U.S. DEPARTMENT of STATE

139

Russia

Country Reports on Human Rights Practices - 2002
Released by the Bureau of Democracy, Human Rights, and Labor
March 31, 2003

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 a lower house (State Duma) and an upper house (Federation Council). The Duma has a strong propresidential center that puts majority support within reach for almost all presidential priorities. Both the President and the Duma were selected in competitive elections, with a broad range of individual candidates, political parties, and movements contesting offices. President Vladimir Putin was elected in March 2000, and Prime Minister Mikhail Kasyanov took office in May 2000. Both the presidential elections and the December 1999 Duma elections were judged by international observers to be generally free and fair, although in both cases pre-election manipulation of the media was a problem. The Constitution provides for an independent judiciary. Although seriously impaired by a shortage of resources and by corruption and still subject to undue influence from other branches of Government, the judiciary showed increasing independence and was undergoing reforms.

The Ministry of Internal Affairs (MVD), the Federal Security Service (FSB), the Procuracy, and the Federal Tax Police were responsible for law enforcement at all levels of Government. The FSB has broad law enforcement functions, including fighting crime and corruption, in addition to its core responsibilities of security, counterintelligence, and counterterrorism. The FSB operated with only limited oversight by the Procuracy and the courts. The primary mission of the armed forces was national defense, although they have been employed in local internal conflicts, and they were available to control civil disturbances. Internal security threats in parts of the Russian Federation increasingly have been dealt with by militarized elements of the security services. Members of the security forces, particularly within the internal affairs apparatus, continued to commit numerous and serious human rights abuses.

The country has a total population of approximately 143 million. The economy continued to grow, although at lower rates than in 2001. Annual gross domestic product (GDP) growth was 4.5 percent, compared with 5 percent in 2001. GDP was $252 billion for the first 9 months of the year. Industrial production grew by 3.7 percent; real income increased by 8.8 percent. Approximately 27 percent of the population, however, continued to live below the official monthly subsistence level of $60. Official unemployment was 7.1 percent, down from 9 percent at the end of 2001. Corruption continued to be a negative factor in the development of the economy and commercial relations.

Although the Government generally respected the human rights of its citizens in some areas, its record was poor in other areas. Significant reforms occurred in law enforcement and judicial procedures; however, a variety of direct and indirect government actions further weakened the autonomy of the electronic media, the primary source of information for most individuals, and the Government's record remained poor in Chechnya, where federal security forces demonstrated little respect for basic human rights. There were credible reports of serious violations, including numerous reports of extrajudicial killings, by both the Government and Chechen separatists in the Chechen conflict. Hazing in the armed forces resulted in a number of deaths. There were reports of government involvement in politically motivated disappearances in Chechnya. There were credible reports that law enforcement personnel continued to torture, beat, and otherwise abuse detainees

and suspects. Arbitrary arrest and detention, while significantly reduced by a new Code of Criminal Procedure, remained problems, as did police corruption. The Government prosecuted some perpetrators of abuses, but many officials were not held accountable for their actions.

Lengthy pretrial detention was a serious problem; however, the introduction of the new Code of Criminal Procedure led to significant reductions in time spent in detention for new detainees. Prison conditions continued to be extremely harsh and frequently life threatening. Laws on military courts, military service, and the rights of service members often contradicted the Constitution, federal laws, and presidential decrees, raising arbitrary judgments of unit commanders over the rule of law. The Government made substantial progress during the year with implementation of constitutional provisions for due process and fair and timely trial; however, the judiciary continued to lack resources, suffered from corruption, and remained subject to influence from other branches of the Government, and judges were inadequately protected by the Government from threats by organized criminal defendants. A series of alleged espionage cases continued during the year and raised concerns regarding the lack of due process and the influence of FSB in court cases. Authorities continued to infringe on citizens' privacy rights.

Despite the continued wide diversity of views expressed in the press, government pressure continued to weaken the independence and freedom of some media, particularly major national television networks and regional media outlets. The Government at times restricted freedom of assembly at the local level. The Government did not always respect the constitutional provision for equality of religions, and in some instances the authorities imposed restrictions on some religious groups. Societal discrimination, harassment, and violence against members of some religious minorities remained problems. Despite constitutional protections for citizens' freedom of movement, local governments restricted this right, in particular by denying local residency permits to new settlers from other areas of the country. Government institutions intended to protect human rights were relatively weak, but remained active and public. The Government placed restrictions on the activities of both nongovernmental organizations (NGOs) and international organizations in Chechnya.

Violence against women and children remained problems, as did discrimination against women. Persons with disabilities continued to face problems from both societal attitudes and lack of governmental support. Ethnic minorities, including Roma and persons from the Caucasus and Central Asia, faced widespread governmental and societal discrimination, and at times violence. There were increasing limits on worker rights, and there were reports of instances of forced labor and child labor. Trafficking in persons, particularly women and young girls, was a serious problem. Russia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

A new Criminal Procedures Code that took effect beginning in July for the first time permitted the application of existing Constitutional provisions that individuals could be arrested, taken into custody, or detained, only upon a judicial decision. After the introduction of the new Code the number of criminal cases opened by the Procuracy declined by 25 percent; the number of suspects placed in pretrial detention declined by 30 percent; and the courts rejected 15 percent of requests for arrest warrants. Judges released some suspects held in excess of allotted time when the Government failed properly to justify its request for extension, and the Supreme Court overturned some lower court decisions to grant pretrial detention considered inadequately justified. Early indications were that the changes were having an effect on the behavior of police, prosecutors, and the judicial system. Human rights advocates reported that the strict new limits on time held in police custody without access to family or lawyers, and the stricter standards for opening cases, have discouraged abuse of suspects by police as well.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports of political killings by the Government or its agents; however,

there continued to be credible reports that the federal armed forces engaged in extrajudicial killings in Chechnya. There also were credible reports that the armed forces used indiscriminate force at various times in the Chechen conflict in areas with significant civilian populations, resulting in numerous deaths (see Section 1.g.).

Hazing in the armed forces resulted in the deaths of servicemen (see Section 1.c.).

On June 26, a court acquitted all defendants charged with the 1994 murder of journalist Dimitriy Kholodov (see Section 2.a.).

Government "mopping-up" operations in the Chechen town of Tsotsin-Yurt in January, March, and July allegedly resulted in the deaths of many civilians (see Section 1.g.). No one had been charged with these killings by year's end. According to Human Rights Watch, no one has been held accountable for the extrajudicial killings of 130 civilians in Alkhan-Yurt, Staropromyslovskiy, and Novyye Aldi in similar operations in 1999 and 2000.

The press and media NGOs reported that a number of journalists were killed by unknown parties, presumably because of the journalists' work (see Section 2.a.).

Attacks on ethnic and racial minorities and asylum seekers resulted in some deaths (see Section 5).

There were a number of killings of government officials throughout the country, some of which may have been politically motivated, either in connection with the ongoing strife in Chechnya, or with local politics. Among the political figures killed were: Duma Deputy Vladimir Golovlev in August; Smolensk Oblast First Deputy Governor Vladimir Prokhorov in August; Akhmen Zavgayev, Head of Nadterechnyy District Administration (and brother of Doku Zavgayev, former Head of the Chechen Administration) in Chechnya in September; Leonid Volkov, Head of the Loknyanskiy District of Pskov Oblast in August; and Magadan Governor Valentin Tsvetkov in October.

On September 19, Mikhail Nikiforov, First Deputy Chief of the MVD's Criminal Militia, said that law enforcement officers had identified suspects in the 1997 killing of St. Petersburg Vice Governor Mikhail Manevich. Nikiforov stated that the two suspects in the Manevich case were no longer alive but provided no further details. There were no reports that the case was being investigated further.

On November 21, the FSB announced that six unidentified suspects had been arrested and charged with the 1998 killing of Galina Starovoytova, a prominent Duma deputy.

There have been no developments in the December 5, 2000 killing of the Mayor of Murom, Petr Kaurov. There also were no developments in the 2000 killing of Svetlana Semenova, a political party activist in the Union of Right Forces. It was not clear whether these killings were politically motivated. In 2001 police released Semenova's husband, who had been the main suspect in the case.

In early November, police arrested four persons in connection with the 1999 killing of St. Petersburg legislative assembly Deputy Viktor Novoselov but failed to capture the alleged criminal group leader. St. Petersburg city court hearings continued in this case.

Chechen rebels killed numerous civilians and increased their killings of officials and militia associated with the Russian-appointed Chechen administration, including many civilians (see Section 1.g.). Chechen terrorists killed two of the hostages they took in a Moscow theater in October (see Section 1.g.). Chechen fighters killed a number of federal soldiers whom they took prisoner (see Section 1.g.). Religious and secular figures also were kidnaped and killed in Chechnya during the year (see Sections 1.b., 1.c., and 5).

Authorities attributed bombing incidents in Dagestan and several cities in southern areas of the country to Chechen rebels.

Government forces and Chechen fighters have used landmines extensively in Chechnya and Dagestan since August 1999 (see Section 1.g.); there were many civilian landmine casualties in Chechnya during the year.

b. Disappearance

There were reports of government involvement in politically motivated disappearances in Chechnya; however, there were fewer reports of kidnapings than in previous years. The NGO Memorial claimed that federal military forces detained thousands of persons from Chechnya. Some of these persons disappeared, but most were released, often after their relatives paid a bribe. Memorial estimated that the number of individuals unaccounted for was somewhere between several hundred and a thousand. Former Presidential Representative for Human Rights in Chechnya Vladimir Kalamanov acknowledged that at least several hundred persons were missing in Chechnya.

The August kidnaping by unknown persons of the head of the Doctors without Borders Mission in the neighboring province of Dagestan remained unsolved at year's end. This event and overall security problems led the U.N. and many NGOs to suspend their activities in Chechnya temporarily.

A September report from the office of Abdul-Khakim Sultygov, the President's Special Representative for Human Rights in Chechnya, stated that since it began operations in February 2000 the office had received complaints of 959 disappearances. According to the office, 401 persons were located, 18 of whom were dead. Authorities were carrying out criminal investigations in 234 of the cases and searches for missing persons in 324 cases. Attacks on ethnic and racial minorities and asylum seekers resulted in some deaths (see Section 5).

There were no developments in the ongoing criminal investigation into the 2000 disappearance of former speaker of the Chechen Parliament and former field commander, Ruslan Alikhadzhiyev, who allegedly was detained in Shali by federal forces.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, violence, and other brutal or humiliating treatment or punishment; however, there were credible reports that law enforcement personnel frequently used torture to coerce confessions from suspects and that the Government often did not hold officials accountable for such actions.

Prisoners' rights groups, as well as other human rights groups, documented numerous cases in which law enforcement and correctional officials tortured and beat detainees and suspects. Human rights groups described the practice of torture as widespread. In 2000 Human Rights Ombudsman Oleg Mironov estimated that 50 percent of the prisoners with whom he spoke claimed to have been tortured. Numerous press reports indicated that the police frequently beat persons with little or no provocation or used excessive force to subdue detainees. Reports by refugees, NGOs, and the press suggested a pattern of police beatings, arrests, and extortion directed at persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa (see Section 5). Press reports and human rights groups indicated that police in some parts of the country also used beatings and torture as part of investigative procedures as well. Police continued to harass defense lawyers, including through beatings and arrests, and continued to intimidate witnesses (see Section 1.e.). Some human rights observers and members of the legal profession suggested that the introduction on July 1 of a new Code of Criminal Procedures that limits the duration of detention without access to counsel or family members and contains provisions that render statements given in the absence of a defense attorney unusable in court, would reduce the incentive for the authorities to abuse prisoners. However, authoritative reports concerning changes in actual practice were not available by year's end. Abuse of prisoners by other prisoners continued to be a problem.

Torture by police officers usually occurred within the first few hours or days of arrest and usually took one of four forms: Beatings with fists, batons, or other objects; asphyxiation using gas masks or bags (sometimes filled with mace); electric shocks; or suspension of body parts (e.g., suspending

a victim from the wrists, which are tied together behind the back). Allegations of torture were difficult to substantiate because of lack of access by medical professionals and because the techniques used often left few or no permanent physical traces. There were credible reports that government forces and Chechen fighters in Chechnya tortured detainees (see Section 1.g.).

There were reports that police beat Roma during the year (see section 5).

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; however, security forces remained largely unreformed. Torture is not defined in the law or the Criminal Code; it is mentioned only in the Constitution. As a result, it was difficult to charge perpetrators. The only accusation that could be brought against the police is that they exceeded their authority or committed a simple assault.

Various abuses against military servicemen, including, but not limited to, the practice of "dedovshchina" (the violent, sometimes fatal hazing of new junior recruits for the armed services, MVD, and border guards), continued during the year. Press reports cited serving and former armed forces personnel, the Military Procurator's Office, and NGOs monitoring conditions in the armed forces, who indicated that this mistreatment often included the use of beatings or threats of increased hazing to extort money or material goods. Press reports also indicated that this type of mistreatment resulted in permanent injuries and deaths among servicemen. Soldiers often did not report hazing to either unit officers or military procurators due to fear of reprisals, since officers in some cases reportedly tolerated or even encouraged such hazing as a means of controlling their units. There also were reports that officers used beatings to discipline soldiers whom they found to be "inattentive to their duties." The practice of hazing reportedly was a serious problem in Chechnya, particularly where contract soldiers and conscripts served together.

Both the Union of Soldiers' Mothers Committee (USMC) and the Main Military Procurator's Office (MPPO) received numerous reports about "nonstatutory relations," in which officers or sergeants physically assaulted or humiliated their subordinates. This tendency commonly has been attributed to stressful conditions--for example, degrading and substandard living conditions--that persisted throughout the armed forces--and to the widespread placement of inexperienced reserve officers, on active duty for 2 years, as leaders of primary troop units. The USMC estimated that approximately 3,000 noncombat deaths occurred annually; these included: Shootouts, suicides, and training and traffic accidents.

Despite the acknowledged seriousness of the problem, the leadership of the armed forces made only superficial efforts to implement substantive reforms in training, education, and administration programs within units to combat abuse. The limited scale of their efforts was due at least in part to lack of funding and to the leadership's preoccupation with urgent reorganization problems and the fighting in Chechnya. The MMPO continued to cooperate with the USMC to investigate allegations of abuse. Nonetheless, the USMC believed that most hazing incidents and assaults were not reported due to a fear of reprisals, the indifference of commanders, and deliberate efforts to cover up such activity.

There were reports that the corruption of government officials facilitated trafficking in persons (see Section 6.f.).

Criminal groups in the Northern Caucasus, some of which may have links to elements of the rebel forces, frequently resorted to kidnaping. The main motivation behind such cases apparently was ransom, although some cases had political or religious overtones. Many of the hostages were being held in Chechnya or Dagestan.

During the year, members of ethnic or racial minorities were victims of beatings, extortion, and harassment by "skinheads" and members of other racist and extremist groups.

Prison conditions remained extremely harsh and frequently life threatening. The Ministry of Justice administered the penitentiary system centrally from Moscow. The Ministries of Justice, Health,

Defense, and Education all maintained penal facilities. There were five basic forms of custody in the criminal justice system: Police detention centers, pretrial detention facilities known as Special Isolation Facilities (SIZOs), correctional labor colonies (ITKs), prisons designated for those who violate ITK rules, and educational labor colonies (VTKs) for juveniles. Responsibility for operating the country's penal facilities fell under the Ministry of Justice's Main Directorate for Execution of Sentences (GUIN).

The Government did not release statistics on the number of detainees and prisoners who were killed or died or on the number of law enforcement and prison personnel disciplined. The Moscow Center for Prison Reform (PCPR) estimated that in earlier years, 10,000 to 11,000 prisoners died annually in penitentiary facilities, 2,500 of them in SIZOs. During the year, these numbers were estimated to be somewhat lower. Most died as a result of poor sanitary conditions or lack of medical care (the leading cause of death was heart disease). The press often reported on individuals mistreated, injured, or killed in various SIZOs; some of the reported cases indicated habitual abuse by the same officers.

Violence among inmates, including beatings and rape, was common. There were elaborate inmate-enforced caste systems in which informers, homosexuals, rapists, prison rape victims, child molesters, and others were considered to be "untouchable" and were treated very harshly, with little or no protection provided by the prison authorities.

Penal institutions frequently remained overcrowded; however, mass amnesties offered immediate relief. Longer-term and more systemic measures to reduce the size of the prison population were also taken. These included the use of alternative sentencing in some regions and revisions of both the Criminal Code and the Code of Criminal Procedure which eliminate incarceration as a penalty for a large number of less serious offenses. Many penal facilities remained in urgent need of renovation and upgrading. By law authorities must provide inmates with adequate space, food, and medical attention; with the dramatic decrease in prison populations these standards increasingly were being met.

The implementation of the new Code of Criminal Procedure reduced both the numbers of persons being held and the length of time they may be held in detention, reducing the size of the SIZO population by 30 percent by year's end, and virtually eliminating the problem of overcrowding in those institutions. As of September 25, prisoners in SIZOs had an average of 38 square feet per person, up from 16 square feet the previous year, representing a significant advance toward the norm of 44 square feet specified by law.

Inmates in the prison system often suffered from inadequate medical care. According to the GUIN, as of September 1, there were approximately 86,000 tuberculosis-infected persons and 21,576 HIV-infected persons in SIZOs and correction colonies combined. Public health measures, funded by international aid and by 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. Detention facilities had tuberculosis infection rates far higher than in the population at large. The Saratov Oblast administration, concerned with the tuberculosis crisis in its facilities, fully funded the tuberculosis-related medicinal needs of prisoners, according to the PCPR. The PCPR also reported that conditions in penal facilities varied among the regions. Some regions offered assistance in the form of food, clothing, and medicine. NGOs and religious groups offered other support.

Conditions in police station detention centers varied considerably but generally were harsh, although average periods of stay in such facilities decreased. In most cases, detainees lacked bedding, places to sleep, running water, toilets, showers, and adequate nutrition. Suspects awaiting the completion of a criminal investigation, trial, sentencing, or appeal, were confined in SIZOs, as occasionally were convicts when the State lacked transportation to take them elsewhere. Conditions in SIZOs remained extremely harsh and posed a serious threat to life and health. Health, nutrition, and sanitation standards in SIZOs remained low due to a lack of funding. Head lice, scabies, and various skin diseases were prevalent. Prisoners and detainees typically relied on families to provide them with extra food. Under such conditions, prisoners slept in shifts. In most pretrial detention centers and prisons, there was no ventilation system. Poor ventilation was thought

to contribute to cardiac problems and lowered resistance to disease. Because of substandard pretrial detention conditions, defendants sometimes claimed that they had confessed simply to be moved to comparatively less harsh prison conditions. Defendants' retractions of confessions made under these conditions generally were ignored, as were those who attempted to retract confessions they claimed they were coerced to make (see Section 1.e.), although the NGO Human Rights Institute asserts that the problem of coerced confessions became less serious after mid-year as a result of the inadmissibility of confessions not made in the presence of counsel.

An individual detained before January 1 could spend up to 3 years awaiting trial in a SIZO; however, the new Criminal Procedure Code gives the courts, rather than the Procuracy, the authority to review detention, and the Supreme Court instructed all judges to enforce statutory limits on pretrial detention strictly (see Section 1.d.). The new Code limits detention in police stations to 24 hours before the case is referred to the procurator and to 24 hours for the procurator to open or reject the criminal case. At that point, the procurator must decide whether to seek pretrial detention from the court. Pretrial detention is limited in most cases to 6 months. The investigators have 2 months to refer the case file to the court and request more time for detention. Only in a small number of serious crimes and complex investigations can the Procuracy request an extension of detention for 6 more months, and only with the personal approval of the Procurator General himself can they apply to the court for an extension to a maximum of 18 months. During the first 6 months in which the new procedures were in place, no such extensions were requested, and most cases went to trial in the allotted 6 months. By year's end, it was possible to evaluate only the enforcement of some of these limitations. These have generally been respected; however there were still some judges and regions which did not appear to fully enforce this provision.

ITKs held the bulk of the nation's convicts. There were 749 ITKs. Guards reportedly disciplined prisoners severely in order to break down resistance. At times guards humiliated, beat, and starved prisoners. According to the PCPR, conditions in the ITKs were better than those in the SIZOs, because the ITKs had fresh air. In the timber correctional colonies, where hardened criminals served their time, beatings, torture, and rape by guards reportedly were common. In September 2001, procurators in Perm announced that they had brought charges of mistreating inmates against Special Forces Commander Sergey Bromberg, head of the strict regime prison colony at Chepets. Along with seven masked members of his unit, Bromberg was suspected of beating inmates at the prison colony. The Procurator subsequently announced that he had completed his investigation; however, there were no reports by year's end that a prosecution was being pursued. The country's "prisons"--distinct from the ITKs--were penitentiary institutions for those who repeatedly violated the rules in effect in the ITKs.

VTKs were facilities for prisoners from 14 to 20 years of age. Male and female prisoners were held separately. In September 2001, GUIN reported that there were 64 educational colonies, 3 of which were for girls. Conditions in the VTKs were significantly better than in the ITKs, but juveniles in the VTKs and juvenile SIZO cells reportedly also suffered from beatings, torture, and rape. The PCPR reported that such facilities had a poor psychological atmosphere and lacked educational and vocational training opportunities. Many of the juveniles were from orphanages, had no outside support, and were unaware of their rights. There also were two prisons for children in Moscow. Boys were held with adults in small, crowded, and smoky cells. Schooling in the prisons for children was sporadic at best, with students of different ages studying together when a teacher could be found.

In April 2001, President Putin described the problem of disease in the prison system as a potential "Chernobyl." He stated that the Government was not in a position to ensure standard conditions of detention in penitentiary institutions and that the system's problems had become a national concern. According to the PCPR, in order to forestall a crisis the system was obliged either to fund massive new construction and reconstruction of facilities--which was unrealistic under the country's economic conditions--or to reduce the prison population. Subsequently the Government launched a coordinated effort to reform criminal procedure, resulting in a reduction of the prison population. More offenses were moved from the Criminal Code to the Administrative Code, eliminating incarceration as an option in most cases. More crimes were shifted to Justices of the Peace, which had more flexible sentencing structures and could take advantage of a variety of alternative punishments. In some regions, alternative penalties such as house arrest and community service joined incarceration as acceptable penalties. For example, in Murmansk the local office of the

Ministry of Justice actively pursued alternative punishments, and many convicted offenders were given sentences not involving incarceration. A similar program was under way in Nizhniy Novgorod, where it resulted in reductions in the number of persons in SIZO detention and the time they spent there. The standards of proof for convictions rose, and the shifting of more responsibilities to independent arbiters such as the courts decreased the number of cases opened. These factors combined have begun to reduce the prison population.

The Government permitted the International Committee of the Red Cross (ICRC) to work throughout the country, and the ICRC was active especially in the northern Caucasus. The ICRC carried out regular prison visits and provided advice to authorities on how to improve prison conditions. The Government allowed the ICRC access to some facilities in the northern Caucasus where Chechen detainees were held; however, the pretrial detention centers and filtration camps for suspected Chechen fighters were not always accessible to human rights monitors (see Section 1.g.).

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remained problems; however, there was progress toward effective judicial oversight over arrests and detentions. The new Code of Criminal Procedure gave authorities the means to implement the constitutional requirement that individuals could be arrested, taken into custody, or detained beyond 48 hours only upon a judicial decision. In many cases courts aggressively asserted their new rights, freeing prisoners in Chechnya, rejecting 15 percent of the requests for arrest warrants, and rejecting 30 percent of the requests for detention in some areas. Judges freed suspects whose confessions were taken without lawyers present or who were held in excess of detention limits. The Supreme Court overturned a number of cases in which lower court judges granted permission to detain individuals on what the Supreme Court considered to be inadequate grounds. The Courts issued strict instructions to judges to enforce the time limits set on various stages of detention; however, insufficient time had elapsed by year's end to permit evaluation of compliance with these instructions.

A new Criminal Procedure Code, passed by the Duma in December 2001, became effective on July 1, with some provisions to be implemented in 2003. The new Code stipulates that if the police have probable cause to believe that a suspect has committed a crime, or that the suspect is an imminent threat to others, they may detain him for not more than 24 hours. During that time, they must notify the procurator, who then has 24 hours to confirm the charge or release the suspect. The Code also requires that the Procuracy obtain a judicial order for arrest, search, or seizure. It provides that relatives are to be notified of a suspect's arrest within 12 hours and that suspects have access to prompt counsel prior to the first questioning. Pretrial detention for crimes carrying a sentence of less than 3 years is prohibited unless the defendant poses a demonstrable flight risk; detention during trial is limited to 6 months, except where particularly grave crimes are involved. The new Criminal Procedure Code specifies that within 2 months of a suspect's arrest police should complete their investigation and transfer the file to the procurator for arraignment. A procurator may request the court to extend the period of criminal investigation to 6 months in "complex" cases with the authorization of a judge. With the personal approval of the Procurator General, that period may be extended up to 18 months. Juveniles may be detained only in cases of grave crimes. The new Criminal Procedure Code includes a formal procedure for pleading guilty and includes incentives such as shorter sentences as well as shorter trials. The new Criminal Procedure Code became effective on July 1, but the Duma had specified that these provisions regarding detention were to be delayed until January 1, 2004. The Constitutional Court ruled in May that it was unconstitutional to delay the implementation of judicial oversight after the new Code was slated to become effective. In response the Duma amended the new Code in June so that these provisions took effect on July 1.

However, before July 1, the court system continued to be governed by the amended Soviet Criminal Procedure Code, under which suspects often were subjected to uneven and arbitrary treatment. Procurators were able to issue orders of detention without judicial approval and police detained suspects for up to 48 hours without a warrant. The PCPR reported terms of pretrial detention under the previous Code extending up to 3 years, with the average ranging from 7 to 10 months. However, in some extreme cases, the PCPR reported total pretrial and during trial detention periods of up to 5 years due to financial constraints and poor investigative and court work. Some suspects

spent 18 months in detention under harsh conditions in a SIZO while the criminal investigation was conducted (see Section 1.c.). Indefinite extensions of the investigation period without explanation to the detainee were common, and many suspects did not exercise their rights to request judicial review of their detention due to fear of angering the investigating officer. There was no formal procedure for a suspect to plead guilty during the investigative period, although if a suspect informed the investigator that he was guilty, the period of the investigation usually was shorter than if he maintained his innocence. There also were many credible reports that persons were detained far in excess of the period permitted for administrative offenses, in some cases so that police officials could extort money from friends or relatives of detainees. The practice of detaining individuals arbitrarily for varying periods of time, both within and in excess of permissible periods, was common, and often resolved only with bribes. After July 1, many of the motivations for these acts were reduced, but abuses still remained.

Families often were denied access to suspects in police detention; however, stricter oversight generally produced better compliance with the law. A March 2001 amendment to the Criminal Procedure Code allowed defendants immediate access to counsel when they have been arrested and referred for a psychiatric examination; this amendment took effect in January. Citizens' ignorance of their new rights was a problem. The Government embarked on a public education program to inform citizens of their rights and responsibilities under the system introduced by the new Code of Criminal Procedures, such as the right to a lawyer and the obligation to serve on juries when called.

Even after July 1, there were credible reports that police continued abuses. There were credible reports from throughout the country that police detained persons without observing mandated procedures and failed to issue receipts for confiscated property. There were credible reports that security forces regularly continued to single out persons from the Caucasus for document checks, detention, and the extortion of bribes. According to NGOs, federal forces commonly detained groups of Chechen men at checkpoints along the borders and during "mopping-up" operations following military hostilities and severely beat and tortured them.

Some regional and local authorities took advantage of the system's procedural weaknesses to arrest persons on false pretexts for expressing views critical of the Government. Human rights advocates in some regions have been charged with libel, contempt of court, or interference in judicial procedures in cases with distinct political overtones. Journalists, among others, have been charged with other offenses and held either in excess of normal periods of detention or for offenses that do not require detention at all (see Sections 2.a. and 4).

Authorities abrogated due process in several "espionage" cases involving Russians who worked with foreigners who allegedly had obtained information that the security services considered sensitive (see Section 1.e.). Although investigations in many of these cases had continued for a number of years, charges were filed in nearly all of them in the last days before the new code took effect, in order that prosecutors could avoid certain procedural protections accorded defendants.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and there were increasing signs of judicial independence; however, the judiciary did not act as an effective counterweight to other branches of the Government. Judges remained subject to some influence from the executive, military, and security forces, particularly in high profile or politically sensitive cases. The judiciary continued to lack sufficient resources and was subject to corruption.

The judiciary is divided into three branches. The courts of general jurisdiction, including military courts, are subordinated to the Supreme Court. These courts hear civil and criminal cases and include district courts, which serve every urban and rural district, regional courts, and the Supreme Court. Decisions of the lower trial courts can be appealed only to the immediately superior court unless a constitutional issue is involved. The arbitration (commercial) court system under the High Court of Arbitration constitutes a second branch of the judicial system. Arbitration courts hear cases

involving business disputes between legal entities and between legal entities and the state. The Constitutional Court (as well as constitutional courts in a number of administrative entities of the Russian Federation) constitute the third branch.

Judges were approved by the President after being nominated by the qualifying collegia, which were assemblies of judges. These collegia also had the authority to remove judges for misbehavior and to approve procurators' requests to prosecute judges.

Justices of the Peace, introduced beginning in 1998, dealt with criminal cases involving maximum sentences of less than 2 years and some civil cases. There were more than 4,500 Justices of the Peace throughout the country by year's end. These judges handled a variety of civil cases as well as criminal cases. In those areas where the system of Justices of the Peace had been implemented completely, there was a significant decrease in backlogs and delays in trial proceedings, both among those cases referred to the Justices of the Peace and in the courts of general jurisdiction, because dockets were freed to accept more serious cases more rapidly. Justices of the Peace were in various stages of development according to region, but were functioning nationwide, producing significant reductions in case backlogs and freeing the courts of general jurisdiction for more serious cases. In some regions, Justices of the Peace assumed approximately one-half of federal judges' civil cases and up to 15 percent of their criminal matters, which eased overcrowding in pretrial detention facilities (see Sections 1.c. and 1.d.).

Low salaries and a lack of prestige continued to make it difficult to attract talented new judges and contributed to the vulnerability of existing judges to bribery and corruption; however, judicial salaries were increased by 60 percent during the year. Working conditions for judges remained poor and lacking in physical security, and support personnel continued to be underpaid. Judges remained subject to intimidation and bribery from officials and others and were inadequately protected from intimidation or threats from powerful criminal defendants.

The new Criminal Procedure Code 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, was intended to eliminate subjectivity in the selection of judges; to facilitate access to the judicial profession by minimizing 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 the year. The new Criminal Procedure Code also broadened the jurisdiction of Justices of the Peace to include all crimes with maximum sentences of less than 3 years.

The Constitution provides for the right to a fair trial; however, this right was restricted in practice. With the introduction of new criminal procedures, abuses of this right declined; however, it was too early at year's end to provide an authoritative reassessment of the situation. Many defendants did not attempt to exercise their right to counsel, believing that such efforts would be pointless. NGOs reported that investigators found ways to deny suspects access to counsel, such as by restricting visiting hours. Suspects often were unable or unwilling to exercise their right to counsel during pretrial questioning (see Section 1.d.). Many defendants recanted testimony given during pretrial questioning, stating that they were denied access to a lawyer, that they were coerced into making false confessions or statements, or that they had confessed in order to escape poor conditions in pretrial detention facilities (see Section 1.c.). In the past, human rights monitors have documented cases in which convictions were obtained on the basis of testimony that the defendant recanted in court, even in the absence of other proof of guilt; however, the new Criminal Procedure Code specifically excluded such confessions from evidence.

The Criminal Code provides for the court to appoint a lawyer free of charge if a suspect cannot afford one. It specifies that an advocates' collegium president must appoint a lawyer within 24 hours after receiving such a request; however, this did not always happen in practice. Lawyers tried to avoid accepting these cases since the Government did not always pay them. Judges often called upon the Society for the Guardianship of Penitentiary Institutions to provide legal assistance for suspects facing charges and trial without representation. This society operated primarily in Moscow, although it used its connections throughout the country to appeal to legal professionals to represent

the indigent. However, the high cost of competent legal representation meant that lower-income defendants often lacked legal representation.

The new Criminal Procedures Code mandates that all regions have adversarial jury trials for the most serious offenses in place by January 1, 2003; since 1994 9 of the country's 89 regions have made use of adversarial jury trials. In December, citing administrative and logistical considerations, the Duma passed a law that required 69 regions to adopt the new system by the January 2003 deadline but left 11 to adopt the system at a later time. According to observers, a majority of defense attorneys, defendants, and the public favored jury trials and an adversarial approach to criminal justice.

The Independent Council of Legal Expertise has reported that defense lawyers increasingly were the targets of police harassment, including beatings and arrests. Professional associations at both the local and federal levels reported abuses throughout the country, charging that police tried to intimidate defense attorneys and cover up their own criminal activities.

Authorities abrogated due process in several "espionage" cases involving foreigners who worked with Russians and allegedly obtained information that the security services considered sensitive. The proceedings in these cases took place behind closed doors, and the defendants and their attorneys encountered difficulties in learning the details of the charges. Observers believed that the FSB was seeking to discourage Russians and foreigners from investigating problems that the security services considered sensitive, and were concerned by the apparently undue influence of the security services.

In September the Krasnoyarsk Kray court ruled that the prosecutor's office had committed "violations of law" in the case of Valentin Danilov, a Krasnoyarsk physicist, charged with espionage and fraud for allegedly selling sensitive information to China. The court returned the case to the prosecutor's office and released Danilov from prison.

At year's end, the Supreme Court had not completed its review of the criminal case against Vladimir Shchurov, Director of the Sonar Laboratory of the Pacific Oceanographic Institute, who was the subject of a criminal case brought by regional FSB authorities in 2000. NGOs familiar with the case reported that Shchurov's lawyer was denied access to many of the details of the charge and that the judge presiding over the case had unlawfully refused to enter into evidence documents that the defense attorney believed demonstrated Shchurov's innocence.

At year's end, Grigoriy Pasko, a military journalist and active-duty officer in the Pacific Fleet, was being held in a prison near Vladivostok after having been sentenced in December 2001 to 4 years' imprisonment for espionage. Both prosecution and defense appealed the verdict to the military collegium of the Supreme Court in Moscow. At year's end, Igor Sutyagin, a disarmament researcher with the U.S. and Canada Institute who had been detained in 1999 on suspicion of espionage, remained in detention. Sutyagin was accused of passing classified information about the country's nuclear weapons to a London-based firm, but the Kaluga regional court ruled in December 2001 that the evidence presented by the procurator did not support the charges brought against him and returned the case to the procurator for further investigation.

Platon Obukhov, a diplomat charged with espionage, was determined to be mentally ill and at year's end was undergoing treatment in a psychiatric hospital near Moscow. Yuriy Savenko, head of the Independent Psychiatric Association of Russia, and other human rights activists criticized the Obukhov's 2001 trial, charging that the psychiatric evaluation supervised by the Ministry of Health was influenced by political considerations and by pressure from the FSB.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, or Correspondence

The Constitution states that officials may enter a private residence only in cases prescribed by federal law or on the basis of a judicial decision. It permits the Government to monitor

correspondence, telephone conversations, and other means of communication only with judicial permission. The Constitution prohibits the collection, storage, utilization, and dissemination of information about a person's private life without his consent; the 1999 Law on Operational Search Activity partially implemented these provisions, and the new Criminal Procedure Code implemented others; however, problems remained. Authorities continued to infringe citizens' privacy rights. There were reports of electronic surveillance by government officials and others. Law enforcement officials in Moscow reportedly entered residences and other premises without warrants. There were no reports of government action against authorities who violated these safeguards.

Internet service providers were required to install, at their own expense, a device that routes all Internet traffic to an FSB terminal. Those providers that did not comply with the requirements faced either loss of their licenses or denial of their license renewal. While the framers of the System for Operational Investigative Measures (SORM-2) claimed that the regulation did not violate the Constitution or the Civil Code because it required a court order, there appeared to be no mechanism to prevent unauthorized FSB access to Internet traffic or private information without a warrant. In 2000 Communications Minister Leonid Reyman issued an order stating that the FSB was no longer required to provide telecommunications and Internet companies documentation on targets of interest prior to accessing information. Human rights activists suggested that this order only formalized existing practices, established since SORM was introduced, of monitoring communications without providing any information or legal justification to those being monitored. Despite the 2000 Supreme Court ruling upholding the requirements that the FSB conduct monitoring only by court order, the oversight and enforcement of these provisions were inadequate in practice.

In 2000 President Putin signed the "Doctrine of Information Security of the Russian Federation." This Doctrine is not, operational document, and there was no legal basis to "implement" it. While the Doctrine offers general language on protecting citizens' constitutional rights and civil liberties, it also includes specific provisions that justify greater state intervention. For example, according to the Doctrine, law enforcement authorities should have wide discretion in carrying out SORM surveillance of telephone, cellular, and wireless communications.

There continued to be allegations that officers in the special services, including authorities at the highest levels of the MVD and the FSB, used their services' power to gather compromising materials on political and public figures as political insurance and to remove rivals. Similarly, persons in these agencies, both active and retired, were accused of working with commercial or criminal organizations for the same purpose. There were credible reports that regional branches of the FSB continued to exert pressure on citizens employed by foreign firms and organizations, often with the goal of coercing them into becoming informants.

Government forces in Chechnya looted valuables and foodstuffs from houses in regions that they controlled (see Section 1.g.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

In August 1999, the Government began a second war against Chechen rebels. The indiscriminate use of force by government troops in the Chechen conflict has resulted in widespread civilian casualties and the displacement of hundreds of thousands of persons, the majority of whom sought refuge in the neighboring republic of Ingushetiya. Attempts by government forces to regain control over Chechnya were accompanied by the indiscriminate use of air power and artillery. There were numerous reports of attacks by government forces on civilian targets, including the bombing of schools and residential areas. In 2000 Russian forces began a large-scale offensive military campaign in Chechnya; that offensive campaign largely ended following federal occupation of most of Chechnya by the late spring of 2000, although federal forces continued to engage in an intensive anti-insurgency campaign against Chechen guerillas. In January 2001, President Putin announced that the active military phase of the struggle against separatism in Chechnya had been completed successfully and that an antiterrorist operation under the direction of the FSB would begin immediately. The antiterrorist operation was marked by several large-scale clashes and several rebel attacks on population centers during the summer of 2001. During the year, government forces carried out a number of "cleansing" operations that involved extensive abuses of civilians.

The security situation prevented most foreign observers from travelling to the region, and the Government enforced strict controls on both foreign and domestic media access (see Section 2.a.). Federal authorities--both military and civilian--have limited journalists' access to war zones since the beginning of the war in October 1999. Most domestic journalists and editors appeared to exercise self-censorship and avoid subjects embarrassing to the Government in regard to the conflict (see Section 2.a.). These restrictions made independent observation of conditions and verification of reports very difficult. Nevertheless there were numerous credible reports of human rights abuses and atrocities committed by federal forces during the year. A wide range of reports indicated that federal military operations resulted in numerous civilian casualties and the massive destruction of property and infrastructure, despite claims by federal authorities that government forces utilized precision targeting when combating rebels. The number of civilians killed as a result of federal military operations could not be established; estimates of the totals since 1999 vary from hundreds to thousands. The number of civilians injured by federal forces also could not be verified.

Since August 1999, government forces and Chechen fighters have used landmines extensively in Chechnya and Dagestan. Reports from hospitals operating in the region indicated that many patients were landmine or ordnance victims and that such weaponry was the primary cause of death. Government officials reported that in Chechnya there were 5,695 landmine casualties during the year, including 125 deaths. The casualties included 938 children. By comparison there were 2,140 landmine casualties in 2001.

Government operations to "cleanse" an area following a rebel attack on a military block post or a military personnel vehicle continued periodically throughout the year. On January 3, during a mopping-up operation in Tsotsin-Yurt, 80 people were severely beaten, and 3 dead bodies were found after federal troops left the village. On March 24-25, another "cleansing operation" took place in Tsotsin-Yurt; according to Memorial, all males (300 people) were brought to a "filtration camp"; 14 were detained without charges, others were later released or ransomed by their relatives. On March 27, the Commander-in-Chief of the United Military Forces in Chechnya issued an order (Order #80) which established rules on how to carry out passport checks and mopping-up operations. For example, license plates on military vehicles entering a village should be visible; military personnel should be accompanied by a representative of the Procuracy and local officials; when entering a house, military officers should identify themselves; and all people arrested during a mopping-up operation should be included in lists which are shared with local authorities. However, human rights activists reported that this order frequently was ignored by federal forces. For example, in mid-April federal forces entered the village of Alkhan-Kala and blocked it: Memorial reports that there were gross violations of the requirements established in Order #80.

Tsotsin-Yurt was subject to a mopping-up operation on July 25-29. After a clash between local militia and rebels, federal forces entered the village and arrested about 60 people; some males were then transferred to a building where they were reportedly tortured with electricity. Memorial reported serious beatings and acts of vandalism by the federal forces as well as ordinary robberies during this operation. At year's end, no one had been officially charged or prosecuted in connection with this operation.

From May 21 to June 11, the Mesker-Yurt village was blocked and cleared. For 20 days, no one could enter or leave the village. There were reportedly severe beatings, violence, and harassment by Government troops. Sources from Mesker-Yurt reported that 20 corpses were returned to the relatives, many of them in fragments, because of a new practice of blowing up the bodies of those who were tortured. In addition, 20 more persons were missing, and no fragments of their bodies were found.

In addition to casualties attributable to indiscriminate use of force by the federal armed forces, individual federal servicemen or units committed many abuses. According to human rights observers, government forces responding to Chechen attacks at times engaged in indiscriminate reprisals against combatants and noncombatants alike. Such reports, not independently verified, included the killing of two men chosen at random after a mine incident between the villages of Chiri-Yurt and Novyyee Atagi in January. A similar report described the shelling by government forces of the village of Tsotsin-Yurt following a mining incident. A man and a woman were killed as a result of the shelling.

Command and control among military and special police units often appeared to be weak, and a climate of lawlessness, corruption, and impunity flourished. For example, Government troops executed at least 60 civilians in Aldi and Chernorechiye in 1999 and 38 civilians in Staropromyslovskiy in the period December 1999 to January 2000. According to human rights NGOs, government troops raped woman in Chechnya in December 1999 in the village of Alkhan-Yurt and in other villages. There were no reports of accountability for any these actions by year's end.

During the year, there were no confirmed reports of additional discoveries of mass graves and "dumping grounds" for victims allegedly executed by government forces in Chechnya; however, there were no reports by year's end that the Government intended to investigate earlier cases. In February 2001, relatives of three Chechen men who had disappeared in December 2000 while in the custody of Russian soldiers discovered a large number of bodies, belonging to their relatives and others, near the federal military base at Khankala. Federal law enforcement officials stated that they had found another 48 bodies from the village. Federal officials denied responsibility.

According to Memorial, government sources varied in their estimates of the number of missing persons. Memorial noted that in 2000 the office of Special Presidential Representative for Human Rights in Chechnya, Kalamanov, recorded an increase in the number of reported cases of missing persons from approximately 900 in early 2000 to approximately 3,000 at the end of that year. At the end of 2001, the local department of the Ministry of the Interior in Chechnya had recorded approximately 700 missing persons (i.e., persons for whom the Ministry was searching). Also at the end of 2001, the Chechen administration's missing persons commission had recorded approximately 1,400 reports of missing persons. On the basis of these sources, Memorial concluded that between 1,000 and 2,000 persons were missing in Chechnya at the end of 2001. Memorial also compiled its own list of missing persons on the basis of verified reports, but it is not comprehensive; that list contained approximately 300 records at the end of 2001. Memorial reports that 654 people were reported missing in the first 9 months of the year.

Armed forces and police units reportedly routinely abused and tortured persons held at so-called filtration camps, where federal authorities claimed that fighters or those suspected of aiding the rebels were sorted out from civilians. Federal forces reportedly ransomed Chechen detainees (and at times, their corpses) to their families. Prices were said to range from several hundred to thousands of dollars. According to human rights NGOs, federal troops on numerous occasions looted valuables and foodstuffs in regions they controlled. Many internally displaced persons (IDPs) reported that they were forced to provide payments to, or were otherwise subjected to harassment and pressure by, guards at checkpoints. There were some reports that federal troops purposefully targeted some infrastructure essential to the survival of the civilian population, such as water facilities or hospitals. The indiscriminate use of force by federal troops resulted in a massive destruction of housing, as well as commercial and administrative structures. Gas and water supply facilities and other types of infrastructure also were damaged severely. Representatives of international organizations and NGOs who visited Chechnya also reported little evidence of federal assistance for rebuilding war-torn areas. There also were widespread reports of the killing or abuse of captured fighters by federal troops, as well as by the Chechen fighters, and a policy of "no surrender" appeared to prevail in many units on both sides. Federal forces reportedly beat, raped, tortured, and killed numerous detainees.

The Government investigated, tried, and convicted some members of the military for crimes against civilians in Chechnya; however, there were few such convictions. It was reported that of the 1,700 cases filed against servicemen by military procurators, 345 had been stopped for various reasons, including amnesties, and 360 had been handed over to the courts. Human rights observers alleged that the Government addressed only a fraction of the crimes federal forces committed against civilians in Chechnya.

On December 31, after a trial widely regarded as a test case, a court acquitted Colonel Yuriy Budanov, charged with abducting and murdering an 18-year-old ethnic Chechen girl in 2000, on grounds of temporary insanity. The acquittal came after a lengthy judicial process in the course of which Budanov had undergone three psychological examinations by government-appointed experts. The Government's Commissioner for human rights, Oleg Mironov, called the verdict

"alarming."

Individuals seeking accountability for abuses in Chechnya became the targets of government forces. According to Human Rights Watch (HRW), government troops in June detained Chechen Said-Magomed Imakayev, who had filed a case with the European Court for Human Rights (ECHR) regarding the disappearance during detention by Russian forces of his son in 2000. HRW and Memorial reported that Malika Umazheva--a Chechen who until September served as the head of administration for Alkhan-Kala--was killed in November by government forces, in retribution for her outspokenness about abuses by Russian forces in her village. HRW also reported attacks by soldiers and Ingush policemen on activists of the Russia-Chechnya Friendship Society (a human rights monitoring and advocacy group), and that an activist with the same group, Luiza Betergeryeva, had been killed by Russian forces at a checkpoint in December 2001.

On July 18, during a planned city-center "clean-up" in Groznyy, federal forces broke down the door of the Groznyy Human Rights "Memorial" receptionroom and entered the offices. Nobody was there at the time, although an employee arrived a short time later. The intruders then left without identifying themselves.

International organizations estimated that the number of IDPs and refugees who left Chechnya as a result of the conflict reached a high of approximately 280,000 in the spring of 2000 (see Section 2.d.). At various times during the conflict, authorities restricted the movement of persons fleeing Chechnya. The most recent estimates put the number of IDPs in Chechnya at 140,000 with an additional 110,000 in Ingushetiya. During the year, the authorities closed three refugee camps, and IDPs returned involuntarily to Groznyy. International organizations and IDPs suggested that the authorities applied severe pressure on IDPs to return to Chechnya, an objective denied by President Putin.

In response to international criticism of the human rights situation in Chechnya, several federal government bodies were established to examine alleged domestic human rights violations. In July President Putin appointed Abdul-Khakim Sultygov as Special Presidential Representative for Human Rights in Chechnya (replacing Vladimir Kalamanov). Sultygov's office had branches in Moscow and in a number of locations in the northern Caucasus to take complaints about alleged human rights violations. In April 2000, Pavel Krasheninnikov, Chairman of the State Duma Committee on Legislation, was elected head of a newly created Independent Commission on Human Rights in the northern Caucasus. In September 2000, the Commission opened nine offices in Chechnya and three in Ingushetiya. Sultygov's office and Krasheninnikov's commission heard several thousand complaints from citizens, ranging from destruction or theft of property to rape and murder; however, neither organization was empowered to investigate or prosecute alleged offenses and had to refer complaints to the military or civil procurators. Almost all complainants alleged violations of military discipline and other common crimes. In December the Government appointed a commission to review complaints about treatment of Chechen IDPs in Ingushetiya, but its findings were not released by year's end. For the third year, the Federal Government did not comply with a 2001 U.N. Commission on Human Rights resolution calling for a broad-based independent commission of inquiry to investigate alleged human rights violations and breaches of international humanitarian law. The Government refused to renew the mandate of the Chechnya mission of the Organization for Security and Cooperation in Europe (OSCE), charged with "promoting respect for human rights and fundamental freedoms" in the territory, which expired on December 31 (see Section 4).

Chechen fighters also committed serious human rights abuses. According to unconfirmed reports, rebels killed civilians who would not assist them, used civilians as human shields, forced civilians to build fortifications, and prevented refugees from fleeing Chechnya. In several cases, elderly Russian civilians were killed for no apparent reason other than their ethnicity. As with the many reported violations by federal troops, there were difficulties in verifying or investigating them.

On October 23, approximately 41 members of Chechen terrorist groups took more than 750 persons hostage in a Moscow theater. They threatened to kill the hostages and themselves unless the Government withdrew its troops from Chechnya. Chechen field commander Shamil Basayev subsequently took responsibility for the operation. The effort to rescue the hostages resulted in 168

persons killed, including 127 hostages (in addition to 2 whom the hostage-takers had killed) and the 41 terrorists, who were shot by the rescuers. Most fatalities among the hostages were caused by toxic gas introduced by Government security forces in order to subdue the hostage takers. Medical and other observers claimed that many of the deaths might have been avoided if the authorities had provided doctors with information that would have permitted them to administer appropriate antidotes in a timely manner. The authorities cited security reasons for their refusal.

Chechen fighters planted landmines that killed or injured federal forces and often provoked federal counterattacks on civilian areas. In other incidents, rebels took up positions in populated areas and fired on federal forces, thereby exposing the civilians to federal counterattacks. When villagers protested, they sometimes were beaten or fired upon by the rebels.

On May 19, Chechen rebels killed S. Simbarigov, allegedly because of his cooperation with federal forces. They placed his head near the building of the local administration of the village of Mesker-Yurt, and his skinned body was found later in the village outskirts. This episode provoked additional special operations by federal forces in Mesker-Yurt, which lasted until June 11.

Chechen fighters also reportedly abused, tortured, and killed captured soldiers from federal forces. Rebels continued a concerted campaign, begun in 2001, to kill civilian officials of the Government-supported Chechen administration. In a December 27 suicide attack on the governmental headquarters in Groznyy they killed over 80 persons, many of them civilians, and wounded many more.

According to Chechen sources, rebel factions also used violence to eliminate their economic rivals in illegal activities or to settle personal accounts.

Individual rebel field commanders reportedly were responsible for funding their units, and some allegedly resorted to drug smuggling and kidnaping to raise funds. As a result, it often was difficult, if not impossible, to make a distinction between rebel units and criminal gangs. Some rebels allegedly received financial and other forms of assistance from foreign supporters of international terrorism. In October 2001, presidential spokesman Sergey Yastrzhembskiy claimed that there were approximately 200 non-Chechen fighters in Chechnya.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, government pressure on the media persisted, resulting in numerous infringements of these rights. Faced with continuing financial difficulties as well as increased pressure from the Government and large, private companies with links to the Government, many media organizations saw their autonomy weaken during the year. The public continued to have access to a broad spectrum of viewpoints, particularly in the print media. However, by a variety of means the Government continued to exert influence over national television and radio, the most widespread sources of information for the public.

Following the October hostage crisis, the two houses of parliament passed a broadly worded amendment that would have prohibited the media from disseminating information that "hindered an antiterrorist operation" or that was "opposition propaganda against an operation or an attempt to justify such opposition." Following widespread criticism from the media and international media defense organizations, President Putin vetoed the amendment on November 25, returning the issue to the Duma for further consideration.

At times the authorities exerted pressure in a number of ways on journalists, particularly those who reported on corruption or criticized officials. They selectively denied journalists access to information, including, for example, statistics theoretically available to the public and filming opportunities. On many occasions, particularly in regions outside Moscow and St. Petersburg, they demanded the right to approve and then censored certain stories prior to publication and prohibited the tape recording of public trials and hearings. They systematically withheld financial support from

government media operations that exercised independent editorial judgment and attempted to influence the appointment of senior editors at regional and local newspapers and broadcast media organizations. On occasion they removed reporters from their jobs, brought libel suits against journalists, and intimidated and harassed journalists.

Although NTV continued to exercise editorial independence, a state-affiliated bank bought a 49 percent share of the company's stock in October from the majority stockholder, the state-controlled energy firm, Gazprom. Some media analysts interpreted the complex restructuring of Gazprom's media assets as a continued effort by the Government to retain influence over the station in the campaigning for the 2003 Duma and 2004 presidential elections. TV-6 managers teamed up with a media company co-chaired by former Prime Minister Yevgeniy Primakov and the head of the Russian Union of Entrepreneurs to form a new television company, TV Spektrum (TVS). Observers attributed the station's low audience ratings to a general decline in the demand for political news and the difficulties experienced by Kiselev's team in developing new program content. Nevertheless, numerous national and regional media reflected a variety of opinions.

The Government owned approximately 150 of the 550 television stations in the country and indirectly influenced private media companies through partial state ownership of the gas monopoly Gazprom and the oil company Lukoil, which in turn own large shares of media companies. Of the three national television stations, the State-owned Russian Television and Radio (RTR) and a majority of Russiane Public Television (ORT); it also maintained ownership or control of the major radio stations Radio Mayak and Radio Rossii and news agencies ITAR-TASS and RIA-Novosti. The Government owned a 38 percent controlling stake of Gazprom, which in turn had a controlling ownership stake in the prominent, privately owned national television station, Nezavisimoye Televideniye (NTV). Since Gazprom's takeover of NTV in April 2001, the Government has been in a position to influence NTV's editorial stance, but at year's end, the station continued to assert its editorial independence

The Government owned nearly one-fifth of the 12,000 registered newspapers and periodicals in the country and attempted to influence the reporting of independent publications. The financial dependence of most major media organizations on the Government or on one or more of several major financial-industrial groups continued to undermine editorial independence and journalistic integrity in both the print and broadcast media. The concentration of ownership of major media organizations, including media outlets owned by the federal, regional and local governments, remained largely intact and posed a continued threat to editorial independence. Government structures, banking interests, and the state-controlled energy giants United Energy Systems (UES) and Gazprom continued to dominate the Moscow media market and extend their influence into the regions. Continuing financial difficulties of most news organizations exacerbated this problem during the year, thereby increasing their dependence on financial sponsors and, in some cases, the federal and regional governments. As a result of this dependence, the media's autonomy and its ability to act as a watchdog remained weak.

In other important matters as well, private media organizations and journalists across the country remained dependent on the Government during the year. As in 2001, the GDF reported that some 90 percent of print media organizations relied on State-controlled organizations for paper, printing, or distribution, while many television stations were forced to rely on the state (in particular, regional committees for the management of state property) for access to the airwaves and office space. The GDF also reported that officials continued to manipulate a variety of other "instruments of leverage" (including the price of printing at state-controlled publishing houses) in an effort to apply pressure on private media rivals. The GDF noted that this practice continued to be more common outside the Moscow area. Private print and broadcast media, like other enterprises, were vulnerable to arbitrary changes in the policy and practice of tax collection. Although media routinely continued to receive tax breaks on high-cost items such as paper, the GDF and other media NGOs documented numerous instances of government use of taxation mechanisms to pressure media across the country. The Government also occasionally sought to limit reporting on tax matters.

In 2000 the FSB office for the Volgograd region tried to impose a "cooperation agreement" on a number of local newspapers, including Volgogradskaya Pravda, Inter, Gorodskiye Vesti, and Delovoye Povlozhye, which reportedly were pressured into signing the agreement. The document

obliged the newspapers to clear with the FSB prior to publication all of their reports concerning the FSB and to print official FSB releases without comment. The locally based Center for Protection of Media Rights published the agreement, which attracted media attention across the country and subsequently was opposed by human rights advocates. No known attempts to enforce the agreement had been reported by year's end.

Journalists continued to depend on local authorities for accreditation for major news events. There were widespread reports that authorities showed favoritism toward reporters associated or aligned with the federal or local administration, and denied access to journalists representing independent media organizations.

In July Gleb Pavlovkskiy, head of the Effective Policy Foundation, sold his web site to the Russian State TV and Radio Company (VGTRK), a large conglomerate that includes all the government-owned media assets. The media community had previously considered the web site to be a de facto Kremlin media outlet.

Government agencies continued to bring lawsuits and other legal actions against journalists and journalistic organizations during the year, the majority of them in response to unfavorable coverage of government policy or operations. The GDF estimated that several hundred such cases had been brought in 2001. Judges rarely found in favor of the journalists; in the majority of cases, the Government succeeded in either intimidating or punishing them. In July the Central District Court of Sochi ordered the newspaper Sochi and correspondent Sergey Zolovkin to pay $3,175 and $1,587 (105,000 and 50,000 rubles), to the Krasnodar region administration for alleged defamation of 26 judges from the Krasnodar region. The judge who made the ruling was also one of the plaintiffs in the case. An article by Zolovkin printed in September 2000 reported on the lack of transparency of the court system, while not naming any particular person. Zolovkin left the country for security reasons in March after surviving an assassination attempt and was living abroad at the time of the ruling. With some exceptions, judges appeared unwilling to challenge powerful federal and local officials. These proceedings often resulted in stiff fines and occasionally in jail terms. Zolovkin was a reporter for Novaya Gazeta, a Moscow biweekly newspaper specializing in investigative reporting, which for several years has been the target of libel suits filed because of reporting on corruption among elected officials and accounts of the Government's military campaign in Chechnya.

In February a Moscow municipal judge handed down two rulings against the newspaper. In the first ruling, a judge ordered the newspaper to pay Krasnodar region judge Aleksandr Chernov $964,000 (30 million rubles) for a January story alleging that Chernov was living beyond the means of his monthly salary of $300 (9,000 rubles). In a separate ruling later that month the judge ordered the newspaper to pay Mezhprombank $482,000 (15 million rubles) for a story alleging the bank's involvement in money laundering. The excessive amounts of the awards (the largest libel award in the country up to that time was $3,400 (110,501 rubles) drew the attention of media advocacy groups, which sent letters to the Minister of Justice and the President, protesting the excessive damage awards, as well as physical threats to the newspaper's journalists. In April the newspaper settled with Chernov and agreed to admit to errors in reporting in exchange for having the suit dropped. In June Mezhprombank announced that it would not collect its damage award, because it did not want to bankrupt the newspaper. Commentators claimed the bank was more interested in avoiding court scrutiny of financial documents that implicated the bank in money laundering.

Media analysts point to Novaya Gazeta's settlement with Chernov and its refusal to print a paid announcement for an event called "A Two Day World Hunger Strike in Defense of Chechnya" as proof that lawsuits against journalists served to reinforce the already significant tendency toward self-censorship.

There were no discernible repercussions on the press from the Security Council's June 2000 Information Security Doctrine, which outlines "threats to Russian national security" in the fields of "mass media, means of mass communication, and information technology" (see Section 1.f.); however, many observers continued to view it as an indication that the Kremlin considered the media to be subject to the administration and control of the Government, and government efforts to limit critical coverage of its attempt to subdue what it regarded as a security threat posed by the rebellion in Chechnya were widely seen as a major impetus for its pressure on the media.

In Moscow in April, police arrested journalists from Ekho TV, Nezavisimaya Gazeta, and Reuters along with protesters who staged an unauthorized rally outside the Kremlin protesting the import of nuclear waste. Police exposed film and confiscated camera and recording equipment. Stavropol Kray journalists reported that they were not accredited to report on the President's visit to the flooded area in July, saying only a select group of Moscow journalists was accredited. Some journalists in Nizhniy Novgorod reported that neither the Volga Federal District Presidential Representative nor high-ranking staff would meet with reporters. They said the envoy's press center would instead offer information via e-mail or from the official web site.

In Sverdlovsk Oblast, Valentin Zhivulin, the editor-in-chief of the independent opposition newspaper testified that he was told in April to leave town or he would "be in serious trouble." Zhivulin was threatened immediately after his newspaper reported that only two roads in the city of Irbit had been repaired in 2001, one of which connected the town hall to the mayor's mansion. In July the city court of Naryan-Mar abruptly closed a criminal case against Olga Cheburina, the editor of "Krasniy Tundrovik," for abuse of office and exceeding official responsibilities. Cheburina's case drew national attention after a presidential press conference in June, when one of the newspaper's reporters asked the President his opinion of the corruption investigation of Nenets governor Viktor Butov. Cheburina was fired a week later by the newspaper's founders, who included representatives of the regional administration, the regional legislature, and the municipal administration. The newspaper board said that her firing was not connected to the question posed by the reporter

The Government exerted its influence most directly on state-owned media. As in 2001, the senior staff of RTR--the station with the most extensive coverage area--reported that managers offered "guidance" to program announcers and selected reporters, indicating which politicians should be supported and which should be criticized; criticism of presidential policies was discouraged strongly and even prohibited. Correspondents claimed they occasionally were asked to obtain senior management approval for reports on sensitive political matters prior to broadcasting; occasionally "negative" language was edited out. At times, high-level presidential administration officials reportedly complained to RTR executives about reporting they viewed as critical of the President.

The consequences of the 2001 struggle between Media-Most (owned by Vladimir Gusinskiy) and Gazprom over control of NTV and other Media-Most properties continued to be felt. In January 2001, Media-Most financial chief Anton Titov was arrested on charges of fraud and placed in pretrial detention, where he remained in October. In September Gazprom dropped its lawsuit against Media-Most, Vladimir Gusinskiy, and Anton Titov, saying that the dispute had been settled. Gazprom also asked the court to release the Media-Most assets that the court had frozen after Gazprom filed its suit against Media Most in 2000. The court, however, refused to take into consideration the Gazprom-Media-Most settlement and did not release the Media-Most assets. On December 24, the Cheremushkinskiy inter-municipal court of Moscow convicted Titov of misappropriating loans extended by Gazprom to Media-Most in 1998-1999, sentenced him to 3 years in a labor camp, then amnestied him. Titov was acquitted of charges of money laundering and using forged documents to mislead the creditor. Titov was first arrested in January 2001, and spent the past 2 years in pretrial detention until his amnesty and acquittal.

In September 2001, a provision of the joint stock companies law that allows a minority shareholder to force the liquidation of companies showing a negative balance for more than 2 years was invoked against TV-6, the privately owned television station that had hired a number of NTV journalists who quit NTV to protest Gazprom's takeover in April 2001. Minority shareholder Lukoil-Garant, a pension fund that owned 15 percent of TV-6, won a claim in the Moscow Arbitration Court to liquidate TV-6's parent company, which was 75 percent owned by the oligarch, Kremlin critic, and exiled businessman, Boris Berezovskiy. Media freedom experts generally considered the ruling to be a government-supported effort to remove TV-6 from the control of Berezovskiy, accused of financial crimes in an unrelated case, and from the control of former NTV managers, including general director Yevgeniy Kiselev.

The Moscow Arbitration Court ruling was upheld by the High Arbitration Court in January. Later in January, before the "liquidation" procedure was formally completed, the Media Ministry took TV-6 off the air and scheduled an auction date for its broadcasting frequency on March 27. In February

Kiselev resigned as head of TV-6 and established a new television company, "Sixth Channel," with financial support from a group of leading businessmen, which also owned shares in the company. In order to increase its chances of winning the frequency, the Sixth Channel teamed up with Media-Sotsium, a media company co-chaired by former Prime Minister Yevgeniy Primakov, head of the Russian Union of Entrepreneurs, Arkadiy Volskiy, and entrepreneur Oleg Kiselev. The Sixth Channel and Media Sotsium established TV-Spektrum (TVS), a new media company in which Media Sotsium holds the broadcasting license and Sixth Channel provides programs and retains its editorial independence. In March Media-Sotsium won the broadcasting license, and in June TV-S started to broadcast on the former TV-6 frequency. Despite the widespread notion that Primakov and Volskiy were Kremlin-appointed "internal censors," Kiselev and other TVS managers and journalists reported that there were no serious attempts by Primakov or Volskiy to interfere in the Sixth Channel's editorial policies. Observers attributed the station's low audience ratings to a general decline in the demand for political news and the difficulties experienced by Kiselev's team in developing new program content.

In July Gazprom's media branch, Gazprom-Media, announced that it had purchased the last of Vladimir Gusinskiy's stock in the media companies that formerly were part of his Media-Most holding company, which included a 30 percent stake in NTV and 14.5 percent of independent radio station Ekho Moskvy. In September, 11 months after Gazprom announced intentions to sell its media assets, Gazprom established a new holding company to manage the 23 media companies it took over from Media-Most in April 2001. The new holding company replaced Gazprom-Media and was jointly owned by Gazprom and the state-affiliated Eurofinance Bank. Gazprom retained a 51-percent stake in the new company and its subsidiaries, while Eurofinance received a 49-percent share in exchange for repaying the media subsidiaries' $600 million (1.8 billion rubles) debt to Gazprom. The future of Gazprom's media assets, particularly NTV, has remained a matter of public concern since Gazprom took them over. Some media analysts believed the complex financial transaction between two government-owned instruments was a means to assert control over an influential media outlet, particularly before the 2003 Duma and 2004 Presidential elections.

In October, in a move that some media advocacy groups associated with radio broadcasts to Chechnya, President Putin revoked a 1991 presidential decree that authorized Radio Free Europe/Radio Liberty (RFE/RL) to open a permanent bureau in Moscow and instructed the Ministry of Foreign Affairs to accredit the bureau. According to press reports, President Putin attributed the decision to revoke the 1991 decree to a desire to put all foreign bureaus on the same legal footing and to the belief that the 1994 law on mass media has made Yeltsin's 1991 decree obsolete. A statement issued by the Presidential Administration said that RFE/RL's editorial policies, "despite the end of the Cold War," had in recent years become "biased," especially those of its Chechen and Ukrainian services, but also indicated that revocation of the 1991 decree was unrelated to RFE/RL editorial policies.

At times local government officials actively restricted freedom of the press, particularly during election periods. GDF reported numerous violations of journalists' rights during elections. For example, reporters from the newspapers Nezavisimaya Gazeta and Komsomolskaya Pravda were denied access to a polling station in Voronezh during city council elections; armed police in Volgograd prevented New Wave Radio and Alternative Broadcasting News correspondents from observing vote counting during mayoral elections. The Moscow City Electoral Commission prevented correspondents from Novyye Izvestiya newspaper and Russian Public Television (ORT) from attending a meeting where the registration of mayoral candidates would be discussed, on the grounds that ORT would draw "a distorted picture of the Commission's performance."

Journalists who published critical information about local governments and influential businesses, as well as investigative journalists writing about crime and other sensitive issues, continued to be subjected to death threats, threats of beatings, and other physical violence by unknown assailants. Assailants also frequently attacked journalists physically, although in most cases no direct link was established between the assault and the authorities who reportedly had taken offense at the reporting in question. A number of independent media NGOs characterized beatings by unknown assailants of journalists as "routine," noting that those who pursued investigative stories on corruption and organized crime found themselves at greatest risk.

During the year, a number of individuals whose occupations were related to the media were killed or reported missing, and scores were attacked, drawing protests from international media defense organizations. The International Press Institute voted unanimously in May to keep the country on its watch list of countries that "retain the essential elements of democracy, but which have entered a repressive phase," or countries with the means to halt attacks on media. The NGO Glasnost reported 25 killings of journalists during the year; however, other observers noted that not all of the killings had been linked to the victims' occupations. In the following cases, colleagues and police considered the victims' professions to be the motive for the crimes against them: On March 11, Natalya Skryl, a journalist for the Taganrog-based newspaper Nashe Vremya, was killed by a blow to the head. Sergey Kalinovskiy, editor-in-chief of the newspaper Moskovskiy Komsomolets-Smolensk, disappeared on December 14, 2001; his body was found on April 1. Valeriy Ivanov, editor-in-chief of Tolyattinskoye Obozreniye, was shot dead on April 29 in Tolyatti. On May 19, Aleksandr Plotnikov, founder of the newspaper Gostinyi Dvor, was found murdered in Tyumen Oblast. Nikolay Vasilyev, a local Chuvash reporter, was robbed and beaten to death on August 18 in Cheboksary. Igor Salikov, head of information security for Moskovskiy Komsomolets-Penza, was shot to death on September 21 in Penza. Also in Penza, the editor of Lyubimiy Gorod newspaper was beaten unconscious on August 11. The next day, Yuriy Frolov, deputy director of Propaganda Publishing, was abducted and had not been located by year's end. On August 14, Viktor Shamayev, crime reporter for Penzenskaya Pravda and editor of the newspaper Dlya Sluzhbenovo Polzovaniya, was abducted in Arbekov, tied up and beaten and told to give up journalism and leave town. He was subsequently released and was reported to have remained in Arbekov. In February Ilyas Magomedov, head of an independent Groznyy Television channel, disappeared after leaving his home in Beloreche on February 21.

The northern Caucasus region continued to be one of the most dangerous regions for journalists. Kidnapping and assaults remained serious threats. On September 26, British free-lance television journalist Gervaise Roderick John Scott was killed during fighting in Ingushetia between Chechen fighters and government forces. Federal authorities--both military and civilian--limited journalists' access to war zones and confiscated reports and equipment. On August 16, government soldiers confiscated accreditation documents and equipment belonging to ORT and TV Tsentr journalists as they were interviewing Chechens fleeing their village. The Government required reporters to obtain special accreditation besides the usual Foreign Ministry accreditation for entry to the region. Foreign journalists have also publicly complained that military officials in the northern Caucasus region made it excessively difficult for them to obtain local press accreditation.

The courts did not respond by year's end to an appeal of a Supreme Court ruling upholding some of the charges against Olga Kitova, a correspondent for Belgorodskaya Pravda and a member of the Belgorod regional parliament. Authorities harassed Kitova because of her reporting on regional government officials. She was arrested in March and May of 2001 and suffered a heart attack while being held in pretrial detention. After a series of trials and motions, she received a 2½-year suspended sentence on libel charges, and her lawyers filed an appeal with the Supreme Court. In July the Supreme Court reduced her extended jail time by 5 months and dropped some of the charges.

There were no leads in the cases of two journalists killed in 2001. Vladimir Kirsanov, a local newspaper editor from Kurgan, was reported missing in May 2001 after his bloodstained documents were found on the bank of the Tobol River in Kurgan. Eduard Markevich, editor of Novyye Reft, was shot and killed in September 2001. The cases of journalists killed in 2000 remained unsolved, including: Radio Free Europe/Radio Liberty correspondent Iskander Khatloni, who had been investigating alleged human rights abuses by the federal military in Chechnya; the July 2000 killing of Igor Domnikov, a journalist with Novaya Gazeta; and the July 2000 killing of Sergey Novikov, president of the independent radio station Vesna.

On June 26, a court acquitted six defendants, including a former intelligence chief of the airborne infantry, Colonel Pavel Popovskikh, three other officers, and two civilians, on charges of the 1994 murder of Dimitriy Kholodov, military affairs correspondent for the news daily Moskovskiy Komsomolets. The court cited lack of evidence against the defendants and also acquitted them of malfeasance and misappropriation of ammunition and explosives.

The well-known Novaya Gazeta reporter Anna Politkovskaya, who gained international recognition and received death threats because of her reporting on Chechnya, was forced into hiding in 2001. In October her lawyer reported that she was provided with federal guards after receiving death threats from Sergey Lapin, a member of the OMON (special forces unit of the Ministry of Interior), because of her article concerning the disappearance of Zelikhman Murdalov, a man arrested by OMON forces in Chechnya in January 2001. A criminal case against Lapin remained open at year's end.

In May and June 2001, a poll conducted among adults throughout the country by the Institute for Comparative Social Research reported that 7 percent of adults had access to the Internet and that Moscow and St. Petersburg had the highest number of users. Access appears to have been unrestricted, but the Government required Internet service providers to provide dedicated lines to the security establishment so that police could track private email communications and monitor activity on the Internet. The system of operative and investigate procedures (SORM-2) continued during the year to limit the electronic privacy of both citizens and foreigners (see Section 1.f.).

The Government did not restrict academic freedom; however, during the year human rights activists questioned whether the Sutyagin case and others discouraged academic freedom and contact with foreigners on issues that might be deemed sensitive (see Section 1.e.).

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected freedom of assembly; however, at times local Governments restricted this right. Organizations were required to obtain permits in order to hold public meetings and the application process had to be initiated between 5 and 10 days before the scheduled event. Religious gatherings and assemblies do not require permits. While the Ministry of Justice readily granted permits to demonstrate to both opponents and supporters of the government, some groups were either denied permission to assemble, or had their permission withdrawn by local officials after Ministry of Justice officials had issued them. For example, in May 2001 authorities in Podolsk denied a permit to the Anti-Militarist Radical Association and the Radical Party to hold a demonstration against the war in Chechnya in front of the Podolsk military commissariat ("voyenkomat"), claiming that most of the event's potential participants were not residents of Podolsk but of Klimovsk, another town in the same region. In June 2001, Presnya district authorities in Moscow denied organizers a permit to hold a demonstration in front of the International Trade Center, claiming that the location was too close to potentially explosive and flammable installations; officials denied the permit without giving the organizers the required 3 days' notice. The demonstrators intended to protest the decision to hold the 2008 Olympics in Beijing, citing China's human rights record. In August police disrupted a planned peace march from Groznyy to Moscow by invoking their legal authority to conduct document checks; several persons were detained for lacking registration permits (see Section 2.d.).

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Public organizations must register their bylaws and the names of their leaders with the Ministry of Justice.

Government efforts to increase cooperation with NGOs, including President Putin's civic forum held with many of them in 2001 and in December, enhanced their standing in society, but some NGOs feared that they represented an effort by the Government to enhance its influence over them. Although the 1-year anniversary of the Civic Forum was celebrated November 22-24 in Samara, NGOs generally expressed disappointment at the lack of tangible results of the initiative.

By law political parties must have 10,000 members in order to be registered and function legally, with no less than 100 members in a majority of the country's 89 regions (see Section 3).

c. Freedom of Religion

The Constitution provides for freedom of religion; however, in some cases the authorities continued to impose restrictions on some groups and there were increasing indications that the security

services may be treating the leadership of some minority religious groups, particularly Roman Catholics, as security threats.

The Constitution also provides for the equality of all religions before the law and the separation of church and state; however, in practice the Government did not always respect the provision for equality of religions. Many religious minority groups and NGOs complained of what they believed was a confluence between the Russian Orthodox Church and the state. Public statements by some government officials and anecdotal evidence from religious minority groups suggested that the Russian Orthodox Church increasingly enjoyed a status that approaches official. In its preamble, which some authorities denied had the force of law, the 1997 Law on Freedom of Conscience recognized the "special contribution of Orthodoxy" to the country's spirituality and culture. 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 appears to have had greater success reclaiming prerevolutionary property than other groups. Also, many religious workers believe that the Russian Orthodox Church played a role in the cancellation of visas held by foreign religious workers.

The 1997 law regulating religious practice limits the rights, activities, and status of religious "groups" existing in the country for less than 15 years and requires that religious groups exist for 15 years before they can qualify for "organization" status, which conveys juridical status. All religious organizations were required to register or reregister by the end of 2000 or face liquidation (deprivation of juridical status). Groups that were unregistered previously, including groups new to the country, were severely hindered in their ability to practice their faith. The Ministry of the Press reported that as of January 1, 20,441 organizations were registered. Religious minority denominations and NGOs reported that a number of groups were liquidated despite repeated attempts to reregister; some of these cases were being challenged in court. At year's end, a number of government working groups were reported to be preparing possible changes and amendments to the 1997 law. However, no new changes were made to the law by year's end.

Treatment of religious organizations, particularly minority denominations, varied widely in the regions, depending on the attitude of local offices of the Ministry of Justice. In some areas such as Moscow, Khabarovsk, and Chelyabinsk, local authorities prevented minority religious denominations from reregistering as local religious organizations, as required by law, subjecting them to campaigns of legal harassment. For example, Jehovah's Witnesses continued to contest the rejection by the Moscow department of the Ministry of Justice of its repeated applications to reregister under the 1997 law; however, at year's end, the courts continued to uphold those denials. In addition, the procurator for Moscow's northern administrative circuit continued his efforts to ban Jehovah's Witnesses. Despite earlier efforts to defend themselves against a ban in Moscow's Golovinskiy Intermunicipal Court, a new trial on this issue began in that same court on October 30 and was ongoing at year's end. Pending the outcome of a court-ordered study to determine the potential negative effects of Jehovah's Witnesses literature on society and a random survey to further evaluate these effects and assess the public's attitudes towards the religion, Jehovah's Witnesses in Moscow were not allowed to reregister. As a result, they continued to experience problems in leasing space. Outside of Moscow, Jehovah's Witnesses have been denied registration in Chuvashiya and Tver but successfully registered in Novgorod.

Many religious groups continued to contest administrative actions against them in the courts. While such cases are often successful in court, administrative authorities are at times unwilling to enforce court decisions. The Constitutional Court ruled as unconstitutional the 2001 liquidation of the Moscow chapter of the Salvation Army by a local court. While the Salvation Army has not yet been cleared to reregister, the group continued to operate at year's end. Efforts to liquidate the Moscow branch of the Church of Scientology were defeated in the courts. At year's end, the Church continued to be engaged in legal battles in other localities.

The Moscow Department of Justice (DOJ), a branch of the Ministry of Justice, filed a liquidation suit in 2001 against the Moscow branch of the Church of Scientology, but the Church won both the suit and ensuing DOJ appeal in July. While the Moscow Church had not been cleared to reregister by October, the group continued to operate. The Scientologists filed a suit with the ECHR against the liquidation order. The St. Petersburg branch of the Church of Scientology filed an application to

register in February, but was refused twice. In Khabarovsk the local Department of Justice filed for the liquidation of the Dianetics Center. The Church of Scientology lost on appeal and the case was under consideration by the federal Supreme Court. In a related case, the director of the Dianetics Center was convicted on criminal charges of the illegal practice of medicine and education. She lost on appeal and was given a suspended sentence of 6 years. Local media attention included references to "totalitarian sects" in their coverage. The case was also under consideration by the Supreme Court.

The Church of Jesus Christ of Latter-day Saints (Mormons) administered 38 locally registered organizations; however local officials rejected registration attempts in Ryazan, Kazan, Shakhty, and Chelyabinsk. A suit was filed with a local court in Chelyabinsk, questioning the repeated refusals of the authorities to register the Church. The case was pending at year's end. The Church's organizations experienced initial problems registering in Khabarovsk and Nakhodka but were ultimately successful.

The Vanino Baptist Church in Khabarovsk continued to experience difficulties in registering and operating in its own building, despite winning its rights in a court case in August. Dan Pollard continued to be denied a visa despite a court order removing his name from a list of individuals to be denied visas.

A Muslim community spokesman confirmed that as of October, 3,186 Muslim groups were registered, up from 3,048 in 2001. Rival Muslim groups continued to accuse each other of "Wahhabism" (see Section 5). This pejorative label may have had a detrimental effect on reregistration in certain regions and has made local ethnic Russians more wary of Muslim religious organizations.

Reports continued that some local and municipal governments prevented religious groups, including congregations of Jehovah's Witnesses, Protestants, Catholics, Mormons, and Hare Krishna from using venues suitable for large gatherings and from acquiring property for religious uses. In August Catholics in Yaroslavl were barred from building a new church on a previously approved plot of land. Jehovah's Witnesses reported difficulties obtaining permission to build. In Volgograd the Church of Jesus Christ of Latter-day Saints successfully filed suit against an order preventing them from registering as owners of their newly constructed hall.

Property disputes continued to be among the most frequent complaints cited by religious groups. In accordance with a presidential decree, some synagogues, churches, and mosques have been returned to communities to be used for religious services. According to the Government, requests for restitution may be considered by the official entities responsible for the properties in question. In the context of the Duma's adoption of a new law allowing for private land ownership, Russian Orthodox officials and politicians raised the issue of restitution of church lands taken after the 1917 Bolshevik revolution. Other religious groups also expressed interest. No action was taken by year's end

Some minority groups expressed concern over the release in November by the Minister of Education of an optional course entitled "Orthodox Culture" for introduction into the public school curriculum. The course would be a part of the general curriculum beginning in primary school. Courses on religion were already offered in a number of regions, but critics expressed concern that school administrators throughout the country would see the release of this document as central government encouragement of such courses. Following complaints, including some from minority religious leaders, the Ministry emphasized that enrollment in the course would be voluntary.

The Government continued to deny foreign religious workers visas to return to the country. In the case of Roman Catholics, these efforts were accompanied by deportations. Five leading Roman Catholic officials were either deported, barred entry, or denied visa renewals during the year: Stefano Caprio, an Italian priest based in Vladimir; Jerzy Mazur, a bishop of Polish-Belorussian descent based in Irkutsk; Stanislav Krajniak, a Slovakian priest based in Yaroslavl; Edward Mackiewicz, a Polish priest based in Rostov-on-Don; and Jaroslaw Wisnewski, a Polish priest (and Russian permanent resident) based in Sakhalin. According to officials of the Ministry of Foreign Affairs, the priests were expelled on security grounds. In September a court in Krasnodar ordered

the deportation of Swedish Evangelical missionary Leo Martensson. Two Mormon missionaries were ordered deported from Khabarovsk in September, but they successfully challenged the order.

The Government also continued to deny other foreign missionaries visas to return to the country, reportedly as a result of earlier conflicts with authorities.

In 2001 the Supreme Court rejected the Belgorod local procurator's challenge to a local law restricting missionary activity. The law also restricted the missionaries' use of local venues for religious meetings. Foreigners visiting the region are forbidden to engage in missionary activity or to preach unless the conduct of missionary activity had been stated in their visas. The Office of the Human Rights Ombudsman reported its disagreement with the law and attempted to convince the Belgorod court to reverse the decision, but there were no further changes to the law by year's end.

Representative offices of foreign religious organizations are required to register with state authorities. They are barred from conducting liturgical services and other religious activity unless they have acquired the status of a group or organization. Although the law officially requires all foreign religious organizations to register, in practice foreign religious representatives' offices (those not registered under law) have opened without registering or have been accredited to a registered religious organization. However, those offices are not permitted to conduct religious activities and do not have the status of a religious "organization."

Reports of official harassment and punishment for religious belief or activity continued. Most difficulties appeared to originate with local officials; however, some religious minority denominations believed that these officials continued to be influenced by a 1999 manual sent by the Procurator General to regional branches of the Procuracy encouraging challenges to their registration. Some groups also accused the FSB and other Federal agencies of continuing harassment of certain "nontraditional" denominations, in particular Pentecostals, Scientologists, Jehovah's Witnesses, Mormons, and the Unification Church. For some, notably Catholics, the level of harassment increased. Churches were targeted for ostensible criminal investigations, landlords pressured to renege on contracts, and in some cases, the security services may have influenced the Ministry of Justice in registration applications. Such groups continued to face discrimination in their ability to rent premises and conduct group activities. For example, the Moscow Protestant Chaplaincy's long tenure at a local community center was inexplicably interrupted in July, and at year's end, the group had not yet managed to secure a new space.

Contradictions between federal and local law in some regions and varying interpretations of the law gave some regional officials pretexts to restrict the activities of religious minorities. Discriminatory practices at the local level were attributable to the relatively greater susceptibility of local governments to lobbying by majority religions, as well as to discriminatory attitudes that were widely held in society. For example, articles heavily biased against religions considered "nontraditional" appeared regularly in both local and national press. There were reports of harassment of members of religious minority groups. Several religious communities were forced to defend themselves in court from charges by local authorities that they were engaging in harmful activities; however, at times local courts demonstrated their independence by dismissing frivolous cases or ruling in favor of the religious organizations. In other cases, authorities sometimes were slow to carry out, or refused to carry out, such rulings and in many cases appealed the rulings.

The Pentecostal Church in Azbest complained about harassment by local officials that included an organized roundtable to discuss the negative effects of the religion. In addition, the local church was vandalized. A spokesman for the Pentecostal Church reported numerous complaints of official harassment throughout the country. Officials in Khabarovsk were quoted in the media as referring to Pentecostals, the Church of Jesus Christ of Latter-day Saints, and others as "totalitarian sects."

During the year, 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. Pressure at the federal level reportedly led local officials to rescind an order to dissolve a Muslim mosque in Vologda. The Presidential Academy of State Service also has worked with religious freedom advocates such as the Slavic Center for Law and Justice to train regional and municipal officials in the proper implementation of the law.

While religious matters were not a source of societal hostility for most citizens, relations between different religious organizations frequently were tense, particularly at the leadership level, and members of individual minority religions continued to encounter prejudice and societal discrimination, and in some cases violence. Authorities usually investigated incidents of vandalism and violence, but arrests of suspects were extremely infrequent and convictions were rare.

Muslims, Catholics, Jews, and members of other minority religions continued to encounter prejudice and societal discrimination. In September unknown assailants shot at the windows of the Catholic church in Rostov.

Hostilities toward "nontraditional" religious groups reportedly sparked occasional harassment and even physical attacks. In July a Mormon in Gatchina, in Leningrad Oblast, was threatened with arrest for illegal picketing (he was displaying a signboard on a city street). In October 2001, police arrested
five suspects believed to have been involved in tossing a Molotov cocktail into the Moscow headquarters of the Church of Scientology in 2001; the church had received bomb threats by telephone prior to the incident. In February one of the five defendants was found guilty and sentenced to 2 years in jail.

By various estimates, Muslims form the largest religious minority, but they continued to face societal discrimination and antagonism in some areas. Discriminatory attitudes have become stronger since a group of Chechen rebels took 750 hostages in a Moscow theater in November (see Section 1.g.). The authorities, the media, and the public have been quick to label Muslims or Muslim organizations "Wahhabists," a term that has become synonymous with "extremists."

Although Jewish leaders have stated publicly that the State-sponsored anti-Semitism of the Soviet era no longer exists, Jews continued to face prejudice, social discrimination, and some acts of violence. Anti-Semitic leaflets, graffiti, and articles continued to appear in some regions. For example, in July swastikas were drawn on the fence around the St. Petersburg synagogue. Anti-Semitic themes continued to figure in some local publications around the country, unchallenged by local authorities. During the year, unknown persons vandalized synagogues, Jewish cemeteries, and memorials.

There were also numerous cases of anti-Semitic signs rigged with explosive devices calling for "Death to Kikes" and other slogans. The devices detonated when unknowing citizens attempted to remove the signs, resulting in severe wounds or death. In May President Putin publicly recognized Tatyana Sapunova, the victim of one widely publicized incident. In April boxes with anti-Semitic signs but no explosives were found in Moscow outside a maternity ward and at the airport in Krasnoyarsk.

Vandals desecrated tombstones in cemeteries dominated by religious and ethnic minorities in numerous cases. They included: An Armenian cemetery in Krasnodar in April, Muslim tombs in a Volgograd cemetery in July, a cemetery in the Moscow region for war prisoners in June, several cemeteries in Irkutsk in July, 400 tombs in Moscow in September, and several acts of vandalism in Kaliningrad. These attacks usually were accompanied by swastikas and other ultra-nationalist symbols. In December Human Rights Ombudsman Mironov called for increased tolerance in a multi-ethnic and multi-religious Russia after an incident in Kostroma where a group of young men scrawled anti-Semitic graffiti on a synagogue and broke several windows.

During the year, there were many instances of politically or religiously motivated violence against religious workers in the northern Caucasus.

The Office of Human Rights Ombudsman Oleg Mironov includes a department dedicated to

religious freedom issues. This department received 40 complaints from individuals and groups about infringements of religious freedom. Of these, 10 were resolved in favor of the plaintiffs with the help of the Ombudsman's office. Mironov continued to criticize the 1997 Law on Freedom of Conscience and to recommend changes to bring it into conformity with international standards and with the Constitution.

Although the Constitution mandates the availability of alternative military service to those who refuse to bear arms for religious or other reasons of conscience, in practice no such alternative exists. The Slavic Law Center handled several cases of persons who refused to perform military duty based on their religious convictions.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government placed restrictions on freedom of movement within the country, migration, and foreign travel.

The Government has imposed registration requirements on domestic travel. All adults are issued internal passports, which they must carry while traveling and must register with local authorities for visits of more than 3 days (in Moscow for visits more than 24 hours); however, travelers not staying in hotels usually ignored this requirement. These internal passports also are required for obtaining many governmental services. There have been several disputes between the central authorities and regional governments regarding the internal passports.

The Constitution provides citizens with the right to choose their place of residence freely; however, some regional governments continued to restrict this right through residential registration rules that closely resemble the Soviet-era "propiska" (pass) regulations. Although authorities justified the rules as a notification device rather than a control system, their application produced many of the same restrictive results as the propiska system. Citizens must register to live and work in a specific area within 7 days of moving there. Citizens changing residence within the country, as well as persons with a legal claim to citizenship who decide to move to the country from other former Soviet republics, often faced great difficulties or simply were not permitted to register in some cities. Corruption in the registration process in local police precincts remained a problem. Police demanded bribes when processing registration applications and during spot checks for registration documentation. UNHCR and refugee rights NGOs cited Stavropol, Krasnodar, Moscow, and St. Petersburg as being the cities least open to migrants (although some NGOs dispute including St. Petersburg on this list). The fees for permanent and temporary registration remained low. The Government and city governments of Moscow and other large cities defended registration as necessary in order to control crime, keep crowded urban areas from attracting even more inhabitants, and earn revenue. The City of Moscow -was forced to defend its registration requirement in court. Despite nearly 3 years of litigation, the registration requirement remained in effect, and the practice--which police reportedly used mainly as a means to extort money--continued at year's end.

While federal law provides for education for all children in the country, regional authorities frequently denied access to schools to the children of unregistered persons, asylum seekers, and migrants because they lacked residential registration (see Section 5).

According to NGOs, the city of Moscow and some others frequently violated the rights of nonresidents and ethnic minorities, as well as the rights of those legitimately seeking asylum. Moscow police, particularly special duty OMON units, conducted frequent document checks, particularly of persons who were dark-skinned or appeared to be from the Caucasus. There were many credible reports that police imposed fines on unregistered persons in excess of legal requirements and did not provide proper receipts or documentation of the fine. According to HRW and church ministries tracking interethnic violence, it was not unusual for darker-skinned persons to be stopped at random and for officers to demand bribes from those without residence permits.

According to the Moscow Helsinki Group's 2001 human rights report, during 1989-90,

approximately 90,000 Meskhetian Turks, an ethnic group many of whose members had been deported from the Soviet Republic of Georgia during World War II, were forced by ethnic conflicts to leave the Soviet Republic of Uzbekistan where they had settled. At the end of the year, an estimated 60,000 Meskhetian Turks remained in the Russian Federation. Of these, more than 13,000 had settled in Krasnodar Kray, and approximately 700 had settled in the Kabardino-Balkariya Republic. Authorities in Krasnodar Kray and the Karbardino-Balkariya Republic continued to deny the Meskhetian Turks the right to register, which deprived them of all rights of citizenship, despite provisions of the Constitution that entitled them to citizenship. Meskhetian Turks living in Krasnodar, like other ethnic minorities, were subject to special registration restrictions; for example, they were required to register as "guests" every 45 days. The administration of Krasnodar Governor Tkachev appeared to be attempting to use economic measures to force the Meskhetians to leave the territory. According to Memorial, in the winter of 2001-02 the authorities prohibited them from leasing land and cancelled existing leases for the 2002 crop season. Other measures imposed on them included a prohibition on employment or commercial activity in local markets.

The Constitution provides all citizens with the right to emigrate. The Government imposed nominal emigration taxes, fees, and duties. On average it took 3 months to process a passport application, although it can take much longer if documentation is needed from elsewhere in the former Soviet Union.

A Soviet requirement that citizens receive a stamp permitting "permanent residence abroad" (PMZh) in order to emigrate--essentially a propiska for those living outside the country--was formally abolished in 1996; however, implementation of the law (which had been scheduled to go into effect early in 1997) remained incomplete. According to the International Organization for Migration (IOM), border guards continued to require a PMZh-like stamp of all emigrants, and OVIR continued to issue it.

If a citizen has had access to classified material, police and FSB clearances were necessary in order to receive an external passport. Persons denied travel documents on secrecy grounds could appeal the decision to an Interagency Commission on Secrecy chaired by the First Deputy Foreign Minister. The Commission may not rule on whether the material should or should not be classified, but it may rule on the legality of travel restrictions imposed and on whether or not the traveler actually had access to materials requiring a travel restriction. During the year, the Commission granted travel permission to approximately 78 percent of applicants. The 1996 law states that access to classified material may occur only with the consent of the citizen, established in the form of a written contract, which 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 5 years, and it grants the interagency Commission on Secrecy the right to add an additional 5-year term to the period of delay if the Commission finds that a person had access to particularly sensitive materials. This latter provision raised serious concerns among human rights advocates who monitor government restrictions on foreign travel; however, there were no reports that the provision was applied during the year.

Other grounds for denial of the right to travel abroad were: Military conscription, assignment to civilian alternative service, being under criminal investigation, serving a sentence for a crime, evasion of a court-ordered obligation, or providing false information on a passport application.

Emigrants who resettled permanently abroad generally 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 the country again (although they may enter without difficulty), since they could present neither a nonimmigrant visa to another country nor evidence of permission to reside abroad legally.

International organizations estimated that the number of IDPs and refugees who left Chechnya as a result of the conflict reached a high of approximately 280,000 in the spring of 2000. At year's end, an estimated 110,000 IDPs from Chechnya were residing in Ingushetiya, many of them in camps, and 140,000 IDPs in various parts of Chechnya. There were reports of approximately 4,500 Chechen IDPs in Dagestan, 2,500 in North Ossetiya, and 4,000 in Georgia. Approximately 20,000 Chechen IDPs reportedly went to other regions of the country. In addition to ethnic Chechen IDPs,

almost the entire population of ethnic Russians, ethnic Armenians, and Jews left Chechnya as a result of both the conflict that began in 1999 and the war of 1994-96.

Government officials stated publicly that they would not pressure or compel IDPs to return to Chechnya; however, at the same time, federal and local authorities consistently stated their determination to repatriate all IDPs back to Chechnya as soon as possible. Representatives of the Chechen administration visited camps in Ingushetiya to encourage IDPs to return to Chechnya, usually to temporary IDP facilities; many who did so quickly returned to Ingushetiya because of a lack of facilities and a lack of security in the temporary facilities for IDPs in Chechnya. Toward the end of the year, the authorities employed various degrees of pressure to force the IDPs to return. Authorities announced that the IDP camps, which housed 20,000 IDPS, would be closed by the end of December; one of the camps, at Aki-Yurt, was closed in early December, ostensibly for health reasons, and two at Znamennskoye in Chechnya were closed in July. However, following domestic and international protests, President Putin reiterated the assurance that no one would be repatriated involuntarily and that he would review the policy. At times the border between Chechnya and Ingushetiya was closed because of military operations. Federal border guards and police officers on the border between Chechnya and neighboring regions--and at checkpoints within the country--required travelers to pay bribes. Some Chechens also had trouble traveling because their documents were lost, stolen, or confiscated by government authorities (see Section 1.g.). Officials stopped registering IDPs in Ingushetiya in spring 2001, depriving new arrivals of the possibility of regularizing their status in the republic. Local authorities also frequently removed IDPs from the registration lists if they were not physically present when the authorities visited their tents. There were frequent interruptions in gas and electricity to IDP camps in Ingushetiya, events that often were viewed by IDPs as pressure to return to Chechnya.

On June 21, a federal law on the legal status of foreign citizens was adopted by the State Duma. Critics of the law pointed out that the 3-month deadline facing non-citizen residents for obtaining Russian visas or a long-term residence was very short, that the law does not include an exhaustive list of documents required for official registration, and that the law leaves many matters to the MVD's discretion. The law also requires that a foreigner prove, even after receiving the permit, that he or she is able to provide for himself and his family at a certain level. Under this law, an AIDS-infected foreign worker should be fired from his job immediately. An AIDS-infected person is prohibited from receiving permanent residence status. According to human rights observers, this law, and a new citizenship law, could further increase the difficulties facing groups such as Meskhetian Turks in Krasnodar and other regions who have been denied citizenship documentation in contradiction to Russian citizenship law.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 protocol; however, the Government applied the law in a restrictive manner during the year. The Government rarely granted asylum. It cooperated to a limited extent with the UNHCR and the IOM; both organizations assisted the Government in trying to develop a more humane migration management system, including more effective and fair refugee status determination procedures. As of October 2001, UNHCR had registered approximately 40,000 asylum seekers who originated from outside the territories of the former Soviet Union since 1992. The UNHCR estimated that only 11,000 of these were active cases, i.e., persons still seeking asylum or receiving UNHCR assistance. The remainder either integrated into society, left the country, had been resettled, or repatriated. The Government acted more expeditiously and with greater leniency in cases involving applicants who had been citizens of the former Soviet Union. There continued to be widespread ignorance of refugee law both on the part of officials and would-be petitioners.

A number of workers and students from Africa and Asia who came to work or study in accordance with treaties between their countries and the former Soviet Union remained in the country. The Government did not deport them but continued to encourage their return home. The number of persons from these countries has increased in the last few years due to the new arrival of persons seeking refugee status. According to the UNHCR, it had granted refugee status to more than 800 Africans and 5,200 Afghans since 1992.

A group of approximately 1,400 to 2,000 Armenian refugees evacuated from Azerbaijan in the wake

of late 1980s ethnic violence remained housed in "temporary quarters," usually in Moscow hotels or workers' dormitories. They were unable to return to Azerbaijan, and conditions in Armenia made emigration to that country practically impossible; they also lacked residency permits for Moscow. Representatives of the community have stated that they were not interested in Russian citizenship, which would entitle them to the benefits accorded to forced migrants, because they did not believe such a step would improve their material situation. They also rejected offers of relocation to other regions, alleging that the alternative housing that they were offered frequently was not suitable or available. Their situation remained precarious because the formerly state-owned hotels in which many reside were being privatized; a number of eviction orders were served in such cases during the year. Despite official promises, their status and permanent housing had yet to be resolved by year's end.

The UNHCR continued to be concerned about the situation of asylum seekers and refugees at Moscow's Sheremetyevo-2 airport. The authorities systematically deported improperly documented passengers, including persons who demonstrated a well-founded fear of persecution in their countries of origin. If a passenger requested asylum, Aeroflot provided telephone numbers for the UNHCR, but these numbers were not posted publicly anywhere in the transit zone. Despite repeated UNHCR recommendations, there were no signs in the transit area to advise asylum seekers about the refugee status determination process at the airport. Undocumented travelers were not allowed to leave the transit zone and often were returned to the carrier on which they entered the country. Legally bound to provide food and emergency medical care for undocumented travelers, the airlines returned them to their point of departure as quickly as possible; airlines were fined if an undocumented passenger was admitted to the country but not if the passenger was returned to the country of origin. The treatment of asylum seekers in the transit zone reportedly was harsh. The UNHCR has received reports of physical and verbal abuse of transit passengers by police officers and Aeroflot employees. Authorities rarely released passengers from the transit zone unless there was a medical emergency.

There were 114 Points of Immigration Control (PICs) at border crossings and international airports, which were staffed by former members of the former Ministry of Federation Affairs, Nationalities, and Migration Policy who were subsequently employed by the Ministry of the Interior. Most of the cases referred to them dealt with labor migrants both entering and leaving the country. A few were asylum seekers. According to the UNHCR, the PICs have never accepted anyone as an asylum seeker. Those who were interviewed (and refused) by the PIC at Sheremetyevo-2 generally were referred to the UNHCR, which received numerous such cases during the year. The UNHCR examined each case and sought resettlement on an emergency basis for those that it accepted.

The Constitution does not permit the extradition to other states of persons who would be persecuted there for political beliefs or for actions (or inactions) that are not considered a crime in the Russian Federation; however, in the past there were instances in which opposition figures were deported to countries of the former Soviet Union to face charges that were political in nature. Under the 1993 Commonwealth of Independent States Convention on Legal Assistance in Civil, Family, and Criminal Affairs, persons with outstanding warrants from other former Soviet states may be detained for periods of up to 1 month while the Procurator General investigates the nature of outstanding charges against the detainee. This system was reinforced informally but effectively by collegial links among senior law enforcement and security officials in the various republics of the former Soviet Union. Human rights groups continued to allege that this network was employed to detain without actual legal grounds opposition figures from the other former Soviet republics.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their Government peacefully, and citizens exercised this right in practice through periodic, generally free and fair elections held on the basis of universal suffrage.

The Constitution establishes four branches of Government: The Presidency; the Federal Assembly made up of two houses (the State Duma and Federation Council); the Government and Council of Ministers headed by the Prime Minister; and the Judiciary. The Constitution gives predominance to the Presidency, and the President utilized his many powers to set national priorities and establish

individual policies.

After President Yeltsin's December 1999 resignation, Vladimir Putin assumed the post of acting President. In a March 2000 election, Putin was elected President. While some among the opposition and the media claimed widespread election fraud, most international observers concluded that the election generally was free and fair and the results valid. There were credible reports of election fraud in some locations, particularly in the Republic of Dagestan and a few other regions with a long history of falsifying votes, but there was no evidence that such abuses were systematic or that they affected the choice of the new President. Many observers pointed to problems with biased media coverage of the presidential election campaign.

The Duma was elected in December 1999. International observers judged those elections to be largely free and fair, and 69 percent of eligible voters participated. A grouping of strong, propresidential centrist party factions puts majority support within reach for almost all presidential priorities. Nonetheless the Duma remained an independent institution representing powerful interests and individuals.

In 2000 the Federal Assembly passed legislation according to which regional executives and heads of regional legislatures would appoint members of the Federation Council instead of serving in that body themselves. By the beginning of the year, this new system was fully in effect; regional executives and heads of regional legislatures no longer served on the Federation Council.

Competitive elections for various regional and local offices were held throughout the year. Most observers viewed these elections as generally free and fair, although there were problems in some regions involving unequal access to the media, non-compliance with financial disclosure requirements, and use of "administrative resources" (such as government staff and official media) by incumbents to support their candidacies. Challengers were able to defeat incumbents in some of the races for regional executive positions, and losing candidates generally accepted the legitimacy of the voting results. There were reports that incumbent governors in some regions pressured local press organizations to support their candidacies or deny support to their challengers (see Section 2.a.).

In a number of regions, there were apparent incidents of candidates being pressured by central or regional officials to withdraw from elections, disqualification of candidates through apparently prejudiced application of elections laws, and other forms of electoral manipulation. In presidential elections in the Republic of Ingushetiya in April, for example, an individual filed a complaint alleging that a popular local candidate had violated election laws. When it appeared that local courts were about to rule in the candidate's favor, armed federal authorities stormed the courtroom and impounded all evidence. Later that day, a federal court in the Southern District center of Rostov immediately declared the candidate guilty, eliminating him from the race. The man eventually elected President of Ingushetiya had previously worked for the office of the Presidential Representative in the Southern Federal District.

The July "Law on Basic Guarantees of Electoral Rights and Citizen Participation in Referendums" and the July 2001 "Law on Political Parties" significantly enlarged the role played by political parties in the electoral system by simplifying candidate nomination by parties at all levels of government and by requiring that half of the seats in regional legislatures be determined by party-list voting, as in the State Duma. These laws, in conjunction with the December "Law on Elections of State Duma Deputies," expanded campaign spending limits and public financing of political parties, shortened the official campaign period, limited the conditions under which candidates may be removed from the ballot, and imposed restrictions on media coverage. An additional effect of the laws was the expansion of the Central Elections Commission's authority over subordinate regional elections commissions. In September the President signed into law an amendment to the "Law on Referenda" that prohibits national referenda in the year prior to federal elections.

Political parties historically have been organizationally weak. The July 2001 law on political parties requires parties to have 10,000 members in order to be registered and function legally, with no fewer than 100 members in a majority of the country's 89 regions (see Section 2.b.). The law grants political parties a partial monopoly on running candidates for legislative office, creates serious

hurdles for the registration of new political parties, and gives the executive branch and Procuracy broad powers to regulate, investigate, and close down parties.

In the December 1999 elections, 32 female deputies were elected to the 450-member Duma, a decrease from the 46 female deputies elected to the Duma in 1995. A woman, Lyubov Sliska, served as the First Deputy Chairman of the Duma. One woman, Valentina Matviyenko, served as a Deputy Prime Minister.

Legal provisions have allowed national minorities to take an active part in political life (see Section 5); however, ethnic Russians dominated the political system, particularly at the federal level, and national minorities generally were underrepresented in many areas of public life.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Many domestic and international human rights groups generally operated without hindrance in the country, and most investigated and publicly commented on human rights problems, generally without government interference or restrictions; however, some local officials harassed human rights monitors (see Section 1.d.), and the Government refused to renew an agreement with the OSCE Assistance Group that would have permitted it to continue its human rights monitoring in Chechnya. Several NGOs reported increased difficulties in their relations with local authorities. These ranged from visa and registration problems to delays in permission to enter Chechnya to denial of permission to enter IDP camps in order to provide assistance. The Government's attitude towards human rights NGOs varied; the level of cooperation tended to depend on the perceived threat to national security or level of opposition that an NGO might pose. For example, NGOs monitoring prison conditions enjoyed an excellent relationship with government authorities, while those monitoring Chechnya had a more tense relationship. Officials, such as human rights ombudsman Oleg Mironov, regularly interacted and cooperated with NGOs.

Several NGOs were headquartered in Moscow and had branches throughout the country. Some of the more prominent human rights organizations were the Public Center for Prison Reform, the Society for the Guardianship of Penitentiary Institutions, the Glasnost Public and Defense Funds, Memorial, the Moscow Research Center for Human Rights, the Union of Soldiers' Mothers' Committees (USMC), the Mothers' Rights Foundation, and the Moscow Helsinki Group. Several of these groups were recognized and consulted by government and legislative officials for their expertise in certain fields, and such groups participated (with varying degrees of success) in the process of drafting legislation and decrees. The prominent human rights organization Memorial worked with the offices of the Presidential Human Rights Envoy for Chechnya, and the Government provided security for Memorial's trips to the regions. In July the Moscow Helsinki Group announced the release of its fourth annual survey of human rights conditions in the country. The extensive and detailed report covered human rights problems in all 89 of the country's principal administrative divisions.

There were a variety of regionally based human rights groups. Socioeconomic rights groups were the most numerous; they monitored issues such as unpaid wages and benefits. There were fewer civil-political rights groups, but they included "generalist" organizations that covered the range of human rights issues and "specialist" organizations that covered only one issue. There were also public legal centers that provided legal advice to the general public (see Section 1.e.). These centers usually were run on a part-time basis by lawyers who, while they could not afford to offer trial counsel or actual legal work, offered advice at no cost on legal rights and recourse under the law. Resources for human rights work were scarce; most groups relied on foreign support in the form of grants to maintain operations.

Regional human rights groups generally received little, if any, international support or attention. Although at times they reported that local authorities obstructed their work, criticism of the Government and regional authorities usually was permitted without hindrance. Criticism of a specific political leader in the region (usually the governor or a senior law enforcement official) reportedly was less tolerated. Local human rights groups had far fewer opportunities than their Moscow counterparts to interact with legislators to develop legislation; some were excluded from the process

entirely by local authorities.

During the year, many domestic and international NGOs continued their work in Chechnya despite the threats posed by the ongoing military conflict. Within Chechnya some international NGOs maintained small branch offices staffed by local employees; however, all international NGOs had their bases outside of Chechnya (see Sections 1.b. and 1.g.).

The August kidnaping by unknown persons of the head of the Doctors without Borders Mission in the Province of Dagestan, adjacent to Chechnya, remained unsolved at year's end. This event and overall security problems led many NGOs to limit their activities in the north Caucasus region.

In October 2001, the Council of Europe (COE) announced that it had reached an agreement with the Government to extend the mandate of its human rights monitors in Chechnya until the end of the year. Since June 2000, three COE monitors have maintained a presence in the office of the Government's human rights representative in Chechnya, Abdul-Khakim Sultygov. Many human rights activists charged that the COE and the OSCE were ineffective in improving the human rights climate in Chechnya. On December 31, the mandate of the OSCE's Chechnya mission expired and the Government refused to renew it. The mandate of the OSCE mission included "promoting respect for human rights and fundamental freedoms" in the territory. It had frequently criticized the actions of military forces. Foreign Minister Ivanov said the OSCE mission had failed to understand Chechen realities. Other officials stated that the country wished to continue cooperation with the OSCE but that corrections were required in its operations in Chechnya.

The Government's human rights institutions continued to lack independence, but some of them did make efforts to promote human rights. The Office of the Russian Federation Human Rights Ombudsman, headed by Oleg Mironov, commented on a broad range of human rights issues. Mironov's office had more than 150 employees and had several specialized sections responsible for investigating complaints of human rights abuses, including a section on religious freedom and a section on human rights education. During the year, the office published various reports on human rights problems. Mironov's role remained mainly consultative and investigatory, without powers of enforcement. By year's end, there were regional human rights ombudsmen with responsibilities similar to Mironov's in twenty of the regions. Human rights committees and ombudsmen existed in other regions as well; however, the effectiveness of the regional ombudsmen and committees varied significantly from region to region. The President's Human Rights Commission, headed by Ella Pamfilova and including a number of human rights activists, remained largely inactive during the year; however, following a meeting with the President where activist members successfully appealed to Putin, a December fact-finding mission of the Commission to the Caucasus region succeeded in limiting involuntary returns of IDPs to Groznyy.

Citizens may file appeals to the ECHR about alleged human rights violations that occurred after May 1998, when the European Convention on Human Rights entered into force. Complainants were not required to exhaust all appeals in domestic courts before they could turn to the ECHR but must have exhausted "effective and ordinary" appeals, which usually include two appeals (first and cassation) in courts of ordinary jurisdiction and three (first, appeal, and cassation) in the commercial court system. By October 2001, the ECHR had received more than 7,000 complaints from Russia, including dozens from Chechnya. 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. In May the ECHR found for Anatoliy Burdov in the case of Burdov v. Russia, awarding the applicant about $3,000 (90,000 rubles)in a case relating to his work during the Chernobyl cleanup in 1986-87.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, language, social status, or other circumstances; however, both official and societal discrimination persisted.

Women

Domestic violence remained a major problem, and victims rarely had recourse to protection from the authorities. Police were reluctant and sometimes unwilling to intervene in what they regarded as purely domestic disputes. Many women were deterred from reporting such crimes, not only because of social and family pressure but also because the tight housing market made it difficult either to find housing outside the family dwelling or to expel an abusive spouse, even after a final divorce action. Much of society, including some leaders in the human rights community, did not acknowledge domestic violence as a problem or did not believe that it was an area for concern outside of the family. No reliable statistics existed to permit evaluation of the true extent of the problem nationwide, and individual jurisdictions varied in their statistical methodology. There was a general lack of understanding of these problems in the legal community, and there was no legal definition of domestic violence. Some forms of battering are addressed in the Criminal Code but are defined too narrowly to apply to most cases. There also was no national political will to consider these problems seriously. Several NGOs expressed serious concern about guidance provided to the new justices of peace--to whom most such cases are expected to be referred--which instructs the justices to reconcile the battered and the batterer and return the victim to the home as soon as possible.

In November 2001, an MVD official estimated that on average there were more than 250,000 violent crimes against women annually; however, government officials and NGOs agreed that such crimes usually were not reported. From January through mid-November 2001, police recorded more than 7,000 crimes of rape (in 2000, 7,900 rape cases were registered for the entire year), and 6,300 other sexually related crimes. The Government provided no support services to victims of rape or other sexual violence; however, victims could act as full legal parties to criminal cases brought against alleged assailants and could seek legal compensation as part of the verdict without seeking a separate civil action. Hospitals, crisis centers, and members of the medical profession provided assistance to women who were assaulted; however, to avoid spending long periods of time in court, some doctors were reluctant to ascertain the details of a sexual assault or collect physical evidence.

Prostitution is not a crime, although a 2001 revision of the Administrative Code made prostitution and pimping administrative violations subject to fines (see Section 6.f.). Such violations carry financial penalties in the form of fines calculated in multiples of weekly minimum wages. Prostitution carries a penalty of 5 times the minimum wage, or roughly $100 (3,000 rubles).

Trafficking of women for sexual exploitation or forced labor was a serious problem (see Section 6.f.).

Despite serious difficulties, many groups continued to address violence against women. NGOs, alone or in cooperation with local governments, operated more than 55 women's crisis centers throughout the country, and their numbers continued to grow. In addition, the crisis centers have formed an association in order to coordinate their efforts better. Several NGOs provided training on combating trafficking to police, procurators, justices of the peace, and others in government.

Women reported sexual harassment in the workplace, and anecdotal information suggests that many potential employers seek female employees who are receptive to sexual relations. The Constitution states that men and women have equal rights and opportunities to pursue those rights. The new Labor Code retains from the previous Code prohibitions against discrimination, stating that every person has the right to equal pay for equal work; however, the phrase, "without complexes," is used occasionally in job advertisements (see Section 6.b.). Some firms asked applicants for employment to complete a form including the abbreviation "VBO," a Russian-language abbreviation for "possibility of close relations," to which the applicant is expected to reply "yes" or "no." There was no law that prohibits sexual harassment, and women have no recourse when sexually harassed.

Job advertisements often specified sex and age groups and sometimes physical appearance as well. Credible evidence suggested that women encounter considerable discrimination in employment. NGOs continued to accuse the Government of condoning discrimination against women, contending that the Government seldom enforced employment laws concerning women. Employers preferred to hire men, thereby saving on maternity and childcare costs and avoiding the perceived unreliability that accompanies the hiring of women with small children. Employers also

tried to avoid the entitlement to a 3-year maternity leave for childcare, which can be used in full or in parts by the mother, father, relative, or trustee providing the actual childcare. During this time, the employer must retain an employee's place of work and continue to fund applicable social benefits. Moscow human resources managers privately admitted that discrimination against women in hiring was common. There also was a trend toward firing women rather than men when employees are laid off. Women were subject to age-based discrimination. While no official statistics were available, government officials estimated that of the 7.5 percent of the workforce unemployed in late August, at least 70 percent were women.

Women continued to report cases in which they were paid less for the same work that male colleagues perform. According to a 2001 report by the International Labor Organization (ILO), women accounted for about 47 percent of the working-age population but on average earned only two-thirds of the salaries of their male counterparts. Professions dominated by women were much more poorly paid than those dominated by men. Women also tended to work in industries where market reforms remained weak and wages low, such as the textile and defense sectors, while men increasingly took jobs in the fast-growing, more profitable, financial and credit sectors where wages were substantially higher.

Children

The Constitution assigns the Government some responsibility for safeguarding the rights of children, and the State endeavored to provide, within its limited means, for the welfare of children. A Family Code regulates children's rights and marriage and divorce issues. The educational system includes both private and public institutions. Children have the right to free education until grade 11 (or approximately 17 years of age), and school was compulsory until the 9th grade. Boys and girls were treated equally in the school system. While federal law provides for education for all children in the country, regional authorities frequently denied school access to the children of unregistered persons, asylum seekers, and migrants because they lacked residential registration (see Section 2.d.).

Under the law, health care for children is free; however, the quality varied, and individuals incurred significant out of pocket expenses. According to a UNICEF survey, children of IDPs from the Chechen conflict suffered disproportionately from chronic anemia and had a low rate of vaccinations due to the collapse of local health and education systems as a result of the conflict.

No reliable statistics existed on the extent of child abuse; however, anecdotal evidence indicated that child abuse was a problem.

The status 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. An estimated 50,000 children run away from home each year. The main reasons for this reportedly were family violence, financial problems, or social problems such as drug or alcohol abuse by one or both of the parents. In Moscow approximately 6,000 children per year were brought to the Center of Temporary Isolation of Minor Delinquents (COVINA). These children stayed in COVINA for no more than 30 days. During this period, the child's case was investigated and his or her guardian was located; however, in 90 to 95 percent of these cases, the police simply returned the children to their families or to the institution from which the children ran away. Many officials considered domestic problems private affairs and preferred not to interfere.

Trafficking in children was a problem (see Section 6.f.).

Figures for homeless children were unreliable. The Russian Children's Fund estimated in 2001 that there were some 2.5 million homeless children, although other estimates reached as high as 4 million; scientific studies used differing methodologies to count street children. In 2000 the ILO International Program on the Elimination of Child Labor (ILO/IPEC) estimated that there were 10,000 to 16,000 working street children in St. Petersburg, although only 1,000 to 2,000 were believed to be homeless. Most still had social ties to their family, school, or orphanage and only lived on the street part-time. Similar studies in Moscow in 2001 indicated that 30,000 to 50,000 working street children lived in the capital. Studies in the two rural districts of Vsevolozhsk and

Priyozersk in the Leningrad Oblast were less conclusive, but suggested that the problem of working street children also existed outside the country's industrial centers. In addition, there were approximately 3,000 young persons aged 18 to 24 in Leningrad Oblast, most of them discharged from state institutions and given state housing, who had difficulty maintaining a residence and adapting to noninstitutional life in general. Homeless children often engaged in criminal activities, received no education, and were vulnerable to drug and alcohol abuse. Some young girls on the street turned to or were forced into prostitution in order to survive (see Section 6.f.).

In the St. Petersburg region, local government and police ran various programs for homeless children and cooperated with local NGOs; however, resources were few and overall coordination remained poor. Local and international NGOs provided a variety of services for the homeless. Many Moscow charitable organizations have established productive relations with the city government to address the needs of children with disabilities, as well as other vulnerable groups. Perspektiva worked with children and medical personnel in an orphanage for children with disabilities in Pavlovsk. Bereg ran a shelter and offered training programs to children and social workers. Citizens' Watch conducted seminars on legal and social aspects of the problem.

Attention continued to focus on the status of orphans and those children with disabilities who have been removed from mainstream society and isolated in state institutions. Recent statistics on the number of orphans, institutionalized children, and adoptions during the year were not available. A complex and cumbersome system was developed to manage the institutionalization of some children until adulthood; three different ministries (Education, Health, and Labor and Social Development) assumed responsibility for different age groups and categories of orphans. Observers concluded that rather than focus on the needs of the children, the system revolved around the institutions. The welfare of the children was lost within the bureaucracy, and little clear recourse existed in instances of abuse by the system. Human rights groups alleged that children in state institutions were provided for poorly (often because funds are lacking) and in some cases were abused physically by staff. Life after institutionalization also posed serious problems, as children often lacked the necessary social, educational, and vocational skills to function in society. While there were no comprehensive studies of the effects of the orphanage system, its costs, and the extent of its problems, several groups compiled some important information.

Although comprehensive statistics were not available, the prospects for children and orphans who had physical or mental disabilities remained extremely bleak. The most likely future for severely disabled children was a lifetime in state institutions. The label of "imbecile" or idiot, which was assigned by a commission that assesses children with developmental problems at the age of 3 and which signified "uneducable," almost always was irrevocable, and even the label of "debil"--lightly retarded--follows a person throughout his or her life on official documents, creating barriers to employment and housing after graduation from state institutions. A study conducted by the Rights of the Child program of the Moscow Research Center for Human Rights found that on graduation at the age of 18 from a state institution for the lightly retarded, 30 percent of orphans became vagrants, 10 percent became involved in crime, and 10 percent committed suicide. The existing system provided little oversight and no formal recourse for orphans who have been misdiagnosed as mentally ill or retarded or who are abused or neglected while in state institutions. Facilities to which such children were remanded frequently used unprescribed narcotics to keep children under control.

The Rights of the Child Program has called for the establishment of an ombudsman for the rights of children with the power to enter and inspect children's facilities at any time of day or night without advance notification, and the Ministry of Labor and Social Development continued to work with UNICEF on a pilot program to establish regional children's rights ombudsmen. In 2001 the Moscow city Duma created the position of ombudsman for children's rights. According to the Ministry and the Rights of the Child NGO, there were ombudsmen in the cities of Yekaterinburg and St. Petersburg, and in the regions of Arzamas Volkskiy, Novgorod, Chechnya, Ivanovo, Kaluga, and Volgograd. Ombudsmen may only write a letter requesting an inquiry by law enforcement authorities, assist those whose rights have been violated to understand their legal rights, and make suggestions to legislators (local, regional, and federal) on ways to improve legislation.

Conditions for children in prisons and pretrial detention were problems (see Sections 1.c. and 1.d.).

Reportedly troops in Chechnya placed Chechen boys ages 13 and older in filtration camps where some reportedly were beaten and raped by guards, soldiers, or other inmates. The women's action group "White Kerchief" (Belyy platok) reported that some federal forces engaged in the kidnapping of children in Chechnya for ransom.

According to a December report by the U.N. special representative for children and armed conflict, Chechen rebels used children to plant landmines and explosives.

Persons with Disabilities

The Constitution does not address directly the issue of discrimination against persons with disabilities. Although laws exist that prohibit discrimination, the Government did not enforce them. The meager resources that the Government devoted to assisting persons with disabilities were provided to veterans of World War II and other conflicts.

The law requires that firms with more than 30 employees either reserve 3 percent of their positions for persons with disabilities or contribute to a government fund to create job opportunities for them. The law also removed language defining an "invalid" as a person unable to work; however, the Government has not implemented this law. Some persons with disabilities found work within factories run by the All-Russian Society for persons with disabilities; however, the majority were unable to find employment. Local authorities, private employers, and tradition continued to discourage persons with disabilities from working, and they were usually forced to subsist on social benefits.

Special institutions existed for children with various disabilities but did not serve their needs adequately due to a lack of finances. Being a child with disabilities remained a serious social stigma, an attitude that profoundly influenced how institutionalized children were treated. Many children with physical or mental disabilities, even those with only minor birth defects, were considered uneducable. Parents wishing to enroll a child in ordinary secondary schools in Moscow were obliged to produce a medical certificate affirming that the child was in perfect health. Families with children with disabilities received extremely low state subsidies that have not changed to reflect inflation since the Soviet era.

The Government did not mandate special access to buildings for persons with disabilities, and access to buildings was a problem. The NGO Society for the Defense of Invalids continued to work to broaden public awareness and understanding of problems concerning persons with disabilities by conducting workshops, roundtables with public officials, and training programs for persons with disabilities.

Indigenous People

The law provides for the support of indigenous ethnic communities, 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 organized to study and make recommendations regarding the preservation of the culture of indigenous people. People such as the Buryats in Siberia and the people of the North (including the Enver, Tafarli, Chukchi, and others) continued to work actively to preserve and defend their cultures as well as the economic resources of their regions. Most affirmed that they received the same treatment as ethnic Russians, although some groups believed that they were not represented or were underrepresented in regional governments. The principal problems of indigenous people remained 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 criticized 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 earlier years. After the President abolished the Ministry of Federation Affairs, Nationalities, and Migration Policy in October 2001, he appointed a new minister without portfolio to coordinate

nationalities policy.

National/Racial/Ethnic Minorities

The Constitution prohibits discrimination on the basis of nationality; however, Roma and persons from the Caucasus and Central Asia faced widespread governmental and societal discrimination, which often was reflected in official attitudes and actions. The Constitution also makes provision for the use of national languages in the various sub-divisions alongside the official Russian language and 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.

New federal and local measures to combat crime were disproportionately applied against persons appearing to be from the Caucasus and Central Asia. Police reportedly beat, harassed, and demanded bribes from persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa. Law enforcement authorities also targeted such persons for deportation from urban centers. Authorities in Moscow subjected dark skinned persons to far more frequent document checks than others and frequently detained them or fined them amounts in excess of permissible penalties. Police often failed to record infractions by minorities or issue a written record to the alleged perpetrators. In the autumn of 2001, more than 100 Roma were expelled forcibly from the Krasnodar region to Voronezh. Chechen IDPs and the Civic Assistance Committee for Migrants reported that Chechens continued to face great difficulty in finding lodging in Moscow and frequently were forced to pay at least twice the usual rent for an apartment. Although Mayor Luzhkov ruled out a crackdown on the Chechen population in the city following mass hostage seizures at a Moscow theater human rights monitors reported in November that hundreds of ethnic Chechens were detained in sweeps across Moscow and that acts of discrimination against them increased (see Section 1.g.).

The multiethnic population was made up of more than 100 national groups. Many of the 89 subdivisions or "subjects" of the federation were formed on the basis of the subdivisions' predominant ethnic group. For example, the Republic of Chuvashiya is the homeland of the Chuvash people, who make up 68 percent of the Republic's population. During the year, the President and other prominent officials issued numerous declarations regarding the multiethnic nature of the country and calling for tolerance. Nonetheless, there were numerous racially motivated attacks on members of minorities, particularly Asians and Africans. Attacks generally appeared to be random, and were carried out by private individuals or small groups inspired by racial hatred. Some of the attackers were known to local law enforcement authorities for their racial intolerance or criminal records. For example, during the year, 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 organizations. Many victims, particularly migrants and asylum seekers who lacked residence documents recognized by the police, chose not to report such attacks or to report indifference on the part of police.

Several incidents against resident Indian businesspeople and African students, as well as other crimes against foreigners, including diplomats, suggested that this remained a serious problem in St. Petersburg. In August Aleksandr Gudz, head of the International Affairs Department of the St. Petersburg police, stated that crimes against foreigners in that city had fallen by 10 percent compared with 2001. Gudz asserted that violence by skinheads was not a problem in St. Petersburg as a result of successful police monitoring of such groups.

On September 13, however, approximately 20 skinheads used sticks and knives to kill a vendor from Azerbaijan as he sat by his watermelon stand in St. Petersburg. The attack was apparently unprovoked. Although police did not catch any suspects at the scene, they conducted a roundup of known skinheads in the area, which led to the detention of two people allegedly involved in the incident. Police also reportedly found evidence that the incident had been planned, and claimed to have found a video recording of the attack. At year's end, the investigation was continuing. On September 30, a group of young men attempted to attack two Azerbaijani traders in St. Petersburg, but the men locked themselves inside their kiosk. The young men then attacked and injured an ethnic Russian private security guard. The militia initiated a criminal investigation. In November

2001, Moscow police arrested a 16-year-old suspect and charged him with the August killing of Massa Mayoni, a 16-year-old asylum seeker from Angola. The charges were later reduced from murder to hooliganism.

Five men were convicted on November 20 for their part in the violent incident in a marketplace near the Tsaritsyno metro station in Moscow in October 2001. An estimated 100 to 300 youths from Moscow's southern neighborhoods kicked and beat dozens of persons with metal bars during the incident; almost all of the victims belonged to ethnic groups from the Caucasus and Central Asia. At least three persons died as a result of the attack: A 17-year-old ethnic Tajik, a 17-year-old ethnic Azeri, and a 37-year-old Indian national.

The Ministry of Justice reported that in 2000, 17 crimes were investigated under laws baring acts of incitement to national, racial and religious hatred. Of these, eight were taken to court, but a Duma Deputy later asserted that there was only one conviction. The statistical department of the Supreme Court reported that as of July 1 the Procuracy had brought five such cases to court, but none of the accused was convicted. On the other hand, the Procuracy General reported that 37 cases had been opened as of November 2001.

Human rights observers reported that the authorities have been particularly hostile toward certain minority groups in the Province of Krasnodar Kray. The Kray has been home to large numbers of ethnic minorities for decades but has experienced considerable immigration and domestic migration in recent years (see Section 2.d.). According to Memorial, Krasnodar Governor Aleksandr Tkachev in a March speech promised a group of regional and municipal officials that he would create "unbearable conditions" for "illegal migrants" (see Section 2.d.), and there were unconfirmed reports that the Krasnodar government provided funding to paramilitary Cossack groups, some of which were said to be brutally repressive toward such groups.

In its local legislation, the Republic of Bashkortostan names Bashkiri and Russian as its two official languages and excludes Tatar despite the fact that Tatars constituted 30 percent of the population and outnumber the Bashkirs. An appeal by the legislature of the neighboring Republic of Tatarstan to make Tatar an official language was rejected.

Section 6 Worker Rights

a. The Right of Association

The law provides workers with the right to form and join trade unions; however, in practice government policy and the dominant position of the Federation of Independent Trade Unions of Russia (FNPR) limited the exercise of this right. Approximately 56 percent of the work force (an estimated 72 million workers) was unionized, and approximately 3 to 4 percent of union members belonged to independent free trade unions. Union membership overall has fallen in recent years as a result of economic restructuring, including the closing of some enterprises and a resistance by some domestic and foreign companies to trade union activities.

The FNPR claimed that approximately 80 percent of all workers belonged to the FNPR, although approximately 50 percent appeared to be a more accurate estimate. The FNPR largely dominated the union movement and provided a practical constraint on the right to freedom of association. The FNPR inherited the bulk of the property of its Soviet predecessors, including office and recreational property. The majority of its income came from sources other than dues, such as rental income, sale of real estate, and fees for member services. Its unions frequently included management as part of the bargaining unit or elected management as delegates to its congresses. The FNPR and other trade union federations acted independently on the national political level, but in some cases FNPR unions were affiliated closely with local political structures. Political parties often cooperated with unions, for example, in calling for a national day of protest.

In January 2001, a new Tax Code became effective, which included a single social tax and essentially ended trade union control over the distribution of social benefits at the federal level; however, as the owner of many service facilities and the largest group of unions, the FNPR

continued to play a significant role at the municipal and regional level in setting priorities for the distribution of social benefits, such as child subsidies and vacations, based on union affiliation and politics. Such practices discouraged the formation of new unions. Trade unions maintained that the consolidation of social security assets in the federal budget and the additional layer of bureaucracy in the distribution of social benefits have led to reduced benefits for workers and the public in general.

The number of court decisions supporting the right of association and ruling in favor of employees increased during the year, although the enforcement of these court decisions remained a problem in many cases. Employees tended to win their cases in court but only if they were prepared to appeal, normally a time-consuming and lengthy process. Many remained reluctant to do so. Most workers did not understand or have faith in the legal structure and feared possible retaliation. Lengthy delays were common: A court decision on compensation for wage differentials in the 1998 Ust-Ilimsk air traffic controllers union case, remained pending at year's end. Prospects for resolving the case appeared unlikely as the company was liquidated during the summer. In early 2001, a Moscow municipal court ordered the All-Russian Television and Radio Company (VGTRK) to reinstate and pay lost wages to an employee and a member of the independent trade union "Efir" after the court determined that the employee had been laid off illegally. Upon his reinstatement, however, the employee was not allowed to resume his normal duties and continued to lose wages. In August 2001, the employee again filed a suit against his employer, but the court dismissed the case, claiming that it had not been filed correctly. The employee has appealed the court's dismissal and a final decision on the case is still pending.

There is a history of company management and FNPR local unions working together to discourage the establishment of new unions. Many of these cases remain unresolved. In the fall of 2000, an independent trade union at the Revda Children's Music School initiated collective bargaining negotiations with management, which refused to conclude an agreement. In October 2001, the union filed suit against management, calling on them to resume negotiations. During the hearing at the Revda municipal court in December 2001, one of management's witnesses was the Chairman of the rival FNPR-affiliated union operating at the school. The Chairman had participated in the collective bargaining negotiations on the side of management. The court ruled in favor of management and dismissed the case. An appeal by the union was pending at year's end.

In July a new Law on the State Registration of Legal Entities became effective. Registration procedures for NGOs under the new law require that local departments of the Ministry of Justice check all articles of charter documents for compliance with existing laws. These documents are then submitted to the appropriate level of the Ministry of Taxation, which enters the organization into the state registry; however, registration procedures for trade unions are governed also by the Law on Trade Unions, which specifies that registration requires a simple "notification" and submission of documents. It remained unclear how these two laws would be implemented.

In the past, local departments of the Ministry of Justice throughout the country ignored the procedures set out by the Law on Trade Unions and refused to register new unions without changes in charter documents or confirmation of attendance at founding conferences. Such practices prevented the registration of new unions or the re-registration of existing ones. Although founding documents were filed with the Sverdlovsk local Ministry of Justice in 1999, the Berezovskiy Association of Free Trade Unions had yet to be registered. Local Ministry of Justice officials demanded additional documents, including protocols from union meetings and lists of meeting participants, which are not required by law.

Other unions experienced similar problems. During a January hearing concerning a suit filed by the VGTRK against the independent trade union "Efir" (separate from the case mentioned previously), the prosecutor demanded that the union annul five articles in its Charter that allegedly contradicted federal law. The union requested that the case be dismissed on the grounds that the Constitution prohibits interference with union activities, as does the Law on Trade Unions and ILO Convention No. 87, and that the suit was filed illegally. The union subsequently appealed the case to the Moscow municipal Supreme Court, which dismissed the suit against the union during the summer.

The new Labor Code (see Section 6.b.) includes references to the Russian word

"pervichnaya" (local, or grass root), regarding organizations or trade unions that can represent workers' rights at the enterprise level. According to labor experts, "pervichnaya" is a term that refers to the lowest part or grass roots level of a structure. Such organizations are structurally dependent on a higher union body. By restricting the authority to represent workers at the enterprise level to entities that are structurally dependent on higher union bodies, the new Labor Code restricts the ability of workers to determine their own union structures. These labor experts view this as a clear violation of freedom of association principles (ILO Convention No. 87).

The new Labor Code and Trade Union Law specifically prohibit antiunion discrimination; however, antiunion discrimination remained a problem. Union leaders have been followed by the security services, detained for questioning by police, and subjected to heavy fines, losses of bonuses, and demotions. In late 2001, a bus conductor and chairman of an independent local union of transportation workers in Yekaterinburg was fired after management at her transportation depot accused her of selling tickets twice and taking the proceeds. In May a municipal court found her not guilty and demanded management reinstate and compensate her for wages lost and punitive damages. In January a Voronezh municipal court ruled that an employee of the Block Construction Factory had been laid off illegally in January 2000. In this case, the court also ruled that the employee be reinstated and compensated for wages lost and punitive damages; however, membership in the union that the employee had been building at the factory when she was laid off dropped to almost nothing in her absence.

Unions may freely form federations and affiliate with international bodies. There were several national and regional free trade union structures including the Russian Confederation of Labor (KTR) and the All-Russian Confederation of Labor (VKT). In November 2000, the International Confederation of Free Trade Unions (ICFTU) accepted as members the KTR, the VKT, and the FNPR.

b. The Right to Organize and Bargain Collectively

The new Labor Code, which went into effect on February 1, gave employers more flexibility in dealing with labor relations. It retained the right of collective bargaining, although this right had not always been protected in the past. Under the new Code, collective bargaining agreements remained mandatory if they were requested by either the employer or employees. Both sides were obligated to enter into such negotiations within 7 days of receiving a request, and the law set a time limit of 3 months for concluding such agreements. Any unresolved issues were to be included in a protocol of disagreement, which could be used for initiating a collective labor dispute.

Despite these requirements, employers continued to ignore trade union requests to negotiate collective bargaining agreements. Early in the year, an independent trade union at School No. 26 in Petropavlovsk-Kamchatskiy called a conference of the worker's collective to elect delegates to a collective bargaining negotiating team. The school's director reportedly interrupted the proceedings and instructed the employees to go home. At year's end, the employer had not agreed to collective bargaining negotiations.

The Government's role in setting and enforcing labor standards was diminished under the new Labor Code, and trade unions were expected to play a balancing role in representing workers' interests. However, observers criticized what they consider to be weaknesses in the proposed regime, including the absence of clear enforcement mechanisms to ensure that an employer engages in good faith collective bargaining and other obligations, and provisions that favor the designation of a majority union as the exclusive bargaining agent. For example, if more than one trade union is represented at an enterprise, the new Code calls for the formation of a joint body based on proportional representation to select a single representative body for workers during the collective bargaining negotiations. If the unions fail to agree on such a body within 5 days, the trade union representing the majority of workers at the enterprise is given the right to represent all workers during these negotiations. While minority unions retain their seats at the negotiating table with the right to join the negotiations up until the actual signing of an agreement, labor experts say the above measures could encourage larger trade unions to obstruct the formation of a negotiating team to ensure their designation as exclusive bargaining agents.

Labor experts also were concerned about a number of other provisions of the Code and suggested that the approach to implementation of the new Code would be crucial. The stipulation that there may be only one collective agreement per enterprise, covering all employees, could limit the ability of professional or "craft" unions (the majority of new unions in the country) to represent their members' interests. The Code also appears to restrict the possibility of concluding a nation-wide agreement at an occupational or professional level (in view of the broad definition of industry in the country) that would address concerns limited to a single profession or occupation. There also was a risk that existing unions would be dominated by employers under the new labor relations scheme, particularly in industries with oligopolistic structures.

Collective bargaining agreements had been registered officially by an estimated 16 to 18 percent of enterprises; however, the FNPR claimed that approximately 80 percent of its enterprises had concluded such agreements. This apparent discrepancy appeared in part due to agreements that were concluded but not registered with the Ministry of Labor. Under the new Labor Code, collective bargaining and wage agreements must be registered within 7 days of signature by all parties to the agreement; however, there are no sanctions in the event that a collective agreement is not registered. The new Code states that collective agreements become effective upon signature, regardless of whether they are registered or not. As in the previous Code, there was some ambiguity concerning the employer's legal identity, which has made collective agreements ineffective in the past. This lack of clear identification under the law has made tripartite wage agreements (with labor, management, and government participation) nonbinding at the municipal, regional, national, and industrial levels and has brought their legal validity into question. Even after an agreement was signed, employers often claimed that the "employer representative" was not authorized to represent the factory involved.

The Moscow Labor Arbitration Court handled the increasing number of labor violations and disputes registered each year. Ministry of Labor officials estimated that there were just over 2 million labor violations in 2001. The court is a pilot project and is expected to lead to a system of similar arbitration courts in various regions. However, a shortage of resources has limited the creation of additional courts.

The law provides for the right to strike; however, this right remained difficult to exercise. Most strikes were considered technically illegal, because the procedures for disputes were exceedingly complex and required the coordination of information from both sides, even before courts became involved, and civil courts could review strikes to establish their legality. The new Labor Code includes further limits on workers' and trade unions' ability to conduct strikes. Approval by a majority of participants to a conference composed of at least two-thirds of all workers at an enterprise, including management, is needed, whereas previous legislation only required a quorum of workers.

The law specifies that a minimum level of essential services must be provided if a strike could affect the safety or health of citizens. Under this definition, most public sector employees cannot strike. After a trade union declares a strike, the trade union, management, and local executive authority have 5 days to agree on the required level of essential services. If no agreement is reached--which is often the case--the local executive authority simply decrees the minimal services, and often sets them at approximately the same level as the average workload. The civil court has the right to order the confiscation of union property to settle damages and losses to an employer if a strike is found to be illegal and not discontinued before the decision goes into effect. As a result, an increasing number of strikes were organized by strike committees rather than by unions. There were no prolonged strikes during the year. Overall strike activity remained relatively low, with only 80 strikes officially registered during the year. Court rulings have established the principle that nonpayment of wages--still by far the predominant grievance--is an individual dispute and cannot be addressed collectively by unions. As a result, a collective action based on nonpayment of wages was not recognized as a strike. Individuals were thus not protected by the labor law's provisions against being fired while on strike.

The law bans strikes in the railway and air traffic sector, at nuclear power stations, and by members of the military, militia, government agencies, and disaster assistance organizations. As a result, workers in these professions sometimes resorted to other forms of protest such as rallies, days of action, or hunger strikes. In early May, management at the Zleznodorozhniy railway depot in the

Moscow Oblast filed suit over the legality of a strike by a railway workers' union, arguing that the action endangered the general population and the decision to conduct a strike was not approved by a general meeting of all employees at the depot. While the court did rule the strike illegal, the court also reprimanded depot management for causing the strike by refusing to participate in the resolution of the collective labor dispute that provoked the strike. On December 25, the Transportation Ministry reached an agreement on increased wages with the Air Traffic Controllers' Union of Russia (FPAD) and the Union of Aviation Radio and Navigation Workers (PARRIS) that succeeded in ending a hunger strike, which had begun on December 22. The strike affected air traffic at some 304 airports in Russia.

Reprisals for strikes were common, although strictly prohibited by law. In 2001 a union of elevator maintenance employees in Tyumen conducted strikes in January and April and succeeded in gaining delayed wage payments and higher salaries from management at the elevator. However, immediately after the second strike, management reorganized operations at the elevator and demanded that all of the 250 members of the union sign new 1-year contracts in order to retain their positions. Union leadership succeeded in convincing only 38 members that such actions were not standard procedures during a reorganization. The remaining union members terminated their full-time status and also lost all the wage guarantees gained during the strike. Union membership at the elevator dropped to only 70 members.

The 1999 killing of Gennadiy Borisov, a leader of the Vnukovo Airlines Technical and Ground Personnel Union, remained unresolved. There were no reports to indicate that the authorities were actively pursuing an investigation.

Company management has sought to break up unions that conducted strikes by means of the reorganization of enterprise operations. For example, labor disputes between a local independent union of dock workers (RPD) and management at the Kaliningrad Port date back to October 1997. Following an unsuccessful strike, management restructured the port, creating a second legal entity and transferring all cargo movement to it. Workers who agreed to leave, or did not join, the union were transferred to the new unit, which provided improved conditions, and most of the remaining union members were subsequently fired. Legal maneuvers have continued on both sides, with the management refusing Court rulings in favor of the union, which has filed a case with the ILO.

In December the Government refused to permit the longtime director of the Solidarity Center, an NGO that provides technical assistance and training to workers and promotes cooperation among labor, management and government, to reenter the country. The director was a foreigner who had been resident in Russia for more than 10 years. The refusal apparently was related to her activities in support of labor actions.

There were no export processing zones. Worker rights in the special economic zones and free trade zones were covered fully by the new Labor Code and were the same as in other parts of the country.

c. Prohibition of Forced or Bonded Labor

The new Labor Code prohibits forced or bonded labor, including late or incomplete wage payments (see section 6.e.); however, there were instances of the use of forced or bonded labor (see Section 6.f.). There continued to be credible reports that significant numbers of foreign workers from other countries of the former Soviet Union were forced to work without pay because their passports were held by firms that brought them into the country. There were reports that approximately 4,000 North Koreans were brought into the country to work in the construction and timber industries in the Far East, with salaries remitted directly to their Government. Amnesty International charged that a 1995 Russian-North Korean bilateral agreement allows for the exchange of free labor for debt repayment, although the Government claimed that a 1999 intergovernmental agreement gave North Korean citizens working in the country the same legal protections as citizens.

Military officers reportedly sent soldiers under their charge to work on farms to gather food for their units or perform work for private citizens or organizations. The USMC reported that the practice by officers and sergeants of "selling" soldiers to other officers with a military need for personnel or to

perform such private activities as building private dachas constituted forced labor. Such abuses were often linked to units in the Northern Caucasus military district. The largest single group of such complaints the USMC received between January and September 2001 concerned the Ministry of Internal Affairs.

The Labor Code prohibits forced or bonded labor by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.). Parents who begged in underpasses and railway stations of larger cities often had their children approach passersby. ILO reports on working street children in St. Petersburg, Moscow, and Leningrad Oblast indicated that some of these children give their parents the proceeds from their begging.

d. Status of Child Labor Practices and Minimum Age for Employment

The new Labor Code retains prohibitions against the regular employment of children under the age of 16 and also regulates the working conditions of children under the age of 18, including banning dangerous, nighttime, and overtime work; however, the Ministries of Labor and the Interior, which are responsible for child labor matters, did not enforce these laws effectively. Children could, under certain specific conditions and with the approval of a parent or guardian, work at the ages of 14 and 15. Such programs must not pose any threat to the health or welfare of children. The Federal Labor Inspectorate, under the auspices of the Ministry of Labor, was responsible for routinely checking enterprises and organizations for violations of labor and occupational health standards for minors. In 2001 the Labor Inspectorate reported approximately 12,000 cases of child labor violations. There was no reliable information on the number of cases in which an employer or organization was prosecuted for violating laws on child labor. Local police authorities were responsible for conducting inspections of organizations or businesses suspected of violating child labor laws; however, in practice investigations only occurred in response to complaints.

Accepted social prohibitions against the employment of children and the availability of adult workers at low wages generally prevented widespread abuse of child labor. Nonetheless, the transition from a planned to a market economy has been accompanied by drastic economic, political, and social changes, including an increase in the number of children working and living on the streets. This was largely due to a deterioration in the social service infrastructure, including access to education and health care (see Section 5). In some cases, economic hardship has undermined traditions and social customs and eroded the protection families traditionally provided to children. Children often were used by their parents to lend credence to their poverty when begging. Homeless children particularly were at risk for exploitation in prostitution or criminal activities (see Section 6.f.). There were no effective sanctions against persons using the labor of children in prostitution and pornography.

On December 25, the Duma ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work

The new Labor Code states that the monthly minimum wage, which was approximately $14 (450 rubles), should not be less than the monthly official subsistence level of $60 (1,893 rubles), which is not sufficient to provide a decent standard of living for a worker and family. Average wages decreased to $141 (4,426 rubles) per month during the year compared with $143 (4,657 rubles) per month during 2001. Separate legislation is still needed to determine the timeframe for raising the monthly minimum wage to the monthly subsistence level. Approximately 27 percent of the population had incomes below the official subsistence minimum; however, most workers received several times the monthly minimum wage, and the monthly minimum wage was essentially an accounting reference for calculating university stipends, pensions, civil service wages, and social benefits; it was not a number used for real salaries. Enterprises often used this number to avoid taxation by reporting the number of employees paid at the monthly minimum wage instead of reporting actual salaries. Studies have shown that over 30 percent of private sector employees earned more than their registered wage and that 10 percent of this group actually earned at least 6 times the official wage level. In addition, much of the population continued to reside in low-rent or subsidized housing and received various social services from enterprises or municipalities.

The new Labor Code retains a standard workweek of 40 hours, with at least one 24-hour rest period, and requires premium pay for overtime work or work on holidays; however, workers have complained of being required to work in excess of the standard workweek (10- to 12-hour days are common), of abrogated negotiated labor agreements, and of forced transfers.

Although the incidence of nonpayment of wages declined, it continued to be the most widespread abuse of labor legislation, especially for workers in education, research, and medicine. Under the new Labor Code, employers must pay penalties for late or partial payment and are required to pay two-thirds of a worker's salary if the worker remains idle by some fault of the employer. Proving that an employer is at fault, however, was difficult. While the overall problem of nonpayment of wages continued to diminish, total wage arrears at year's end totaled $960 million (30.6 billion rubles). Although some enterprises still forced their employees to take wages in barter, the practice continued to decrease.

An increasing number of workers who were owed back wages sought relief through the court system, but the process was lengthy. Courts often were willing to rule in favor of employees, but the collection of back wages remained difficult. Courts often insisted that cases be filed individually, in contradiction to the Law on Trade Unions, thereby undercutting union attempts to include the entire membership in one case. This insistence also made the process lengthier and more difficult for the affected workers and exposed them to possible retaliation (see Section 6.b.). The practice of removing the names of workers who won judgments for back wages, but did not yet receive the wages, from the list of those permitted to buy food on credit from the company store continued.

A lack of labor mobility continued to be a problem. For various reasons, many workers were not able to move to other areas of the country in search of work. Many were constrained economically because their savings were destroyed by past inflation and the nonpayment of wages. Freedom to move in search of new employment was limited further by the system of residency permits which, although unconstitutional, was still in use in cities such as Moscow and St. Petersburg (see Section 1.d.). Other workers effectively were tied to enterprises that could only give them credits at the company cafeteria and grocery and the hope of future salary payments. The knowledge that workers cannot easily move across regions and find employment has made managers in some one-factory towns reluctant to lay off workers. Because of the inability of local employment agencies to provide benefits or to absorb laid-off employees from some factory towns, local governors and mayors often overturned the enterprises' decisions to lay off workers who were not really working. Other factors, such as the availability of subsidized housing and cultural ties to locations, also inhibited the movement of workers.

The law establishes minimum conditions for workplace safety and worker health; however, the Federal Labor Inspectorate within the Ministry of Labor lacked the financial and human resources to enforce these standards effectively. Workers wore little protective equipment in factories, enterprises stored hazardous materials in open areas, and smoking was permitted near containers of flammable substances. Funds remained limited for safety and health in the workplace.

The new Labor Code provides workers with the right to remove themselves from hazardous or life-threatening work situations without jeopardy to their continued employment; however, labor inspectorate resources to enforce this right remained limited. In addition, workers were entitled to such compensations as shorter hours, increased vacations, extra pay, and pension benefits for working under such conditions; however, the pressure for survival often displaced concern for safety, and the risk of industrial accidents or death for workers remained high, although reliable statistics on accident and death rates at the workplace were not available. Miners were known to remove the supports from mineshafts and sell them for scrap metal, while doctors and nurses sold health and safety equipment at hospitals to patients' families in order to supplement salaries that often remained below the minimum subsistence level.

In late 2001, a train engineer at the Zheleznodorozhniy railway depot in the Moscow Oblast was disciplined and denied a bonus for refusing to climb on top of a train car to inspect its condition. Routine roof checks at the depot were generally performed by staff who were equipped with special safety gear to protect them from live electrical wires and possible falls from the 15-foot-high cars; however, management required train engineers to perform this task when on the road, since

Internal railroad safety regulations did not list such tasks as dangerous. On the other hand, inter-industrial safety regulations included this task among dangerous occupations. The train engineer subsequently filed a suit against management; however management refused to appear, and the case was settled out of court.

Foreign workers residing and working legally in the country were entitled to the same rights and protections provided to citizens under the law. Foreign workers residing and working illegally in the country may be subject to deportation but may seek recourse through the court system. There were credible reports that several thousand Ukrainians and Belarusians were living and working illegally in Moscow and other larger cities for significantly lower wages than Russian workers and under generally poor conditions. The Labor Code prohibits forced or compulsory labor; however there were reports that foreign workers were brought into the country to perform such work (see section 6.c.).

f. Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and although other provisions of the law may be used to prosecute traffickers, trafficking in women and children was a problem. There were no reliable estimates of its scope, but observers believed that trafficking was widespread. There were reports that the corruption of government officials facilitated trafficking.

Although no specific legislation addresses trafficking, several articles of the Criminal Code may be used to prosecute trafficking effected by force. For example, the law provides for a punishment of up to 5 years' imprisonment for the unlawful violation of the country's borders by a "group of persons in prior arrangement or by an organized group either using violence or the threat of violence." The law prohibits forcing a person into sexual activity, drawing a person into prostitution by force or threat of force, and organizing and maintaining a house of prostitution. The law punishes those who use forged documents to smuggle persons across a border; crossing the country's borders without required documentation is punishable by a fine or imprisonment of up to 2 years; however, under the law, it was extremely difficult to prosecute a trafficker who persuades an adult victim to leave the country with him voluntarily, even for purposes of prostitution. It is much easier to prosecute a trafficker of minors, although the age of consent is 14. Prostitution is not a crime, although a 2001 revision of the Administrative Code made prostitution and pimping administrative violations (see Section 5). Fraud was the most frequent basis for prosecuting traffickers; however, the Government rarely investigated or prosecuted cases of trafficking of adults. Using fraud laws, Republic of Kareliya authorities attempted to prosecute individuals who trafficked young women to the United States. Republic authorities were unable to establish that the company concerned knew that the women would be defrauded once they were in the United States. The authorities consider that most of the illegal activity such as forced labor, sexual abuse, and deprivation of wages, takes place outside the country's borders and therefore is not within their jurisdiction.

Law enforcement bodies took the trafficking of children more seriously. In 2001, with the help of foreign law enforcement agencies, authorities were able to break up three major domestic child pornography rings during the year, which the police believed victimized hundreds of children.

The Russian Federation was a country of origin for trafficking in persons, particularly in the trafficking of women. Women reportedly were trafficked to European Union countries, the Middle East, Asia, and the United States. For example, reportedly 15,000 women and children were trafficked into "sex slavery" in China. Some believed that fraud statutes could be used as a basis for the prosecution of those who arrange for the contracting and transportation of the victims but also that an international cooperative law enforcement investigation would be required to establish such a link, an effort beyond the capacity of many local law enforcement organs. Efforts to prosecute such cases in Kareliya ended in acquittals. The country also served as a transit and destination country for women trafficked from the Caucasus and Central Asia to Western Europe. There were reports that women from Tajikistan, Ukraine, and other countries of the former Soviet Union were trafficked to Russia. There also were reported cases of Korean women trafficked to the country. NGOs alleged that organized crime increasingly was involved in trafficking in women and children, but reliable data were not available.

According to U.N. statistics, 63 percent of the registered unemployed were women, and many women were single parents facing a sharp decrease in social services since the end of the Soviet welfare state. These factors rendered increasing numbers of women from all educational backgrounds vulnerable to traffickers. Advertisements offering high-paying jobs abroad to young and attractive women were extremely common. MVD officers reported that most traffickers were criminal groups recruiting under the guise of employment agencies. Many traffickers placed ads in newspapers or public places for overseas employment; some employed women to pose as returned workers to recruit victims; some placed Internet or other ads for mail order brides; some were recruited by partners or friends. Women responded to such advertisements, usually paying their traffickers a fee for the service, for visa assistance, for their tickets, and often for other expenses. Upon arrival they are deprived of their travel and identification documents, and often all other personal effects, and forced to work in prostitution and other industries. Victims also were threatened with violence and told they were in violation of local law in order to frighten them away from local law enforcement agencies. They were isolated linguistically and removed from their social and family support systems, rendering them totally dependent upon their traffickers.

According to credible media reports, some employers forced workers from countries of the former Soviet Union--such as Uzbekistan--to work without pay. Employers or the individuals who brought the workers into the country withheld the workers' passports or other documentation and threatened them with exposure to law enforcement or immigration authorities if they demanded payment. At times the recruiter demanded part or all of the worker's wages to avoid deportation.

There were reports that children were kidnapped or purchased from parents, relatives, or orphanages for sexual abuse, child pornography, and the harvesting of body parts. When police investigated such cases, they sometimes found that these children were adopted legally by families abroad; however, there were confirmed cases of children trafficked for sexual exploitation. National law enforcement authorities believed that there was a brisk business in body parts, but international law enforcement and other organizations found no evidence to support this claim. Trafficking also was alleged to occur within the country's borders in the form of transport of young women from the provinces to the major cities to work as strippers and prostitutes. The more remote and impoverished the region the more vulnerable persons were to enticement. Many believed that these young women became involved voluntarily in prostitution; however, police confirmed that there was an element of coercion involved in prostitution that involved organized criminal groups. Men also reportedly were trafficked for their physical labor.

There were reports that individual government officials took bribes from individuals and organized trafficking rings to assist in issuing documents and facilitating visa fraud. Law enforcement sources agreed that often some form of document fraud was committed in the process of obtaining external passports and visas, but they were uncertain to what extent this involved official corruption rather than individual or organized criminal forgery and fraud. There were reports of prosecutions of officials involved in such corruption. The penalty for violating border laws with fraudulent documents was up to 3 years. The penalty for taking bribes was 3 to 7 years. Those who were charged with more than one crime received heavier sentences.

Government officials at the highest level, and most law enforcement agencies, acknowledged that a trafficking problem exists. Law enforcement bodies took no specific measures to prevent the export of women for the purpose of sexual exploitation. The belief that women were aware of the risks involved but choose to go anyway was pervasive. Criminal prosecution generally followed cooperation with international law enforcement structures. The MVD believed that the problem of trafficking in persons was primarily the responsibility of the Ministry of Foreign Affairs and consular services abroad. In October 2001, President Putin transferred responsibility for migration and immigration issues, including trafficking, to the MVD. Interior Minister Gryzlov oversaw a commission to develop programs for addressing problems including trafficking. The MVD, the FSB, and the Procuracy sought to cooperate with foreign governments on ways to combat trafficking, and law enforcement agencies participated in foreign-funded training programs; however, these agencies were not optimistic about reversing the trend through law enforcement alone. They all stated that better legislation was necessary before any law enforcement response was possible.

NGOs claimed that Russian consular officials abroad refused to help trafficked women. The MFA

confirmed that it had no policy on assistance to victims of trafficking and was working to create appropriate guidance. Victims rarely filed complaints against the agencies that recruited them once they returned to the country, reporting that fear of reprisals often exceeded their hope of police assistance. Law enforcement authorities acknowledged that they rarely opened a case following such complaints because often no domestic law was broken, and law enforcement authorities are evaluated according to the number of cases they close.

There were no government initiatives to bring trafficking victims back to the country. Unless deported by the host country, women had to pay their own way home or turn to international NGOs for assistance. Women reported that without their documentation, which was often withheld by traffickers, they received no assistance from Russian consulates abroad. The Government did not provide direct assistance to trafficking victims. Victims of trafficking could turn to a crisis center or other NGOs that render assistance to female victims of sexual and other kinds of abuse (see Section 5). Many of the more than 55 crisis centers and anti-trafficking NGOs throughout the country provided information on trafficking and some provided assistance. NGOs that were members of the "Angel Coalition" claimed to have rescued a few women and have assisted several trafficking victims to reintegrate upon return to the country. These NGOs received varying degrees of support from regional and local governments. Some were invited to brief local officials and law enforcement personnel, and some provided training to local crisis centers and hospital staff. The Duma Committee on Legislation also sought the input of NGOs in its project to develop anti-trafficking legislation. Some foreign-funded crisis centers, such as the Anna Crisis Center in Moscow and the Women's Center in the Republic of Kareliya, provided psychological consultations for trafficking victims. In September a new center, partially funded by the Lutheran Church, opened in St. Petersburg to provide help to victims of trafficking. NGOs continued their activities in the areas of public education and victim support. For example, during the year, with the assistance of Winrock International, 28 NGOs in 12 cities of the Far East and Siberia provided economic empowerment training to 900 women in an effort to prevent trafficking.