons to be stopped at random and for officers to demand bribes

from those without residence permits. While federal law provides for education for all children in the Russian Federation, regional authorities frequently deny access to schools to the children of unregistered persons, asylum seekers and migrants. Similarly, while the Moscow procurator's office has upheld the right of migrants to receive publicly available medical care, unregistered persons, migrants and asylum seekers are frequently denied these services.[14a] Some (but not all) of the Russian regions which implement registration regulations in a less strict manner are located in the far north of Eurasia, where the hard climatic conditions, the remoteness from the central regions of Russia and the severe economic situation may make it difficult for people to establish themselves there.[13c] Meanwhile, the government and residents of Moscow and other large cities defend registration as necessary in order to control crime, to keep crowded urban areas from attracting even more inhabitants, and to gain revenue.[14a] However, another major factor has been a desire to shield themselves from the wave of refugees and internally displaced persons fleeing the numerous ethnic conflicts on the territories of the former Soviet Union.[9b]

5.33. The city of Moscow is frequently cited for violating the rights of non-residents and ethnic minorities, as well as the rights of those legitimately seeking asylum. Moscow Mayor Yuri Luzhkov has been quoted in the past as calling for the expulsion from Moscow of Chechens and other people from the Caucasus, while Moscow police conduct frequent document checks, particularly of those who are dark-skinned or appear to be from the Caucasus. There are credible reports that police have fined persons without registration documents in excess of legal requirements and have not provided proper documentation of the fine.[14a]

5.34. The Constitution provides all citizens with the right to emigrate. The government imposes nominal emigration taxes, fees and duties. On average, it takes three months to process a passport application, although it can take much longer if documentation is needed from elsewhere in the former Soviet Union. [14a] At the end of 2000, only one third of Russian citizens had obtained the new passport of the Russian Federation. The others were still holding the old USSR passport, with a sticker inserted inside (by the local bodies of the Ministry of Internal Affairs), declaring the holder to be a Russian citizen. Russian citizens holding the old USSR passport will be able to use it until 31 December 2005, when it is expected that all Russian citizens will have received the new passport of the Russian Federation.[13c]

5.35. Some liberal emigration procedures were formally codified in a 1996 law on exit from and entry into the Russian Federation. This law abolished the old Soviet requirement that, in order to emigrate, citizens must receive a stamp permitting "permanent residence abroad" ("PMZh"), essentially a propiska for those living outside Russia. However, implementation of the law is still incomplete, and border guards continue to require a PMZh-like stamp of all emigrants, and the passport control agency (OVIR) continues to issue it. Emigrants who have permanently resettled abroad have been able to visit or repatriate without hindrance. However, visiting emigrants who departed without first obtaining a "PMZh" stamp have been stopped at the border and prevented from departing Russia (although they may enter without difficulty), as they could present neither a non-immigrant visa to another country nor evidence of permission to reside legally abroad.[14a]

5.36. Under the law, access to classified material can only occur with the consent of the citizen, established in the form of a written contract that states that the signatory understands that he has been given access to state secrets and that his ability to travel abroad may be restricted. The law envisions a maximum period of delay under normal circumstances of five years, and it grants the interagency Commission on Secrecy the right to add an additional five year term to the period of delay if the Commission finds that a person had access to particularly sensitive materials. This latter provision has raised serious concerns among human rights advocates who monitor government

restrictions on foreign travel, although there were no reports that the provision was applied during 2001. [14a]

5.37. If a citizen had access to classified material, police and FSB clearances are necessary to receive an external passport. Persons denied travel documents on secrecy grounds can appeal the decision to an interagency commission chaired by the First Deputy Foreign Minister, which cannot rule on whether the material should or should not be classified, but can rule on the legality of travel restrictions imposed and on whether or not the traveller actually had access to materials requiring a travel restriction. During 2001, the commission granted travel permission to approximately 76% of appellants. Other grounds for denial of the right to travel abroad are military conscription or assignment to civilian alternative service, being under investigation for or serving a sentence for a crime, evasion of a court-ordered obligation, or providing false information on a passport application. [14a]

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5B. HUMAN RIGHTS - OTHER GROUPS

A. Women

5.38. Domestic violence remains a major problem, as victims rarely have recourse to protection from the authorities. Police are frequently reluctant or even unwilling to involve themselves in what they see as purely domestic disputes. Many women are deterred from reporting such crimes because of family and social pressure, because the housing system makes it difficult either to find housing outside the family dwelling or to expel an abusive spouse, even after a final divorce action. The government has estimated that on average, there are more than 250,000 violent crimes against women annually. Despite serious difficulties, many groups continue to address violence against women. NGOs, alone or in co-operation with local governments, operate more than 55 women's crisis centres throughout the country, and their number continues to grow. In addition, the crisis centres have formed an association in order to co-ordinate their efforts better.[14a]

5.39. There is credible evidence that women encounter considerable discrimination in employment. There is concern that women form a disproportionately high percentage of the unemployed, that they are discriminated against in hiring, and paid less than their male colleagues for the same work. The government has been accused of condoning discriminatory actions against women by seldom enforcing employment laws concerning women. Particularly because of a lack of adequate employment opportunities, a significant number of women are victims of international trafficking for sexual exploitation.[14a]

B. Children

5.40. The Constitution assigns the government some responsibility for safeguarding the rights of children; a family code regulates children's rights and the state endeavours to provide, within its limited means, for the welfare of children. The position of many children has deteriorated since the collapse of Communism because of falling living standards, an increase in the number of broken homes and domestic violence. About 50,000 children run away from home each year and children on the street, estimated at between 1 and 4 million, often become engaged in criminal activities, receive no education, and are vulnerable to drug and alcohol abuse. In the St Petersburg region, local government and police run various programmes for homeless children and co-operate with local NGOs, while many Moscow charitable organisations have established productive relations with the city government to address the needs of children with disabilities, as well as other vulnerable groups.[14a]

5.41. Special institutions exist for children with various disabilities but do not serve their needs adequately due to a lack of finances. Being disabled is still a serious social stigma, an attitude that profoundly influences how institutionalised children are treated. Human rights groups allege that children in state institutions are provided for poorly and in some cases are abused physically by staff. Many physically or mentally disabled children are considered ineducable, even those with only minor birth defects, and are given only minimal minimal care by low-paid unskilled workers with no training in the care of the disabled. Meanwhile, the prospects of children, including orphans, who are disabled physically or mentally are extremely bleak, and the most likely future is a lifetime in state institutions. Life after institutionalisation for other children also poses serious problems, as they may lack the necessary social, educational and vocational skills to function in society.[14a]

C. Ethnic Minorities

5.42. Ethnic discrimination in the Russian Federation persists, and there is also believed to have been a rise in xenophobia, particularly in the south, since the break-up of the Soviet Union. Negotiating the process of building a new multi-ethnic, multi-cultural Russia has generated a wide variety of problems and, on occasion, violence,[4] which has served as a catalyst for xenophobic outbreaks. A negative image of ethnic Caucasians has been born in the minds of many Slavs, and the media, which often demonises ethnic Caucasians, has been a part of this process. The media was able to exploit the outbreak of several wars in the former Soviet Union, between 1987 and 1994. Fighting erupted in Nagorno-Karabakh (Azerbaijan), South Ossetia (Georgia), Abkhazia (Georgia), Ingushetia (Russia), the Prigorodny region (North Ossetia), and Chechnya (Russia). Meanwhile, the neighbouring Krasnodar and Stavropol regions became magnets for refugees, and also, subsequently, two of the most ethnically discriminating provinces of the Russian Federation, where xenophobia is particularly apparent.[9b]

5.43. Since the early 1990s, the struggle for power between the federal authorities and the ethno-territorial units has gradually transformed the Russian Federation from a unitary empire into something that resembles a federation. Of the Russian Federation's 89 regions, 21 are ethnically defined republics, which enjoy considerable degrees of autonomy codified through treaties with Moscow. Those minorities with their own officially recognised territory usually have significant advantages over other minority populations in the Russian Federation, although in some autonomous areas with high concentrations of Slavic settlers, the minority groups face problems similar to those of minorities lacking a formal homeland. Minorities that have been granted territorial recognition can be broadly divided into two categories: religious and linguistic minorities. This distinction does not reflect any official division between groups, based on religion or language, but rather the primary element around which group self-identity is formed in each case. Religiously defined groups form the largest set of minorities and include Buddhists, comprising Buryats, Kalmyks, and Tuvans; Muslims, comprising Middle Volga Tatars and Bashkirs, and the peoples of the north Caucasus, including Chechens, Ingush, Karachai and Cherkess, Kabards and Balkars, Adygei and Dagestanis; Christians, comprising Chuvash and Ossetians; and Shamanists, comprising Altai, Khakass, Yakuts, and native peoples of the north, Siberia and the Far East, including Nenets and Dolgan, Evenk, Chukchi and Koriaks. Linguistically defined groups form the second main category of minorities and include the Finno-Ugrian peoples, Karelians, Mari, Udmurts, Mordovans, Komi, Komi-Permiaks, Khants and Mansi. Meanwhile, leading minorities which lack an officially recognised homeland within the Russian Federation include, Jews, Ukrainians, Belarusians and Kazakhs, Russian or Volga Germans, Meskhetians or Meskhetian Turks, Roma, Cossacks and native peoples of the north, Siberia and the Far East.[4]

5.44. The Russian Federation's multi-ethnic population is made up of more than 100 national groups. Many of the 89 regions of the country are formed on the basis of their predominant ethnic group. The Constitution prohibits discrimination on the basis of nationality and makes provision for the use of national languages in the various regions, alongside the official Russian language. The Constitution also states that each citizen shall have the right to define his or her own national identity and that no citizen shall be required to state officially his or her nationality.[14a] In August 1998, Russia ratified the European Convention on the Protection of National Minorities, which binds ratifying nations to combat discrimination against ethnic minorities within their borders and guarantee their freedom of association, expression and peaceful assembly. The Convention also obliges states to allow their national minorities to use their languages in public and provide opportunities for minorities to pursue courses in school in their own languages.[38]

5.45. The government has partially implemented an interagency programme to combat extremism and promote religious and ethnic tolerance. Broad in scope, the original plan called for a large number of interagency measures, such as the review of federal and regional legislation on extremism, mandatory training for public officials on how to promote ethnic and religious tolerance, and new educational materials for use in public educational institutions. Implementation of the plan, which is guided by an interagency commission on combating extremism headed by the Ministry of Education, has been sporadic, but at least one NGO was able to work parallel to the programme, participating in training law enforcement and other government officials (both local and federal) in promoting tolerance. During 2001, the President and other prominent officials issued numerous declarations regarding the multi-ethnic nature of the country and calling for tolerance. In response to attacks on ethnic minorities, President Putin ensured that work on anti-extremist draft legislation was complete by the end of 2001. In November 2001, the President also ordered the Interior Minister to crack down on interethnic violence, and police made arrests in several outstanding cases. The Mayor of Moscow, the Human Rights Ombudsman and others have publicly expressed their disapproval of and dismay at racial attacks and the Mayor has acknowledged manifestations of racism and nationalism to be a serious problem. In May 1999, the Moscow city Duma adopted a law forbidding the distribution and display of Nazi symbols, and the Moscow regional Duma passed similar legislation in June 1999.[14a]

Africans, Asians, Roma, Caucasians and Central Asians

5.46. During 2001, there were numerous racially motivated attacks on members of minorities, particularly Asians and Africans. Attacks generally appeared to be random, inspired by racial hatred, and carried out by individuals or small groups, some of whom were known to law enforcement authorities for their racial intolerance or criminal records. Members of ethnic or racial minorities were the victims of beatings, extortion, and harassment by "skinheads" and members of other racist and extremist groups. Police made few arrests, although many such cases were reported by human rights organisations. Many victims, particularly migrants and asylum seekers who lack residence documents recognised by the police, choose not to report such attacks or report indifference on the part of police. Meanwhile, Roma (gypsies)[7][10a] and people from the Caucasus and Central Asia continue to face widespread societal discrimination, which is often reflected in official attitudes and actions. Discrimination against people from the Caucasus and Central Asia means that they are affected disproportionately by new measures, at both the federal and local levels, to combat crime. Law enforcement authorities have targeted people with dark complexions for harassment, arrest, and deportation from urban centres. Police reportedly beat, harass, and demand bribes from people with dark skin, or who appear to be from the Caucasus, Central Asia, or Africa. In Moscow, such people are subjected to far more frequent document checks than others, and are frequently detained or fined in excess of permissible penalties, often without formal documents recording the infraction being drawn up.[14a]

Indigenous People

5.47. A 1999 law on indigenous ethnic communities provides for their support, permits the creation of self-governing bodies, and permits them to seek compensation if economic development threatens their lands. In some areas, local communities have organised to study and make recommendations regarding the preservation of the culture of indigenous people. People such as the Buryats in Siberia, the Tatar and Bashkiri in the Urals, the people of the North, including the Enver, Tatarli, and Chukchi, and others, work actively to preserve and defend their cultures, as well as the economic resources of their regions. Most believe that they receive the same treatment as ethnic Russians, although some groups believe that they are not represented or are underrepresented in regional governments. The principal problems for indigenous people are the distribution of necessary supplies and services, particularly in the winter months for those who live in the far north, and disputed claims to profits from exploitation of natural resources. Some groups in the far eastern part of the country have criticised the government for not developing an overall concept for the development of indigenous people. Responsibility for government policy toward indigenous people has been transferred between government agencies several times in the last few years. In October 2001, when the President issued a decree abolishing the Ministry of Federation Affairs, Nationalities, and Migration Policy, he also issued a decree calling for the creation of a new minister without portfolio to co-ordinate nationalities policy. [14a]

Cossacks

5.48. The nationalism of Soviet minorities, openly and often violently expressed during *perestroika*, gave rise to a counter-nationalism among Russians. One manifestation has been the rebirth of the Cossack[7] movement, which has provoked a rise in anti-Caucasian tensions. Originally runaway serfs who dispersed to the border regions of the expanding Russian empire, the state authorities later organised them into border guard detachments, and armed Cossack settlements were developed to help guard Russia's new frontier. As a result of their 1917 alliance with the White Armies against the Bolsheviks, the latter subsequently disbanded Cossack units, took away their land and killed or exiled many. During *perestroika*, many descendants of Cossacks started to rediscover their heritage and organise, sometimes into armed Cossack detachments which demanded the restoration of the rights and privileges they enjoyed before the revolution. The 1991 Law on Repressed Peoples, which envisioned giving territorial and other compensation to ethnic groups repressed under Communism, also covered the Cossacks, who describe themselves as "a unique ethnic community and a cultural nation," and whose agenda includes opposition to the immigration of non-Slavs, which often translates into general hostility towards them. In the Krasnodar region, Cossack paramilitary formations are authorised to conduct passport checks in markets, private homes, and other locations. [9b]

D. Homosexuals

5.49. In April 1993, Article 121 of the Criminal Code was amended, thus decriminalising sexual relationships between males in Russia. Male homosexuality had been a criminal offence in the Soviet Union since 1933, soon after which all the republics followed suit. This provision survived in Russia until 29 April 1993, when former President Yeltsin signed a law on amendments to the Criminal Code, including a change to the language of Article 121. This had previously contained two parts and now only contains one, referring to criminal responsibility for sexual acts between males involving the use of violence, threats or taking advantage of the helpless or dependent state

of a victim, also with regard to minors, which carries a penalty of up to 7 years' imprisonment.[35]

5.50. Article 115 of the Criminal Code provides for a jail sentence for endangering or infecting a partner with venereal diseases or the HIV virus. This article carries a maximum jail sentence of 8 years, which could result in someone who has the HIV virus dying in prison. In 1992, a Russian man was prosecuted for unwittingly infecting a male partner. He was indicted under Article 115, but was not imprisoned due to an amnesty and also because he was an invalid.[35]

5.51. Three months after the decriminalisation of homosexuality, Russian homosexuals announced the creation of an advocacy group, Triangle, through which they sought equality for gay men and lesbians. The group also acted as an information centre for homosexuality and AIDS, and was involved in political activities. According to activists, treatment of homosexuals has improved since the law against male homosexuality was repealed. There are reportedly now hundreds of homosexual groups across the country, along with openly gay bars and cafes. People are said to be increasingly willing to be tested for AIDS because they no longer have to worry about being arrested. While homosexuals still fear discrimination in the workplace and social censure,[24] they are also reported to have been able to obtain the protection of the authorities in cases of harassment.[13c]

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6. OTHER ISSUES

A. Organised Crime

6.1. Organised crime has become a significant factor in the political and economic life of Russia. While Russian organised crime has a long tradition dating as far back as the nineteenth century, the collapse of the Soviet state and subsequent loss of a capacity to impose order on the population provided unprecedented opportunities for the flourishing of criminal organisations. The adoption of a new criminal code went some way towards easing the problem, but its implementation remained uneven, particularly as lack of resources made it difficult for the police to combat organised crime. The number of criminal organisations operating in the country grew from 3,000 in 1992 to 9,000 in 1998, and their activities include extortion, economic crime and financial fraud, infiltration of the property market, of the banking system, and of industry and commerce, the illicit production and sale of vodka, automobile theft, contract killings, drugs trafficking, counterfeiting and intellectual property theft, corruption, and trafficking in nuclear materials. Of these activities, the most pervasive and significant is the extortion of business, with criminals demanding 10% of turnover, often accompanied by threats of violence and no prospect of any protection service in return.[1]

6.2. Cases where such criminals are acting with the co-operation or at least with the acquiescence of the police are believed to be widespread throughout the Russian Federation, although this is more likely to occur in smaller cities, towns and rural areas, beyond the environs of Moscow and St Petersburg, and particularly in the east of the country, where feudal-type systems dominate. The likelihood of such occurrences is also affected by the presence of foreign business, as there tends to be more adherence to the rule of law if foreign companies are located in an area. Meanwhile, the victims are more likely to be able to obtain the protection of the authorities in the larger cities. However, in cases where low-level police officers are co-operating with criminal groups, even in the larger cities it is possible that protection might not be adequate, given that the higher authorities may fear the exposure of further dubious connections at the senior rank. In such cases, the victim may be compelled to seek refuge in another area of the country (see Chapter V.A.G: Freedom of Movement). It is possible that a victim who returns to Russia from abroad may be pursued by the same criminals, but the likelihood of this occurring will depend on the level of the criminal group, the profile of the victim, and the nature and extent of the harassment.[36]

6.3. There is evidence that the Russian authorities are committed to combating

the problem of organised crime. Laws have become stronger, omissions of legislation are being rectified and the criminal justice system is gradually beginning to function with greater integrity and effectiveness. During 1997, over 16,000 participants in criminal formations were brought to justice in Russia, while 5,600 cases of bribery were identified and over 480 corrupt officials were indicted.[1] More recently, 26,100 crimes were exposed by the Russian Ministry of Internal Affairs Department on Organised Crime, between January and October 2000. In the same period, some 24,600 crimes were solved, while 5,381 pieces of firearms, more than 650,000 pieces of ammunition, over 230 tonnes of explosives, 11,000 bombs, 2 million dollars worth of counterfeit money, and 1,767 kilograms of narcotic drugs were confiscated by the department.[29] Meanwhile, criminal proceedings were instituted against more than 18,000 officials in 2000, for various economic crimes.[28] Over 376,000 economic crimes were solved in 2000, that is 23.9% more than in 1999, while a total of 244,000 crimes associated with drug trafficking were also solved, 12.6% more than in 1999.[31] Furthermore, the overall number of crimes registered in Russia in 2000 did not exceed three million for the first time in the past few years, with a decline of 2.2% in the crime rate, along with a considerable improvement in crime detection.[33] For example, more than 100 suspected members of an organised crime gang who were found in possession of pistols, narcotics and stolen property in the Russian Far East city of Komsomolsk were arrested in November 2000.[19]

6.4. All this indicates that criminals could not act with impunity and that the authorities have taken effective action against them. While the enormity of the problem and the capacity of organised crime to obstruct the movement towards reform should not be underestimated, the steps taken towards improvement are significant. Moreover, the election of President Putin increased morale among law enforcement personnel, who believed that he would not only provide strong, decisive leadership in the fight against organised crime, but would also ensure that a co-ordinated policy was vigorously implemented.[1] Putin has made it clear that he regards organised crime as a serious problem that needs to be addressed urgently,[34] and has stated that it is the government's duty to "ensure property rights and shield the entrepreneur from arbitrary, unlawful interference," and that "people have the right to demand protection for their business against a bandit group." With the broad support that Putin has from most business owners, the public, and politicians, to fight corruption, his chances of solving these problems are believed to be high.[37] His priorities for 2001 included the task of ensuring the protection of ownership rights, and that of combating crime and drug trafficking.[31]

B. Citizenship

6.5. Matters relating to citizenship in the Russian Federation are governed by the Russian Federation Citizenship Act, which came into force in 1992. A citizen of the Russian Federation may be allowed, upon application, simultaneously to have the citizenship of another state, provided that there is a corresponding bilateral treaty with that state. All citizens of the former USSR who were permanently resident in Russia on the day the Citizenship Act took effect (6 February 1992) are considered Russian citizens, apart from those who, within a year of that date, declared that they did not wish to become Russian citizens (Article 13.1). Individuals born on or after 30 December 1922 (the date on which the USSR was founded), who have ceased to be citizens of the former USSR are granted Russian citizenship if they were born in Russia, or if, at the time of birth, one of the applicant's parents was a citizen of the former USSR permanently resident in Russia (Article 13.2).[17]

6.6. A child whose parents at the time of birth are Russian citizens is a Russian citizen, irrespective of the place of birth (Article 14). If one of the parents of a child at the time of birth is Russian and the other stateless, the child is a Russian

citizen, irrespective of the place of birth (Article 15.1). A child, one of whose parents is a Russian citizen and the other a citizen of another country, would be considered a Russian citizen provided the parents come to a written agreement that the child should be regarded as a Russian, irrespective of the place of birth. Where no such agreement exists, the child would become a Russian citizen if born in Russia, or if otherwise it would be stateless (Article 15.2). A child residing in Russia, but of unknown parentage, is considered a Russian citizen (Article 16). A child of parents with citizenship of other states is considered a Russian citizen if those states do not extend citizenship to the child. A child born in Russia of stateless parents is considered a Russian citizen (Article 17).^[17]

6.7. Under the 1992 law, an application for Russian citizenship could be made by anyone with a spouse or immediate relative who is a Russian citizen; by persons who at birth became citizens of another state but at least one of whose parents was a Russian citizen at the time of the birth; by children born after their parents relinquished citizenship of the former USSR; by former citizens of the USSR who reside on the territory of other states that were within the former USSR, provided they declare their intention to acquire Russian citizenship by 31 December 2000; stateless persons permanently residing in Russia on 6 February 1992, or other republics of the former USSR as of 1 September 1991, who within one year of the 1992 Act declared their intention to acquire Russian Federation citizenship; and foreign citizens and stateless persons, irrespective of their place of residence, if they or an immediate relative are Russian by birth, and who within one year of the 1992 Act declared their intention to acquire Russian citizenship (Article 18).^[17]

6.8. On 31 December 2000, the possibility for former USSR citizens (who resided on the territory of the USSR and arrived for permanent residence in the Russian Federation after 6 February 1992) of obtaining Russian citizenship through the simplified procedure, provided for under Article 18(d) ceased to be available. The Presidential Commission on Citizenship stated that those holding a USSR passport, who had not acquired the citizenship of any country before this deadline, would, as of 1 January 2001, be considered as stateless persons. As a consequence, they would have to apply for Russian citizenship according to the provision of the law applicable to stateless persons. From 1 January 2001, all citizens of any former USSR country have to apply according to the rules for foreign citizens, as the simplified procedure for acquiring Russian citizenship no longer applies.^[13c]

6.9. Under the 1992 law, any adult who is not a Russian citizen, irrespective of their origin, can apply for Russian citizenship.^[17] Under a new bill, approved by the Duma in February 2002, the period of permanent residence in Russia required for foreigners (including former Soviet citizens) to qualify for citizenship was increased from three years to five, which must now be proved by a valid residency permit to cover that period. Exempted from this requirement are those married to Russian citizens for at least three years; those who have a child, biological or adopted, who is a Russian citizen; those with significant achievements or professional skills that Russia needs; and those who have refugee status. Such people need only to have resided in Russia for one year to apply for citizenship.^[20] Applications for citizenship are denied persons who advocate violent political change in Russia, who are members of organisations or parties whose activities are incompatible with the constitutional principles of Russia, or who have been convicted of acts prosecuted under Russian laws (Article 19).^[17]

6.10. Under the 1992 law, applications for citizenship need to be submitted at the place of permanent residence. As a consequence, access to Russian citizenship has been restricted for most recognised refugees, including former USSR citizens. Asylum seekers and refugees residing in hotels, hostels or temporary accommodation centres may only obtain (if at all) a temporary registration, which until very recently did not entitle them to apply for citizenship. The Presidential Commission on Citizenship introduced positive changes to this rule on 30 June

1998, when it instructed the Ministry of Internal Affairs to accept applications for Russian citizenship submitted by former USSR citizens at the place of temporary registration in Russia, in case they had cancelled their permanent registration in one of the successor states. Moreover, the Presidential Commission declared that refugees recognised under the Russian refugee law could submit applications for citizenship at their place of temporary registration. This change has not however been fully implemented throughout the Russian Federation. [13c]

C. Refugees and Internally Displaced Persons

6.11. In February 1993, the Russian Federation acceded to the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol, but has been criticised since for failing to meet its obligations under this instrument, by routinely denying access to asylum procedures, thereby putting asylum seekers at risk of harassment, detention, or removal to their country of origin (*refoulement*). [13a] The federal law Concerning Making Changes and Additions to the Law of the Russian Federation Concerning Refugees came into effect in July 1997. [16] The United Nations High Commissioner for Refugees (UNHCR) has criticised the new law for being unfair and ineffective. [13a] It is particularly concerned about the situation of asylum seekers at Moscow's Sheremetyevo-2 Airport, from where improperly documented passengers are deported systematically. [14a] The UNHCR advises, in principle, not to apply the "safe third country" notion to asylum seekers who have stayed in or transited through Russia, due to the serious risk of *refoulement* and the difficulties in obtaining access to the refugee status determination procedure. [13a]

6.12. The government nonetheless co-operates to a limited extent with the UNHCR and the International Organisation for Migration (IOM). Both organisations assist the government in developing a humane migration management system, which includes effective and fair refugee status determination procedures. The UNHCR recognises some 40,000 asylum seekers who originate from outside the territories of the former Soviet Union. During 2001, 2001, the government granted refugee status to 126 applicants, of whom 117 were from the countries of the former Soviet Union, demonstrating that the government acts more expeditiously for the latter group, to whom it applies a more lenient standard. [14a]

6.13. The UNHCR and Amnesty International have been working with the FMS and border officials to ensure that interviews of potential refugees are conducted in a timely fashion, that the UNHCR is allowed access to potential refugees in airport transit lounges, and that deportations of potential refugees are delayed until cases are adjudicated. However, in May 2000, the government reorganised and disbanded the FMS; its functions and responsibilities were transferred to other ministries, mainly the Ministry of Federation Affairs, Nationalities, and Migration Policy, which have subsumed into the Ministry of Interior. There continues to be widespread ignorance of refugee law, both on the part of officials and would-be petitioners. [14a]

6.14. A group of about 1,400-2,000 Armenian refugees, evacuated from Baku in the wake of the late 1980s ethnic violence, are still housed in "temporary quarters," usually in Moscow hotels or workers' dormitories. They are unable to return to Azerbaijan, are not accepted by Armenia, and lack residency permits for Moscow. They have declined offers of Russian citizenship on the grounds that this would not improve their situation materially, although such a step would entitle them to the benefits accorded to Russian forced migrants. They have also rejected offers of relocation to other regions of Russia because they allege that the alternative housing that they are offered is frequently not suitable or available. Their situation remains precarious as the formerly state-owned hotels

in which many reside are privatised, and a number of eviction orders have already been served in such cases. Despite official promises, their status and permanent housing has yet to be resolved.[14a]

6.15. There are believed to be at least 500,000 displaced persons in the Russian Federation, of whom around 100,000, mostly ethnic Russians who left the northern Caucasus during the first Chechen conflict between 1994 and 1996, are currently registered by the federal authorities as "forced migrants," which entitles them to assistance to facilitate their resettlement elsewhere in the Russian Federation.[12] It has been estimated that at least a quarter of a million residents, including almost the entire Russian, Armenian, and Jewish populations, migrated from Chechnya as a result of both the first conflict and the current one. The current conflict in Chechnya, which began in September 1999, resulted in widespread civilian casualties and the displacement of around 280,000 people, 150,000 of whom remain in Ingushetia. Meanwhile, some 4,500 Chechens are reported to remain in Dagestan, 2,500 in North Ossetia, and 7,000 in Georgia, while thousands of others reportedly went to other regions of the Russian Federation.[14a] The UNHCR continues to help government agencies to increase technical capacities to provide protection and assistance for the displaced.[13b] Federal refugee policy aims at repatriating the internally displaced as soon as possible back to Chechnya, but assurances have been given that no one would be repatriated forcibly. There are believed to be approximately 160,000 internally displaced Chechens in various parts of Chechnya itself.[14a]

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