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Human rights protection in the Russian Federation. Towards a closer cooperation with the United Nations and the international law system.

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HUMAN RIGHTS PROTECTION IN THE RUSSIAN FEDERATION.

TOWARDS A CLOSER COOPERATION WITH THE UNITED NATIONS AND THE INTERNATIONAL LAW SYSTEM.

ABSTRACT

Sorta nel 1991 sulle ceneri dell'Unione Sovietica, la Federazione Russa nacque nel segno di una nuova apertura e di una più profonda collaborazione con le vicine democrazie occidentali, ma conservando, allo stesso tempo, una contraddittoria eredità politica, economica e sociale ricevuta dal modello sovietico. Perciò, nell'affannoso tentativo di indire un nuovo corso economico, di promuovere una rinnovata stabilità politica e di conquistare una propria posizione nell'equilibrio internazionale del potere, la Federazione Russa, in principio, sembrò trascurare l'importanza di uno sviluppo democratico completo e fondato sulla centralità del diritto. Il suo crescente impegno nella

Taking its origin from the collapse of the Soviet Union, the establishment of the Russian Federation in 1991 was influenced by both the will of opening a new era of closer cooperation with the neighbouring Western democracies and a contradictory political, economic and social legacy inherited from the Soviet model. Hence, in the rush towards purchasing a new economic course, a new position in the international balance of power and a new political stability, the Russian Federation seemed at first to have neglected the importance of a full-scale and right based democratic development.

comunità internazionale, tuttavia, spinse progressivamente il Paese ad intraprendere una serie di misure volte ad incrementare la protezione e la promozione dei diritti umani all'interno del suo territorio e nelle iniziative di politica estera, attraverso un graduale avvicinamento agli standard internazionali nell'ambito dei diritti umani. Questo studio si propone, pertanto, di offrire un'analisi dettagliata degli strumenti di diritto internazionale adottati dalla Federazione Russa a protezione dei diritti umani nel corso dei due decenni della sua esistenza, concentrandosi in particolar modo sugli importanti sviluppi raggiunti negli ultimi anni grazie ad una rinnovata collaborazione con le Nazioni Unite e all'attiva partecipazione al sistema globale di protezione dei diritti dell'uomo promosso dall'Organizzazione.

Il primo capitolo di questo studio è dedicato all'esame del crescente impegno a difesa dei diritti umani assunto dalla Federazione Russa a livello nazionale, regionale e internazionale. Sul piano nazionale, il primo e fondamentale atto adottato fu la Dichiarazione dei Diritti e delle Libertà della Persona e del Cittadino del 1991, seguito dalle disposizioni contenute nella Costituzione del 1993 e dall'istituzione nel 1997 del Commissariato Federale per i Diritti

However, its growing commitment in joining the international human rights standards gradually urged that the Russian Federation undertake a series of measures aimed at implementing the protection and promotion of human rights within its territory and in its foreign policy initiatives. The purpose of this study is therefore to offer an in-depth analysis of the human rights international law instruments adopted by the Russian Federation over its two decades of existence, focusing on the important developments reached in recent years, in particular through the establishment of a closer collaboration with the United Nations system of protection of human rights.

The first chapter of the present work is dedicated to an examination of the increasing human rights commitment of the Russian Federation at national, regional and international level. At national level, the first and fundamental act to be adopted was the Declaration of the Rights and Freedoms of the Person and the Citizen of 1991, followed by the provisions of the 1993 Constitution, and the establishment of the Federal Human Rights Commissioner in 1997. With respect to regional human rights

Umani. A livello regionale, invece, la Federazione Russa ha aderito a diverse misure europee, ratificando ad esempio la Convenzione Europea dei Diritti dell'Uomo e i suoi Protocolli, mentre a livello internazionale la Federazione è parte alle più importanti fonti di diritto internazionale a protezione dei diritti umani, tra cui, il Patto sui Diritti Civili e Politici e il suo Protocollo Opzionale, il Patto sui Diritti Economici, Sociali e Culturali, la Convenzione sull'Eliminazione di Ogni Forma di Discriminazione Razziale e la Convenzione sui Diritti dell'Infanzia.

Tuttavia, benché la sua collaborazione con gli attori internazionali impegnati nella difesa dei diritti umani si stia sviluppando ormai da decenni, soltanto in anni recenti la Federazione Russa ha formulato programmi effettivi di azione, tra i quali emerge il "Quadro di Cooperazione per il 2007 ed oltre", firmato con l'Ufficio dell'Alto Commissario delle Nazioni Unite per i Diritti Umani (OHCHR). Con il Quadro di Cooperazione, concepito a partire dal riconoscimento della priorità della promozione dei diritti dell'uomo nel Paese, l'Alto Commissario delle Nazioni Unite e le autorità russe hanno intrapreso nel 2007 un programma di estesa collaborazione, coordinando i contributi provenienti dalla società civile, da organizzazioni non governative, da tutti gli

instruments, the Russian Federation has joined several European measures, such as the European Convention on Human Rights and its Protocols, and at the international level it is party to the most important sources of international law on human rights protection, including the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and its Optional Protocol.

Nonetheless, although the collaboration with international human rights actors has been developing for decades, only in recent years did the Russian Federation formulate effective programmes of action, among which the most relevant has been the signature of the "Framework for Cooperation with the Russian Federation for 2007 and beyond" with the United Nations Office of the High Commissioner for Human Rights (OHCHR). With the Framework for Cooperation, devised through acknowledging the priority of human rights promotion throughout the country, OHCHR and the Russian authorities engaged with a

Uffici delle Nazioni Unite e dagli altri interlocutori internazionali presenti sul territorio russo. Più precisamente, sviluppando un programma sostenibile e progressivo di progetti a lungo termine, l'Alto Commissariato per i Diritti Umani, assistito dal Country Team delle Nazioni Unite (UNCT) con sede a Mosca, ha dedicato particolare attenzione a quattro aree principali di intervento, in relazione alle quali sono state individuate violazioni di diritti umani tra le più gravi e diffuse nella Federazione Russa. In primo luogo, un ambito di necessario incremento del rispetto dei diritti umani è stato identificato nell'area giuridica dello stato di diritto. L'Alto Commissariato, infatti, esaminando le più recenti osservazioni e raccomandazioni di numerose agenzie delle Nazioni Unite, ha riscontrato notevoli aspetti critici circa lo stato di salute del sistema giuridico russo e la condotta generale della *Prokuratura*, dei giudici, dei pubblici ministeri e delle forze dell'ordine, in considerazione delle sistematiche violazioni dei diritti umani registrate in diversi contesti non solo dalle Nazioni Unite, ma anche da altri attori internazionali, quali il Parlamento Europeo, il Consiglio d'Europa, l'Organizzazione per la Sicurezza e la Cooperazione in Europa (OSCE) e numerose organizzazioni non governative. Per questo motivo l'Alto Commissariato

programme of extensive collaboration, coordinating the contributions from the civil society, other United Nations Agencies, non-governmental organisations and international interlocutors. More specifically, by developing a sustainable and progressive programme of long-term projects, OHCHR, with the assistance of the United Nations Country Team (UNCT) based in Moscow, focused primarily on the four main areas of intervention in which the High Commissioner for Human Rights identified the most severe and widespread violations of human rights. The first sphere in which human rights improvement was necessary, according to OHCHR, was the juridical area of the rule of law, since the general conduct of the Russian *Prokuratura*, judges, lawyer, prosecutors and law enforcement officials has increasingly become matter of concern for OHCHR, in consideration of the systematic violations of human rights registered in several contexts not only by the United Nations, but also by other international actors, such as the European Parliament, the Council of Europe, the Organisation for Security and Cooperation in Europe (OSCE), as well as several non-governmental

per i Diritti Umani ha dedicato alcune delle più importanti iniziative del Quadro di Cooperazione all'istituzione e al potenziamento di un network tra i giudici della Federazione Russa in materia di diritti umani, alla promozione di una giustizia amministrativa e di un sistema giudiziario fondati sulla centralità del diritto, a un generale rinvigorismento della lotta contro la violenza sulle donne, al potenziamento del sistema di giustizia minorile, e ad una maggiore protezione dei diritti del bambino. La seconda grande area di azione immediata è stata individuata nella promozione dell'uguaglianza e della tolleranza. In questo ambito, le iniziative proposte dall'Alto Commissariato per i Diritti Umani si sono concentrate sulle questioni fondamentali della lotta contro la discriminazione razziale e la diffusione di tendenze xenofobe nei confronti di minoranze etniche, della protezione dei diritti fondamentali delle popolazioni indigene, e della promozione dei diritti delle persone con disabilità e malate di AIDS. In terzo luogo, un settore in cui gli sforzi congiunti dell'Alto Commissariato delle Nazioni Unite e delle autorità russe si sono concentrati con urgenza è l'ambito dell'educazione e dell'informazione riguardo ai diritti dell'uomo. La formazione di professionisti esperti in diritti umani, così come una più ampia

organisations. For this reason, OHCHR dedicated some of the most important initiatives of the Framework for Cooperation to the establishment and improvement of a human rights network of judges in the Russian Federation, the promotion of right based administrative justice and judicial system, an overall increase in arresting violence against women, the enhancement of juvenile justice and a greater protection of children's rights. The second major area of immediate action has been identified in the promotion of equality and tolerance. In this case, the initiatives proposed by OHCHR focused on the main issues of the fight against the acute manifestations of racial discrimination and xenophobic attitudes registered throughout the Russian Federation, the protection of indigenous peoples' rights, the promotion of the rights of persons with disabilities, and the human rights aspects of HIV/AIDS. The third sector of urgent improvement concerned the field of education and information about human rights. In fact, the education of human rights professionals and a broader diffusion of information about United Nations activities and international campaigns in defence of human rights

diffusione nel Paese delle informazioni riguardanti le attività delle Nazioni Unite e le campagne internazionali a difesa dei diritti umani, infatti, sono state inserite dall'OHCHR tra gli obiettivi prioritari da realizzare nell'immediato futuro. Infine, una quarta area di interesse è stata individuata nel consolidamento della collaborazione con l'UNCT, affinché la protezione dei diritti umani promossa dall'Alto Commissariato per i Diritti Umani potesse essere integrata nei programmi dei diversi Uffici delle Nazioni Unite presenti nella Federazione Russa. L'Alto Commissariato, infatti, ha sottolineato fin dal principio della collaborazione con la Federazione Russa come una profonda ed efficiente collaborazione tra tutte le entità delle Nazioni Unite attive sul territorio fosse uno dei fattori essenziali per la realizzazione dei progetti inaugurati nel 2007 con il Quadro di Cooperazione. Pertanto, l'oggetto del secondo capitolo di questo studio è un'analisi dettagliata della situazione della protezione dei diritti umani nella Federazione Russa al momento dell'adozione del Quadro di Cooperazione, nonché la presentazione delle iniziative prefigurate dall'OHCHR relativamente a questi maggiori ambiti di intervento.

Fin dall'avvio del Quadro di Cooperazione nel 2007, l'Alto Commissariato delle

throughout the country have been highlighted by OHCHR as two of the most important objectives to be fulfilled as swiftly as possible. Finally, the fourth area of interest was the activity related to mainstreaming human rights within the UNCT. In this case, OHCHR's main purpose was implementing its collaboration activity with the UNCT and integrating human rights promotion into the programmes of the various United Nations Agencies based in the Russian Federation. In fact, in order that all the above mentioned projects launched in 2007 by OHCHR through the Framework for Cooperation may be fulfilled, a close and efficient collaboration among all the UN entities acting on the territory is essential. A detailed analysis of the state of human rights protection in these major fields of intervention is the object of the second chapter of this work.

Since the launch of the Framework for Cooperation in 2007, OHCHR has tried to actively cooperate with the Russian governmental institutions and civil society providing them with guidance in promoting the integration of international human rights standards and mechanisms within the Russian

Nazioni Unite ha cercato di cooperare attivamente con le istituzioni governative russe e con la società civile, fornendo loro assistenza nel promuovere l'integrazione degli standard e dei meccanismi di diritto internazionale in materia di diritti umani nelle dimensioni giuridiche, amministrative, sociali e culturali russe. Il Quadro di Cooperazione, costantemente aggiornato dal 2007, è stato poi reso oggetto di una generale verifica, che ha dato origine al Report dell'OHCHR del 2011 sulla Federazione Russa. Nel condurre la verifica, l'Alto Commissario per i Diritti Umani ha osservato che nonostante le diverse ed importanti misure ideate in conformità con le disposizioni del Quadro di Cooperazione dalle istituzioni russe e dagli attori coinvolti, numerose sfide fondamentali persistono in determinate aree di intervento. I principali progressi compiuti dall'adozione del Quadro di Cooperazione e i problemi che ancora affliggono il sistema di protezione dei diritti umani nella Federazione Russa sono presentati nel terzo capitolo di questo studio, mantenendo la ripartizione tra i maggiori ambiti di intervento precedentemente analizzati. Il potenziamento dell'educazione e dell'informazione sui diritti umani, che da sempre costituisce una delle fondamentali priorità per l'Alto Commissariato, rappresenta, ad esempio,

judicial, administrative, social and cultural dimensions. The Framework for Cooperation, which has been constantly updated since 2007, was made object of a general verification, resulting in the 2011 Report of OHCHR on the Russian Federation. Through conducting the examination, the High Commissioner for Human Rights observed that despite the numerous and important measures devised by the Russian institutions and stakeholders in accordance with the dispositions of the Framework for Cooperation, several fundamental challenges persist in certain human rights areas. The main steps forward which have been fulfilled since the signing of the Framework for Cooperation, as well as the persisting deficiencies which still affect the system of human rights protection in the Russian Federation are extensively discussed in the third chapter of the present study, through maintaining the above mentioned partition among the areas of rule of law, equality and tolerance, education and mainstreaming human rights. The enhancement of human rights education and information, which has always been one of OHCHR's main priorities, is for instance one of the most successful developments that

uno dei maggiori successi raggiunti nell'ambito del Quadro di Cooperazione, con l'istituzione di un Joint Human Rights Master's Programme nel 2009 e, più in generale, con un sostanziale incremento nella diffusione delle informazioni, delle campagne delle Nazioni Unite e di eventi di sensibilizzazione legati ai diversi aspetti della protezione e promozione dei diritti dell'uomo. Al contrario, le violazioni dei diritti umani nell'ambito delle libertà politiche, economiche, sociali e culturali hanno raggiunto livelli allarmanti, e le libertà di assemblea ed espressione sono minacciate dall'adozione di disposizioni legislative locali e federali sempre più restrittive, come è stato dimostrato dalle misure introdotte in seguito alle imponenti manifestazioni di protesta per i risultati delle elezioni politiche nel 2011 e nel 2012.

In conclusione, sottolineando la persistenza di gravi insufficienze nel sistema di protezione dei diritti umani nella Federazione Russa, il Report dell'OHCHR del 2011 non costituisce un resoconto di completo adempimento degli obiettivi sanciti dal Quadro di Cooperazione. Esso indica, invece, il cammino verso il raggiungimento di nuove e ancor più ambiziose mete, con particolare riferimento all'area giuridica dello stato di diritto, che rappresenta un

have been achieved in recent years, with the establishment of a joint Human Rights Master's Programme in 2009 and, more in general, with an overall increase in the dissemination of information, United Nations campaigns and awareness raisings events related to the various aspects of human rights protection and promotion. On the contrary, human rights violations in the fields of political, economic, social and cultural freedoms have reached alarming levels, and the freedom of assembly and expression is increasingly threatened by the adoption of local and federal limiting law provisions.

In conclusion, through highlighting the persistence of critical insufficiencies with regard to the overall state of the protection of human rights in the Russian Federation, the 2011 Report of OHCHR does not represent an account of complete attainment of all the targets embraced by the Framework for the Cooperation. Instead, it indicates the path towards the achievement of new and even more challenging objectives, with particular reference to the juridical area of the rule of law, which represents an essential segment of human rights

settore essenziale della protezione dei diritti umani. Nonostante ciò, il costante rinnovamento della cooperazione tra l'Alto Commissariato per i Diritti Umani e le autorità russe, il regolare aggiornamento dei programmi avviati nell'ambito del Quadro di Cooperazione, e i progressi riconosciuti dal Report del 2011 documentano la vitalità e il dinamismo di un progetto di cooperazione tutt'altro che concluso. Pertanto, constatando che gli obiettivi che ispirarono la collaborazione tra l'OHCHR e la Federazione Russa nell'ambito della protezione dei diritti umani non sono stati ancora completamente realizzati, il presente studio si propone di condurre un'analisi approfondita dei progressi e delle sfide ancora aperte per gli organi statali e non governativi impegnati nel potenziamento del rispetto dei diritti umani nel contesto russo. I recenti progetti di collaborazione con le Nazioni Unite e i soggetti internazionali attivi nella promozione dei diritti umani nel mondo, dunque, si configurano come le prime, fondamentali tappe di un percorso di sviluppo intrapreso dalla Federazione Russa verso il raggiungimento di una posizione più democratica e fondata sulla centralità del diritto all'interno della comunità internazionale.

protection. Nevertheless, the constant renewal of the cooperation between OHCHR and the Russian authorities, the regular update of the programmes launched by the Framework for Cooperation and the progress acknowledged by the 2011 Report testify for the vitality and dynamism of a project of cooperation which is far from being concluded. Therefore, ascertaining that the aims which inspired the close collaboration between OHCHR and the Russian Federation in the field of human rights protection have not been completely fulfilled yet, the objective of the present study is to conduct a thorough analysis of both the achievements and the persisting challenges of the Russian State bodies and civil society engaged in human rights improvement. The recent projects of human rights collaboration with the United Nations and other international actors, hence, appear as marking the fundamental phases in the process of development undertaken by the Russian Federation towards the achievement of a more democratic and human rights based position in the international community.

INDEX

INTRODUCTION	14
1. THE POSITION OF THE RUSSIAN FEDERATION IN THE INTERNATIONAL COMMUNITY	18
1.1. The post-Soviet opening to the international law system.	18
1.2. The Russian way to democracy. Domestic measures on human rights protection.	21
1.3. The growing human rights commitment of the Russian Federation at the international level.	26
2. THE “FRAMEWORK FOR COOPERATION WITH THE RUSSIAN FEDERATION FOR 2007 AND BEYOND”. THE STARTING-POINT OF A CLOSER COOPERATION WITH THE UNITED NATIONS	36
2.1. The “Framework for Cooperation with the Russian Federation for 2007 and beyond”.	36
2.2. The juridical areas of interest of the Framework for Cooperation.	38
2.2.1. Rule of law.	39
2.2.1.1. Human rights network of judges.	40
2.2.1.2. Promotion of administrative justice.	45
2.2.1.3. Promotion of human rights among judges, prosecutors, lawyers and law enforcement officials.	47
2.2.1.4. Promotion of women’s rights and combating violence against women.	48
2.2.1.5. Juvenile justice and promoting child rights.	52
2.2.2. Promotion of equality and tolerance.	57
2.2.2.1. Countering racism and xenophobia.	58
2.2.2.2. Protection of the rights of indigenous people.	62
2.2.2.3. Protection of the rights of persons with disabilities.	64
2.2.2.4. Human rights aspects of HIV/AIDS.	65

2.2.3. Education and information about human rights.	67
2.2.3.1. Education of human rights professionals.	67
2.2.3.2. Dissemination of knowledge of international mechanisms and procedures.	68
2.2.4. Mainstreaming human rights within the United Nations Country Team.	70
3. THE 2011 REPORT OF OHCHR. ACHIEVEMENTS AND PERSISTING CHALLENGES TO HUMAN RIGHTS PROTECTION IN THE RUSSIAN FEDERATION	73
3.1. The 2011 Report of OHCHR on the Russian Federation.	73
3.2. Results of the 2011 Report of OHCHR. Achievements and persisting challenges.	74
3.2.1. Rule of law concerns.	75
3.2.1.1. The challenge of the judiciary's enhancement.	76
3.2.1.2. Civil rights. Freedom of expression and freedom of assembly.	83
3.2.1.3. Economic, social and cultural rights.	89
3.2.1.4. Promoting gender equality and women's empowerment.	98
3.2.1.5. Children's rights. Improving juvenile justice and the rights of children affected by conflict.	102
3.2.2. Working on the issue of equality.	106
3.2.2.1. The Moscow component of the OHCHR Indigenous Fellowship Programme.	107
3.2.2.2. Countering racial discrimination.	110
3.2.2.3. Beyond the barriers. The rights of persons with disabilities.	114
3.2.2.4. Implementing the national response to HIV/AIDS epidemic.	116
3.2.3. The priority of human rights education and information.	119
3.2.3.1. Education. The Joint Human Rights Master's Programme and the Moscow Summer School on Human Rights.	120
3.2.3.2. Information. Promoting the dissemination of United Nations information in the Russian Federation.	123

3.2.4. The OHCHR Moscow role of guidance in articulating human rights dimensions and actors in the Russian Federation.	126
4. CONCLUSIONS	131
BIBLIOGRAPHY	138
DOCUMENTS	144
WEBSITES	155
INDEX OF FIGURES	157
INDEX OF TABLES	161

INTRODUCTION

«Our bloody past urges us to watchfulness in the present¹».

Sergey Adamovich Kovalev

Receiving the European Parliament's 2009 Sakharov Prize for Freedom of Thought, Sergey Adamovich Kovalev, President of the Russian human rights society Memorial, opened his official discourse during the awarding ceremony by quoting this laconic and effective slogan from the first human rights defenders in the Soviet Union, who organized the historical public meeting in Pushkinskaya Square, Moscow, on 5 December 1965. This event represented an essential watershed in the Soviet history, since it was the first public appearance of civil protest in USSR².

Sergey Adamovich Kovalev, who dedicated the victory to Natalya Estemirova, the collaborator of Memorial killed in Chechnya on 15 July 2009³, by commemorating the courage of both the earlier Soviet and the contemporary Russian human rights activists underlined the strong connection between rights consciousness and historical memory. A connection that began to take shape during the seventy years of Communist regime, that culminates in Stalin's terroristic dictatorship, and that ultimately forged the Russian human rights movement and the whole Russian civil society, as Kovalev argued⁴. Therefore, such a pithy injunction, which Kovalev derived from the early human rights activists on the Russian territory, turns out to be of the utmost topicality even nowadays, after epochal changes occurred, transforming the post-Soviet dimension into a totally renewed juridical, political and social entity.

In fact, immediately after the end of the Soviet regime, Boris Yeltsin's system of great

¹ S.A. KOVALEV, "Reč ot imeni Obščestva Memorial v Strasburge pri vručenii premii imeni Sacharova 16 dekabnja 2009 goda". Institut Prav Človeka 16 Dec. 2009. 5 Mar. 2013 <<http://www.hrighs.ru/text/koval/At%20Saharovs%20pr.htm>>.

² N. WERTH, Storia dell'Unione Sovietica: dall'Impero Russo alla Comunità degli Stati Indipendenti, 1900-1991. Bologna: Il Mulino, 1993, p. 603.

³ M. ELDER, "Russian rights activist Natalya Estemirova murdered". The Telegraph 15 July 2009. 25 Mar. 2013 <<http://www.telegraph.co.uk/news/worldnews/europe/russia/5837306/Russian-rights-activist-Natalya-Estemirova-murdered.html>>.

⁴ S.A. KOVALEV, "Reč ot imeni Obščestva Memorial v Strasburge pri vručenii premii imeni Sacharova 16 dekabnja 2009 goda".

reforms contributed to rebuild the foundation of the successor state of the Soviet Union, the Russian Federation, following the model of the Western countries and opening a new era of closer cooperation with the West. Nonetheless, in that rush towards purchasing a new economic course, a new position in the international balance of power and a new political stability, the newly born Russian Federation seemed to have neglected the importance of a full-scale democratic development. Indeed, professor Marcello Flores d'Arcais, who followed out the evolution of Eastern European and former Soviet countries, argues that a significant element of continuity between the Soviet Union and the Russian Federation is «above all the authoritarian mindset that the political élite has maintained, as well as the propensity to employ corruption and a strong bond between politics and economy to head the country and marginalize the opponents⁵». Likewise, according to Flores d'Arcais, in the early 1990s the West wagered almost exclusively on the reinstatement of capitalism in Russia, underestimating the issue of democracy and supporting unquestioningly Boris Yeltsin⁶.



Figure 1. Boris Yeltsin on 29 May 1990.

⁵ V. PALUMBO, "Una centrifuga che cambia la storia". *L'Europeo* No.12 – Dec. 2011: p. 17.

⁶ *Ibid.*, p. 18.

Therefore, to what extent the issues of democracy and human rights protection in the Russian Federation have been solved since 1991 is still difficult to be established. On the one hand, during these two decades the Russian Federation has undertaken important steps forward, considering both implementations in the domestic affairs, such as the adoption of the Declaration of the Rights and Freedoms of the Person and the Citizen⁷ on 22 November 1991, and the participation to the activity of the international community, such as the ratification of the most important international human rights treaties and the confirmation of its preeminent position within several international organizations. On the other hand, however, a considerable deficit in democracy is still evident, and the violations of human rights are still of severe proportions throughout the extension of the Russian Federation.

For these reasons, the United Nations Office of the High Commissioner for Human Rights (OHCHR) in 2007 engaged with the Russian Federation on several human rights issues through a Framework for Cooperation, which established well-defined target points to be reached in various fields, including the rule of law, equality and tolerance, education and information about human rights⁸. The bilateral collaboration between OHCHR and the Russian national institutions has been conceived as a programme of structured support offered by the Office of the High Commissioner to the State bodies, in order to promote a higher level of respect of human rights, which would be more adequate to the international human rights standards and more consistent with the commitments undertaken by the Russian Federation at international level⁹.

After Human Rights Adviser's formal establishment in Moscow in 2008, the project of OHCHR was officially set up, and the collaboration was gradually extended to an increasingly large number of national actors and to the Russian civil society. The main functions assumed by the Office of the High Commissioner, thus, have been to ensure coordination among the different United Nations Agencies active on the Russian

⁷ F.J.M. FELDBRUGGE, Russian Law: the End of the Soviet System and the Role of Law. Dordrecht: Martinus Nijhoff Publishers, 1993, pp. 214-227.

⁸ "Framework for Cooperation with the Russian Federation for 2007 and beyond", pp.1-3. OHCHR Publications 9 Apr. 2013 <http://www.unrussia.ru/sites/default/files/doc/ohchr_Cooperation_Framework.pdf>.

⁹ "OHCHR in the field: Europe and Central Asia. OHCHR Report of 2011", pp. 345-346. OHCHR Publications 2011. 9 Apr. 2013 <http://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report2011_web/allegati/24_Europe.pdf>.

territory and the local partners, as well as to guarantee a certain level of articulation of the various human rights dimensions¹⁰. The Framework for cooperation has been constantly updated by the Office of the High Commissioner, which edited a 2007, a 2008-2009, and a 2010 summary – available on the OHCHR official website¹¹ – in order to facilitate the monitoring of the work and to promote the operational transparency.

Thanks to this process of on-going revision, the programme of cooperation has been already developing for five years, experiencing both success and failure, and urging that the High Commissioner for Human Rights carry out an in-depth verification of the work, which resulted in the 2011 Report of OHCHR. Through conducting the examination, OHCHR observed that despite the numerous and important measures devised by the Russian institutions and stakeholders, «human rights challenges prevailed in the areas of civil and political freedoms and economic, social and cultural rights. [...] Rule of law concerns, including accountability and protection of the rights for all citizens, are real challenges that must be addressed through an holistic approach with a strong human rights focus¹²».

Therefore, ascertaining that the aims which inspired the close collaboration between OHCHR and the Russian Federation in the field of human rights protection are still far from being reached, the objective of the present dissertation is to conduct an analysis of both the achievements and the persisting challenges of the Russian State bodies and civil society engaged in human rights improvement. The perspective under which to examine the question will be the consideration of the increasing participation and juridical commitment of the Russian Federation to the human rights activity of the international community and, particularly, its attempt to comply with the requirements indicated by the United Nations, in order that the Russian Federation could finally bridge the democracy deficits inherited during the turbulent transition from the Soviet state structure to the one of a fully-fledged democracy.

¹⁰ *Ibid.*, p. 346.

¹¹ "Framework for Cooperation with the Russian Federation for 2007 and beyond", pp.1-3. [OHCHR Publications](http://www.unrussia.ru/sites/default/files/doc/ohchr_Cooperation_Framework.pdf) 9 Apr. 2013 <http://www.unrussia.ru/sites/default/files/doc/ohchr_Cooperation_Framework.pdf>.

¹² "OHCHR in the field: Europe and Central Asia. OHCHR Report of 2011", p. 345. [OHCHR Publications](http://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report2011_web/allegati/24_Europe.pdf) 2011. 9 Apr. 2013 <http://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report2011_web/allegati/24_Europe.pdf>.

1. THE POSITION OF THE RUSSIAN FEDERATION IN THE INTERNATIONAL COMMUNITY

SUMMARY: 1.1 The post-Soviet opening to the international law system – 1.2. The Russian way to democracy. Domestic measures on human rights protection – 1.3. The growing human rights commitment of the Russian Federation at the international level.

1.1. The post-Soviet opening to the international law system.

The collapse of the Soviet Union and its disintegration into twelve independent Republics marked both an unprecedented watershed in the history of Eastern Europe and a great change in the world's international relations, through rapidly overturning the political order and the juridical system of several State entities, and through confronting the whole international community with a series of legal issues¹³. These newly independent States, in fact, faced the challenge of joining the international community by following the path of democracy and rule of law, two items which had been absent in this territory for seventy years. Therefore, the former Soviet Republics in 1991 founded the Commonwealth of Independent States (CIS)¹⁴, whose organisational structure was conceived to assist its member states to develop their own modern legal systems¹⁵. In particular, as it has been highlighted by Danilenko¹⁶, the Russian Federation and the whole Commonwealth of Independent States may be considered as an interesting «laboratory of constitutional reform», since several post-

¹³ Y. Z. BLUM, "Russia Takes Over The Soviet Union's Seat at The United Nations". 3 No. 2 European Journal of International Law (1992), p. 354. 11 Apr. 2013 <<http://www.ejil.org/pdfs/3/2/2045.pdf>>.

¹⁴ The nine CIS official members are Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan, and Uzbekistan. Turkmenistan and Ukraine, then, are unofficial associate members, while Georgia withdrew from CIS in 2008. More information is available at: Ispolnitel'nyj Komitet SNG. 11 Apr. 2013 <www.cis.minsk.by>.

¹⁵ D.K LABIN, "William E. Butler, The Law of Treaties in Russia and the Commonwealth of Independent States. Text and Commentary. Book Review". 15 No. 1 European Journal of International Law (2004), p. 229. 11 Apr. 2013 <<http://www.ejil.org/pdfs/15/1/346.pdf>>.

¹⁶ G.M. DANILENKO, "Implementation of International Law in Russia and Other CIS States". NATO 1998. 11 Apr. 2013 <<http://www.nato.int/acad/fellow/96-98/danilenk.pdf>>.

Soviet countries have gradually undertaken an overall opening of their domestic legal system to the international law system¹⁷.

The innovative character of such a radical transformation appears more evident if considering that this international opening was totally unknown to the Soviet Union, which conceived the municipal law and the international law as two completely separate spheres. According to the Soviet dualist approach, in fact, the domestic setting had to remain close to the international legal order¹⁸, so that the Soviet administration of power was protected from any direct penetration and intrusion by foreign threats. This does not mean that the Soviet Union was completely invulnerable to the international obligations, but that it lacked a constitutional rule that would provide for direct incorporation of international law into Soviet domestic law¹⁹. In this way, therefore, the Soviet State, by relying on the doctrine of transformation, was committed to internally apply only those international provisions which had been previously transformed by the Soviet legislature into domestic regulations, in order that the Soviet Union, in brief, could sign several international treaties – including those concerning human rights protection – yet avoiding to effectively implement them into its domestic legal system²⁰.

The Soviet Union's isolationist position within the international community, however, was doomed to fail under the pressure of the *perestroika* spectrum of economic, political and social reforms, which gradually brought to the dissolution of the Soviet Union. In Danilenko's words, indeed,

the movement toward a reform of the "closed" legal system began only with the advent of *perestroika*. The leaders of the Soviet Union realized that the country would have no prospects for further economic and social development unless a modern society based on the idea of the rule of law were build in the USSR. An important element of the overall political and legal reform was the recognition that the country would never be fully integrated into the World community if it did not ensure the observance of the internationally accepted norms, in particular norms concerning human rights²¹.

¹⁷ *Ibid.*, p. 1.

¹⁸ *Ibid.*, p. 2.

¹⁹ *Ibid.*, p. 4.

²⁰ *Ibid.*, p. 3.

²¹ *Ibid.*, p. 4.

Taking over the international role of the Soviet Union in the aftermath of its collapse, the Russian Federation was the first among the CIS States to open its domestic legislation to the international law system²², as well as to initiate a new course of greater collaboration with the other members of the international community.



Figure 2. The United Nations logo and the flag of the Russian Federation.

This estrangement from the Soviet isolationism, in fact, represented a reassuring signal to the Russian Federation's Western interlocutors, serving as a guarantee against the iteration of the basic foundations of the Cold War²³. Since 1991, therefore, the Russian Federation has constantly striven to pursue democratic aspirations, to effectively implement the rule of law, and to strengthen its commitment in the various fields of human rights protection through adopting a series of measures at national, regional, and international level²⁴.

²² *Ibid.*, p. 7.

²³ V. VERESHCHETIN, "New Constitutions and the Old Problem of the Relationship between International Law and National Law". 7 No. 1 European Journal of International Law (1996), p. 30. 11 Apr. 2013 <<http://www.ejil.org/pdfs/7/1/1354.pdf>>.

²⁴ B. BOWRING, "Russia and Human Rights: Incompatible Opposites?". 1 No. 2 Göttingen Journal of International Law (2009), p. 33. 11 Apr. 2013 <http://www.srji.org/files/Bill%20Bowring_2008.pdf>.

1.2. The Russian way to democracy. Domestic measures on human rights protection.

As it has been mentioned above, the radical changes that occurred after the dissolution of the Soviet Union have been accompanied by a wave of new constitutions, inaugurating a «laboratory of constitutional reform» in the post-Soviet space²⁵. At the national level, the first and fundamental act adopted by the Russian Federation in November 1991 was the Declaration of the Rights and Freedoms of the Person and the Citizen²⁶, a document which was based on the fundamental human rights principles recognised by the international community and inspired by the 1948 United Nations Universal Declaration of Human Rights. From the consideration of the massive violations of human rights experienced in the past, in fact, a special emphasis in drafting the new Constitution was placed on the domestic implementation of the international human rights standards: Art. 1 of the 1991 Declaration, for instance, states that «the generally recognised international norms concerning human rights have priority over laws of the Russian Federation and directly create rights and obligations for the citizens of the Russian Federation²⁷». In April 1992, then, the Declaration of the Rights and Freedoms of the Person and the Citizen was included in the Constitution that was in force at that time, representing the first time in history that Russia adopted a constitutional principle incorporating international laws into its domestic legal system²⁸.

The second fundamental step towards the renewal of the Russian domestic legal order and its opening to the international law system was the elaboration of an adequate and definitive Constitution. The Constitution of the Russian Federation was adopted on 12 December 1993 as the result of a difficult process, which was characterised by a harsh political struggle between the President's forces and the Legislature²⁹. Nonetheless, despite the controversial circumstances in which it has

²⁵ V. VERESHCHETIN, "New Constitutions and the Old Problem of the Relationship between International Law and National Law". 7 No. 1 European Journal of International Law (1996), p. 31. 11 Apr. 2013 <<http://www.ejil.org/pdfs/7/1/1354.pdf>>.

²⁶ F.J.M. FELDBRUGGE, Russian Law: the End of the Soviet System and the Role of Law, Dordrecht: Martinus Nijhoff Publishers, 1993, p. 215.

²⁷ G.M. DANILENKO, "Implementation of International Law in Russia and Other CIS States", p. 8. NATO 1998. 11 Apr. 2013 <<http://www.nato.int/acad/fellow/96-98/danilenk.pdf>>.

²⁸ *Ibid.*, p. 8.

²⁹ V. VERESHCHETIN, "New Constitutions and the Old Problem of the Relationship between International Law and National Law". 7 No. 1 European Journal of International Law (1996), p. 32. 11 Apr. 2013 <<http://www.ejil.org/pdfs/7/1/1354.pdf>>.

been adopted, the Constitution of the Russian Federation has stood the test of time not only as regards its direct application, the division of powers, the judicial review and the provisions which take due account of the complex geopolitical realities of the country³⁰, but also with respect to the far-reaching regulations that confirmed the intent to give a prominent place to the international law in the Russian domestic legal system³¹. Art. 15(4), for example, states that «the generally recognized principles and norms of international law and the international treaties of the Russian Federation shall constitute an integral part of its legal system», and that «if an international treaty of the Russian Federation establishes other rules than those stipulated by the law, the rules of the international treaty shall apply³²». As Danilenko points out, two important features of this Article must be underlined:

First, Art. 15(4) states that all international law is part of the Russian domestic legal system. In contrast to many contemporary constitutions, which usually refer either to treaties or custom, Art. 15(4) incorporates both treaty law and «the generally recognized principles and norms of international law». This formulation includes sources of general international law, in particular general customary law. Second, Art. 15(4) establishes a higher normative status for treaty rules than for contrary domestic laws. Consequently, legal regulations in force within Russia do not apply if their application is incompatible with treaty provisions³³.

As in several other post-Soviet countries' new Constitutions, furthermore, the Constitution of the Russian Federation dedicates several Articles to the detailed enunciation of the individual's human rights and freedoms³⁴: more precisely, 47 out of 137 Articles of the 1993 Constitution deal with the legal status of the Russian Federation's citizens. Art. 17, for instance, declares that «in the Russian Federation rights and freedoms of person and citizen are recognised and guaranteed pursuant to the generally recognised principles and norms of international law and in accordance with this Constitution³⁵»; in addition, Art. 46(3) provides that «in accordance with

³⁰ *Ibid.*, p. 32.

³¹ G.M. DANILENKO, "Implementation of International Law in Russia and Other CIS States", p. 13. NATO 1998. 11 Apr. 2013 <<http://www.nato.int/acad/fellow/96-98/danilenk.pdf>>.

³² *Ibid.*, p. 14.

³³ *Ibid.*, p. 14.

³⁴ V. VERESHCHETIN, "New Constitutions and the Old Problem of the Relationship between International Law and National Law". 7 No. 1 European Journal of International Law (1996), p. 32. 11 Apr. 2013 <<http://www.ejil.org/pdfs/7/1/1354.pdf>>.

³⁵ *Ibid.*, p. 33.

international treaties of the Russian Federation, a constitutional right is introduced to appeal to inter-State bodies for the protection of human rights and freedoms if all available internal means of legal protection have been exhausted³⁶». Finally, in order that the implementation of international human rights and, more in general, the incorporation of international law provisions in the Russian domestic legal system could be fulfilled in practice, the 1993 Constitution devised the institution of the Constitutional Court as the principal domestic forum through which «to guarantee the supremacy of the Constitution and to ensure institutional protection of democracy and fundamental human rights³⁷».

Along with these fundamental acts adopted by the Russian Federation, three types of institutions have been devised by the State as federal and regional bodies working for the promotion of human rights protection throughout the country. These institutions, which are created by the State but should act independently, are the Plenipotentiary for Human Rights at federal level (or Federal Ombudsperson) and the Regional Ombudspersons; the Council at the President of the Russian Federation on the Assistance to the Development of the Institutes of Civil Society and Human Rights (former Human Rights Commission) and the Human Rights Commissions or Councils at the Heads of Administration on the regional level; and the Public Chamber on the federal level and Public Councils or Chambers on the regional level³⁸.

First of all, the Plenipotentiary for Human Rights (or Federal Ombudsperson), whose activity is mentioned in Art. 103D of the Constitution, is appointed by the State Duma to support the State activity on human rights protection. Along with the Federal Ombudsperson, fifty Regional Ombudspersons currently act in the constituent parts of the Russian Federation on the basis of regional laws. The Federal and Regional Ombudspersons generally deal with the protection of Russian citizens' rights, with particular attention to vulnerable groups, acting on their behalf and submitting recommendations to the State or municipal bodies. Nonetheless, although the

³⁶ *Ibid.*, p. 33.

³⁷ G.M. DANILENKO, "Implementation of International Law in Russia and Other CIS States", p. 17. NATO 1998. 11 Apr. 2013 <<http://www.nato.int/acad/fellow/96-98/danilenk.pdf>>.

³⁸ A. SOBOLEVA, "Institutes for Human Rights Protection, Created by the State, Report for the EU–Russia Consultations on Human Rights, Brussels, 25-26 May, 2009", p. 1. Jurists for Constitutional Rights and Freedoms (JURIX) 29 May 2009. 11 Apr. 2013 <http://www.memo.ru/2009/05/29/jurix_institutes%20for%20human%20rights%20protection,%20created%20by%20the%20state.doc>.

Plenipotentiary for Human Rights is the only human rights body to be mentioned in the Constitution, it has always had limited powers, acting as an «analytic centre» rather than a strong force³⁹. Ombudspersons, in fact, cannot force State authorities and administrations to change their practice or to amend the laws on which such practice is based: they can only express non-binding recommendations and public statements on non-compliance of national law⁴⁰. Moreover, it must be underlined that Regional Ombudspersons' independence is not always guaranteed, since they are appointed by legislature and their activity is closely related to the local political climate⁴¹. It has been widely pointed out, however, that in recent years the Federal Ombudsperson has significantly improved its activity, devoting particular attention to constitutional rights. The Federal Ombudsperson Vladimir Lukin, for instance, who has been in office since 2004, has increasingly carefully monitored the phenomena of mass violation of political rights in the Russian Federation, such as rights to assembly and to association. Since in this field complaints from individuals are usually not numerous and cannot correctly measure the proportions of the problem, the monitoring and publication activities of the Ombudspersons can become useful instruments to denounce certain encroachment and to urge the State authorities to intervene⁴². Moreover, another signal that points out an ongoing improvement of the powers of this body is the fact that the number of Regional Ombudspersons has recently grown, from 33 in 2007 to 50 in 2009⁴³.

Second, the Council at the President of the Russian Federation on the Assistance to the Development of the Institutes of Civil Society and Human Rights (formerly called Human Rights Commission) was established in 2009 with the status of a consultative body to the President of the Russian Federation⁴⁴, providing him with assistance and proposals in the sphere of human rights protection and promotion, and coordinating the contributions of civil society institutions in this field. Although it can neither consider individual complaints on alleged violations of human rights nor review court decisions, its importance lies in the fact that it is the only direct channel of communication between human rights movement and the Head of the State. The

³⁹ *Ibid.*, p. 1.

⁴⁰ *Ibid.*, p. 4.

⁴¹ *Ibid.*, p. 2.

⁴² *Ibid.*, p. 2.

⁴³ *Ibid.*, p. 4.

⁴⁴ *Ibid.*, p. 5.

Council's 36 members are eminent human rights activists, representatives of influential non-governmental organisations and authoritative members of academic institutions, with a solid experience in the sphere of human rights protection⁴⁵. Along with the Council's activity at the federal level, the Human Rights Commissions or Councils at the Heads of Administration have a similar mission on the regional level, since they are consultative bodies – with different names in every region – to the Governors and the regional authorities⁴⁶.

Third, the Public Chamber appears as an institution slightly different from the aforementioned bodies, since it has been created with the purpose to establish a kind of civil society which would be closely affiliated with the State and would promote the national efforts to combat human rights violations, instead of relying on foreign or non-governmental support⁴⁷. It is indeed strongly dependent on the Government, as two thirds of its members are appointed directly by the President, and then they appoint the remaining third⁴⁸. In the same way, Public Councils are created by some Ministries and Agencies, such as the General Attorney's Office (the so-called *Prokuratura*), the Federal Security Service (FSB) and the Agency on Supervision in the Area of Public Health, in order that they monitor the human rights situation in a certain field at regional level and act in close dependence on the federal body which has appointed them⁴⁹.

In conclusion, through analysing the methods of appointment and the degree of dependence on Governmental bodies, it can be observed that the most effective work on human rights issue in the Russian Federation is currently carried out by the institute of the Ombudspersons, although their independence is in certain cases disputable (especially at the regional level). Nonetheless, the possibilities of intervention of the Council at the President and the Public Chamber are potentially significant, and after gaining strength and independence they may act as influential supporters of the State activity in the various field of human rights protection⁵⁰.

⁴⁵ *Ibid.*, p. 5.

⁴⁶ *Ibid.*, p. 4.

⁴⁷ *Ibid.*, p. 5.

⁴⁸ *Ibid.*, p. 5.

⁴⁹ *Ibid.*, p. 6.

⁵⁰ *Ibid.*, p. 6.

1.3. The growing human rights commitment of the Russian Federation at the international level.

Since 1991, the Russian Federation has increasingly strengthen its international commitment to human rights promotion also by participating in the international community's efforts to elaborate and adopt important human rights measures pertaining the different spheres of the protection of fundamental human rights. As regards the human rights commitment of the Russian Federation at the international level, first and foremost, it must be considered the importance of the country's permanent seat at the United Nations Security Council in succession to the Soviet Union. On 21 December 1991, in fact, the eleven Soviet Republics that participated at Alma-Ata Conference officially declared that with the establishment of the Commonwealth of Independent States the Soviet Union had ceased to exist as a subject of international law and as a geopolitical reality, and agreed that the membership of the Soviet Union in the United Nations had to be continued by the Russian Federation, firstly since it was by far the largest and most populous among the fifteen Soviet Republics⁵¹, and secondly because of the importance of the influence exercised by the Russian cultural, political and historical heritage in the formation of the Soviet State structure. Therefore, one day before the official resignation of the Soviet Union's President Mikhail Gorbachev on 25 December 1991, the Secretary-General of the United Nations was sent a letter from the President of the Russian Soviet Federative Socialist Republic (RSFSR), Boris Yeltsin, who stated that:

the membership of the Union of Soviet Socialist Republics in the United Nations, including the Security Council and all other organs and organizations of the United Nations system, is being continued by the Russian Federation (RSFSR) with the support of the countries of the Commonwealth of Independent States. In this connection, I request that the name "Russian Federation" should be used in the United Nations in place of the name "the Union of Soviet Socialist Republics". The Russian Federation maintains full responsibility for all the rights and obligations of the USSR under the Charter of the United Nations, including the financial obligations. I request that you consider this letter as confirmation of the credentials to represent the Russian Federation in United Nations organs for all the persons currently holding the credentials of representatives of the USSR to the United Nations⁵².

⁵¹ Y. Z. BLUM, "Russia Takes Over The Soviet Union's Seat at The United Nations". 3 No. 2 European Journal of International Law (1992), p. 355. 11 Apr. 2013 <<http://www.ejil.org/pdfs/3/2/2045.pdf>>.

⁵² *Ibid.*, p. 356.

Therefore, since no objection has been presented, «the Russian Federation took over the Soviet seat in the UN General Assembly, in the Security Council and in other organs of the United Nations, with the appropriate changes of the name-plates and flag having been undertaken by the UN Secretariat⁵³», and on 31 January 1992 President Yeltsin himself represented the Russian Federation at a Security Council summit meeting.

Along with taking over the Soviet Union seat at the United Nations, the Russian Federation engaged in succeeding to the international human rights instruments ratified by the Soviet Union (see Table 1), and it gradually committed to working on new ratifications. Among the core international human rights treaties, the Russian Federation is party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and its Optional Protocol, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the Convention on the Rights of the Child and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The following table presents the main international human rights treaties ratified by the Russian Federation.

TYPE	TREATY	SIGNATURE	RATIFICATION	ACCESSION
INTERNATIONAL BILL OF HUMAN RIGHTS	International Covenant on Economic, Social and Cultural Rights	18.03.1968	16.10.1973	
	International Covenant on Civil and Political Rights	18.03.1968	16.10.1973	
	Optional Protocol to the International Covenant on Civil and Political Rights			1.10.1991

⁵³ *Ibid.*, p. 356.

RACIAL DISCRIMINATION	International Convention on the Elimination of All Forms of Racial Discrimination	07.03.1966	04.02.1969	
WOMEN'S RIGHTS	Convention on the Elimination of All Forms of Discrimination against Women	17.07.1980	23.01.1981	
	Optional Protocol to the Convention on the Elimination of Discrimination against Women	08.05.2001	28.07.2004	
	United Nations Convention against Transnational Organized Crime	12.12.2000	26.05.2004	
	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime Preamble, supplementing the United Nations Convention against Transnational Organized Crime	12.12.2000	26.05.2004	
	Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	12.12.2000	26.05.2004	
RIGHTS OF PERSONS WITH DISABILITIES	Convention on the Rights of Persons with Disabilities	24.09.2008	25.09.2012	
SLAVERY	Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	7.09.1956	12.04.1957	

	Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others			11.08.1954
TORTURE	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	10.12.1985	03.03.1987	
CHILDREN'S RIGHTS	Convention on the Rights of the Child	26.01.1990	16.08.1990	
	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts	15.02.2001	24.09.2008	
	Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	26.09.2012	Not ratified	
	Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour		25.03.2003	
FREEDOM OF ASSOCIATION	Freedom of Association and Protection of the Right to Organise Convention		10.08.1956	
	Right to Organise and Collective Bargaining Convention		10.08.1956	
EMPLOYMENT AND FORCED LABOUR	Convention concerning Forced or Compulsory Labour		23.06.1956	
	Equal Remuneration Convention		30.04.1956	
	Abolition of Forced Labour Convention		02.07.1998	

	Discrimination (Employment and Occupation) Convention		04.05.1961	
	Employment Policy Convention		22.09.1967	
	Convention concerning Occupational Safety and Health and the Working Environment		02.07.1998	
EDUCATION	Convention against Discrimination in Education		01.08.1962	
REFUGEES	Convention relating to the Status of Refugees			02.02.1993
	Protocol Relating to the Status of Refugees			02.02.1993
WAR CRIMES	Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity	06.01.1969	22.04.1969	
	Convention on the Prevention and Punishment of the Crime of Genocide	16.12.1949	03.05.1954	
	Rome Statute of the International Criminal Court	13.09.2000	Not ratified	
ARMED CONFLICT	Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field	12.12.1949	10.05.1954	
	Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea	12.12.1949	10.05.1954	

	Geneva Convention relative to the Treatment of Prisoners of War	12.12.1949	10.05.1954	
	Geneva Convention relative to the Protection of Civilian Persons in Time of War	12.12.1949	10.05.1954	
	Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)	12.12.1977	29.09.1989	
	Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims on Non-International Armed Conflicts (Protocol II)	12.12.1977	29.09.1989	
TERRORISM	International Convention Against the Taking of Hostages			11.06.1987
	International Convention for the Suppression of Terrorist Bombing	12.01.1998	08.05.2001	
	International Convention for the Suppression of the Financing of Terrorism	03.04.2000	27.11.2002	
	International Convention against the Taking of Hostages			11.06.1987
	International Convention for the Suppression of Unlawful Seizure of Aircraft	23.09.1971		
	International Convention on the Prevention and Punishment of Crimes Against International Protected Persons	07.06.1974	15.01.1976	

Table 1. The core international human rights instruments to which the Russian Federation is party.

The international human rights commitment of the Russian Federation has progressively increased at the regional level as well, through the ratification of important European measures aimed at improving human rights protection (see Table 2). On 28 February 1996, moreover, the Russian Federation became the 39th member State of the Council of Europe, opening to its citizens the possibility to resort to the European Court of Human Rights. In reality, the Russian Federation has always had a turbulent relationship with the European Court of Human Rights: as explained by Pomeranz, in fact, «the Council of Europe recognized that Russia lacked many of the fundamental legal protections required for the basic defence of human rights; nevertheless, Russia was still admitted as a member based on the optimistic proposition that “integration is better than isolation; cooperation is better than confrontation⁵⁴”». Despite these auspicious premises, however, since 1996 the Russian citizens’ petitions have overloaded the European Court of Human Rights system so that the Court has criticized the Russian authorities for «failing to address the underlying conditions that lead to these recurring human rights violations⁵⁵». Nonetheless, although the interactions between the Russian authorities and the European Court of Human Rights continue to pose certain difficulties, the positive aspect is that since the Russian Federation’s accession to the Council of Europe, the opportunities of improving the dialogue with the European interlocutors have significantly increased, «with considerable benefits for individual Russian citizens, the Russian legal system, and the ongoing fight for human rights in the Russian Federation⁵⁶».

TREATY	SIGNATURE	RATIFICATION
European Convention for the Protection of Human Rights and Fundamental Freedoms	28.02.1996	05.05.1998
Protocol No.1 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	28.02.1996	05.05.1998

⁵⁴ W.E. POMERANZ, “Uneasy Partners: Russia and the European Court of Human Rights”. 19 No. 3 Human Rights Brief (2012), p. 19. 11 Apr. 2013 <<http://www.wcl.american.edu/hrbrief/19/3pomeranz.pdf>>.

⁵⁵ *Ibid.*, p. 17.

⁵⁶ *Ibid.*, p. 21.

Protocol No.2 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	28.02.1996	05.05.1998
Protocol No.3 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	28.02.1996	05.05.1998
Protocol No.4 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	28.02.1996	05.05.1998
Protocol No.5 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	28.02.1996	05.05.1998
Protocol No.6 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	16.04.1997	not ratified
Protocol No.7 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	28.02.1996	05.05.1998
Protocol No. 8 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	28.02.1996	05.05.1998
Protocol No. 9 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	28.02.1996	05.05.1998
Protocol No. 10 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	28.02.1996	05.05.1998
Protocol No. 11 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	28.02.1996	05.05.1998
Protocol No. 12 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	04.11.2000	not ratified
Protocol No. 14 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	04.05.2006	18.02.2010
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	28.02.1996	05.05.1998
Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	28.02.1996	05.05.1998

Protocol No. 2 to the European Convention for the Prevention of Torture and inhuman or Degrading Treatment of Punishment	28.02.1996	05.05.1998
Framework Convention for the Protection of National Minorities	28.02.1996	21.08.1998
European Convention on the Suppression of Terrorism	07.05.1999	04.11.2000
Protocol amending the European Convention on the Suppression of Terrorism	15.05.2003	04.10.2006
Criminal Law Convention on Corruption	29.01.1999	04.10.2006
Council of Europe Convention on the Prevention of Terrorism	17.11.2005	19.05.2006
European Social Charter (revised)	14.09.2000	16.10.2009

Table 2. The core European human rights instruments to which the Russian Federation is party.

In conclusion, therefore, it can be asserted that starting from the post-Soviet «laboratory of constitutional reform⁵⁷», the Russian Federation has undertaken a process of increasing opening towards the international law system, significantly turning from the isolationism which had characterised the Soviet Union’s position within the international community. By progressively joining the initiatives and measures promoted by its international interlocutors, instead, the Russian Federation revealed the will of engaging in a closer cooperation with the members of the international community in the development and fulfilment of its democratic aspirations and human rights commitment.

Nonetheless, the Russian Federation’s opening to international collaboration and the process towards an effective improvement of the Russian national rule of law system have just begun to take shape, fighting against substantial conflicting trends that contribute to frustrate the country’s international aspirations and, in particular, the

⁵⁷ V. VERESHCHETIN, “New Constitutions and the Old Problem of the Relationship between International Law and National Law”. 7 No. 1 *European Journal of International Law* (1996), p. 31. 11 Apr. 2013 <<http://www.ejil.org/pdfs/7/1/1354.pdf>>.

enhancement of human rights protection throughout the Russian territory. As it has been discussed in Paragraph 1.2., these contrasting forces are represented first and foremost by the lack of effectiveness and independence of the national institutions appointed to human rights protection and promotion in the Russian Federation – the Federal and Regional Ombudspersons, the Council at the President on the Assistance to the Development of the Institutes of Civil Society and Human Rights, the Human Rights Commissions at the Heads of Administration, and the Federal and Regional Public Chambers. Moreover, the Russian Federation’s turbulent relationship with the European Court of Human Rights signals that significant deficiencies still affect the Russian system of human rights protection, which is not currently able to prevent the systematic and severe violations of human rights registered throughout the country. Finally, the recurring noncompliance with international obligations concerning the protection of fundamental human rights reveals the persistence of an overall inadequacy in the Russian Federation’s international commitment to grant the protection of human rights, as it is demonstrated, for instance, by the judgements of the European Court of Human Rights⁵⁸, the often critical observations of the United Nations Committees and Special Rapporteurs, and the periodic reports of other international organisations and local human rights societies. These documents will be extensively analysed in the following chapters, through presenting the Russian Federation’s achievements and persisting challenges in the various fields of human rights protection.

⁵⁸ See, for instance, “European Court of Human Rights Application No. 63993/00, Case of Romanov v. Russia. Judgement of 20 Oct. 2005”. European Court of Human Rights 20 Jan. 2006. 3 June 2013 <<http://echr.ketse.com/doc/63993.00-en-20051020/view/>>; “European Court of Human Rights Application No. 38623/03, Case of Pichugin v. Russia. Judgement of 23 Oct. 2012”. European Court of Human Rights 18 Mar 2013. 18 Apr. 2013 <<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-114074>>; and “European Court of Human Rights Applications Nos. 2944/06 and 8300/07, 50184/07, 332/08, 42509/10, Case of Aslakhanova and Others v. Russia. Judgement of 18 Dec. 2012”. European Court of Human Rights 29 Apr. 2013. 3 June 2013 <[http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-115657#{\"itemid\":\[\"001-115657\"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-115657#{\)>.

2. THE “FRAMEWORK FOR COOPERATION WITH THE RUSSIAN FEDERATION FOR 2007 AND BEYOND”. THE STARTING-POINT OF A CLOSER COOPERATION WITH THE UNITED NATIONS

SUMMARY: 2.1. The “Framework for Cooperation with the Russian Federation for 2007 and beyond”. – 2.2. The juridical areas of interest of the “Framework for Cooperation”. – 2.2.1. Rule of law. – 2.2.1.1. Human rights network of judges. – 2.2.1.2. Promotion of administrative justice. – 2.2.1.3. Promotion of human rights among judges, prosecutors, lawyers and law enforcement officials. – 2.2.1.4. Promotion of women’s rights and combating violence against women. – 2.2.1.5. Juvenile justice and promoting child rights. – 2.2.2. Promotion of equality and tolerance. – 2.2.2.1. Countering racism and xenophobia. – 2.2.2.2. Protection of the rights of indigenous people. – 2.2.2.3. Protection of the rights of persons with disabilities. – 2.2.2.4. Human rights aspects of HIV/AIDS. – 2.2.3. Education and information about human rights. – 2.2.3.1. Education of human rights professionals. – 2.2.3.2. Dissemination of knowledge of international mechanisms and procedures. – 2.2.4. Mainstreaming human rights within the United Nations Country Team (UNCT).

2.1. The “Framework for Cooperation with the Russian Federation for 2007 and beyond”.

Although the collaboration of the Russian Federation with international human rights actors has been developing for decades, a closer cooperation with the United Nations in the field of human rights was launched in January 2006, when the UN High Commissioner for Human Rights Louise Arbour, after visiting Russia two times in 2005 and 2006, established a human rights commission within the United Nations Country Team (UNCT) in Moscow. Since then, a National Programme Officer based in the office of the UN Resident Coordinator in the Russian Federation has always assisted the

OHCHR action in the Russian Federation⁵⁹, coordinating the contributions from the Russian Government, the civil society, the NGOs and the international interlocutors.

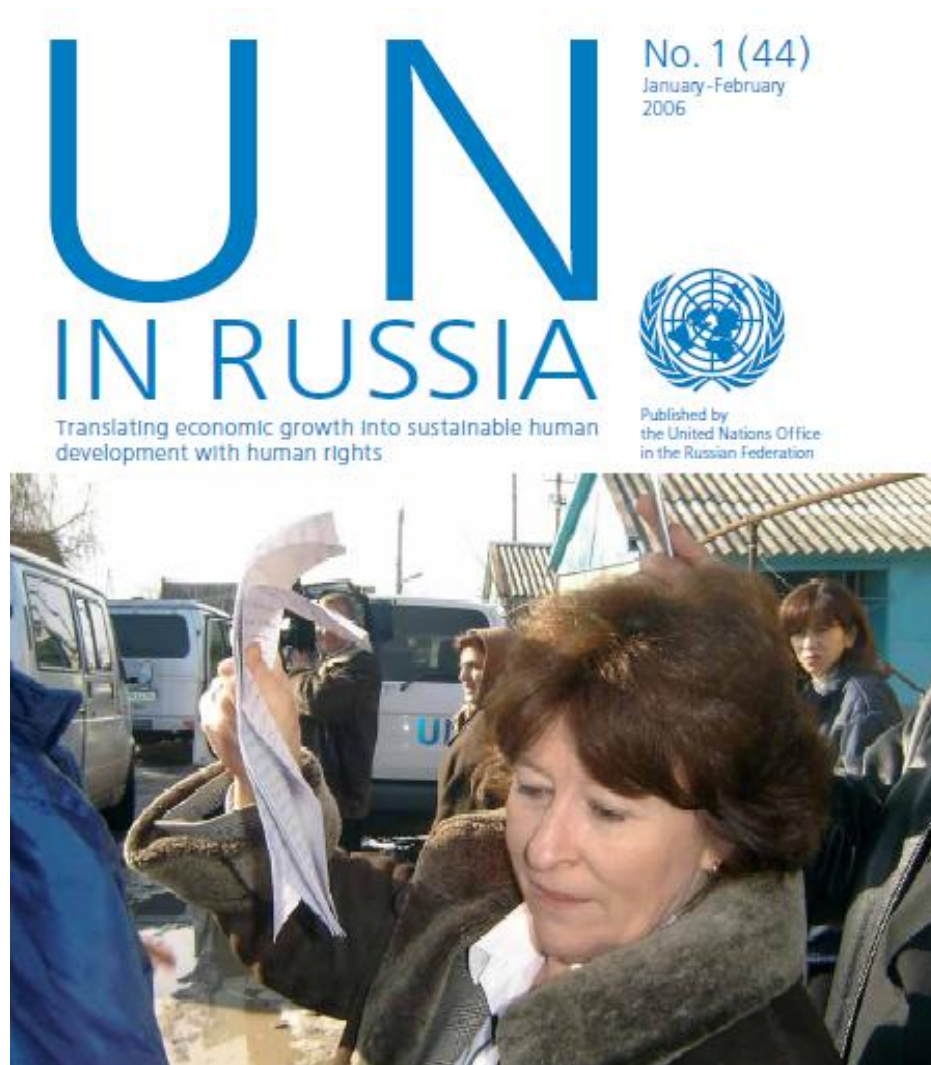


Figure 3. The UN High Commissioner for Human Rights Louise Arbour in Northern Caucasus.

«One of the major priorities of the year is support to the President’s National Projects through provision of policy advice and international best practices of social reforms through the lens of human development concept which UN advocates for all over the world», claimed in 2006 Ercan Murat, UN Resident Coordinator in the Russian

⁵⁹ “Framework for Cooperation with the Russian Federation for 2007 and beyond. OHCHR in the Russian Federation (2006-2007)”. *OHCHR Publications* 9 Apr. 2013. <<http://www.ohchr.org/EN/Countries/ENACARRegion/Pages/RUSummary.aspx>>.

Federation, in an interview for the “UN in Russia” bulletin⁶⁰. Hence, through acknowledging this priority and engaging with a programme of extensive collaboration, the Russian Government and OHCHR approved a “Framework for Cooperation with the Russian Federation for 2007 and beyond”, aiming at developing a sustainable programme of improvement in the protection and promotion of human rights in the country.

The year 2007, therefore, marked the beginning of a series of projects adopted by the Russian Federation and OHCHR. Afterward, being these measures conceived as long-term programmes, an updated version of the Framework for Cooperation has been edited each year since 2007, in order to face the new challenges brought on by the development of the right-based projects.

2.2. The juridical areas of interest of the “Framework for Cooperation”.

In the first phase of collaboration, the essential requirement to ensure effectiveness and coherence in the project was to organize a training programme for the UNCT in the Russian Federation, deployed particularly in Moscow and in the Northern Caucasus⁶¹. Thus, by offering assistance and guidance to the UNCT in the elaboration of a right-based programme of development, OHCHR could devise several long-term projects in the country, which focused especially on the juridical areas of the rule of law, promotion of equality and tolerance, education and information about human rights, and mainstreaming human rights within the UNCT⁶².

In each of the above mentioned fields of inquiry, in fact, the OHCHR presence in the Russian Federation observed severe violations of human rights, which will be analysed in the following paragraphs of the present chapter. «Yet some of these challenges also presented opportunities for public and non-governmental circle to suggest, initiate or

⁶⁰ United Nations Office in the Russian Federation, “UN in Russia: Priorities for 2006”. UN in Russia No. 1(44) Jan. – Feb. 2006: pp. 4-5. 14 Apr. 2013 <http://www.unrussia.ru/sites/default/files/docs/eng/OON44_eng_01-02-2006.pdf>.

⁶¹ “Framework for Cooperation with the Russian Federation for 2007 and beyond. OHCHR in the Russian Federation (2006-2007)”. OHCHR Publications 9 Apr. 2013. <<http://www.ohchr.org/EN/Countries/ENACARegion/Pages/RUSummary.aspx>>.

⁶² “Framework for Cooperation with the Russian Federation for 2007 and beyond”, pp.1-3. OHCHR Publications 9 Apr. 2013 <http://www.unrussia.ru/sites/default/files/doc/ohchr_Cooperation_Framework.pdf>.

bring about structural change to improve the overall human rights situation in the country⁶³».

2.2.1. Rule of law.

«For the United Nations, the rule of law refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency⁶⁴».

Relying on this well-accepted definition of the rule of law, the United Nations have always striven to identify and condemn the cases of violation of human rights in the field of governance and application of the law perpetrated by their member states. This procedure, thus, has been applied also with respect to the general conduct of Russian *Prokuratura*, judges, lawyer, prosecutors and law enforcement officials, in consideration of the systematic violations of human rights registered in several contexts not only by the United Nations, but also by other international actors, such as the European Parliament, the Council of Europe, the Organisation for Security and Cooperation in Europe (OSCE), as well as several NGOs. In particular, the international community's main concerns about the state of the rule of law in the Russian Federation pertain the doubts about the independence of the judicial institution of the country and the impartiality of judicial proceedings, the «opaque process» of the regional elections of governors⁶⁵, the acts of violence perpetrated against human rights defenders, independent journalists and lawyers, and the continuing restriction on the freedoms of assembly and expression.

⁶³ "OHCHR in the field: Europe and Central Asia. OHCHR Report of 2011", p. 345. [OHCHR Publications 2011. 9 Apr. 2013 <http://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report2011_web/allegati/24_Europe.pdf>](http://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report2011_web/allegati/24_Europe.pdf).

⁶⁴ "The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies. Report of the Secretary-General" S/2004/616. [United Nations Security Council 23 Aug. 2004: p.4. 14 Apr. 2013 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/395/29/PDF/N0439529.pdf?OpenElement>](http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/395/29/PDF/N0439529.pdf?OpenElement).

⁶⁵ A. ROTH, "Russia's regional governors to be directly elected". [The Telegraph 30 Apr. 2012. 14 Apr. 2013 <http://www.telegraph.co.uk/sponsored/russianow/politics/9236729/Russia-regional-governors.html>](http://www.telegraph.co.uk/sponsored/russianow/politics/9236729/Russia-regional-governors.html).

2.2.1.1. Human rights network of judges.

The “European Parliament resolution of 17 February 2011 on the rule of law in Russia⁶⁶” seems to be particularly representative of the measures undertaken by the international community in response to violations of human rights in the field of judicial procedures in the Russian Federation. After reaffirming the intention to carry on the initiatives of the “Partnership for Modernisation”⁶⁷ launched in May 2010 by the Russian Federation and the European Union, the European Parliament, at point three of the resolution, «expresses concern over reports of politically motivated trials, unfair procedures and failures to investigate serious crimes such as killings, harassment and other acts of violence», and «urges the Russian judicial and law enforcement authorities to carry out their duties in an effective, impartial and independent manner in order to bring perpetrators to justice⁶⁸».

The text of the resolution explicitly mentions two of the most resounding cases of judicial stagnation about alleged politically motivated killings in Russia: the case of the journalist Anna Politkovskaya, killed on 7 October 2006, and the one of the lawyer Sergey Magnitsky, murdered on 16 November 2009. The European Parliament had already expressed its concern by editing the “Resolution on EU-Russia relations after the murder of the Russian journalist Anna Politkovskaya⁶⁹” on 25 October 2006, in which it «condemns in the strongest terms the murder of Anna Politkovskaya and calls on the Russian authorities to conduct an independent and efficient investigation to find and punish those responsible for this cowardly crime», «calls on the EU and the Council of Europe to monitor these investigations closely⁷⁰», and «voices its deep concern over the increasing intimidation, harassment and murder of independent journalists and of other persons critical of the current government, and reminds the Russian Government that a continuation of this tendency will negatively affect Russia's overall

⁶⁶ “European Parliament resolution of 17 February 2011 on the rule of law in Russia” P7_TA(2011)0066. [European Parliament](http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0066+0+DOC+XML+V0//EN) 17 Feb. 2011. 18 Apr. 2013 <<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0066+0+DOC+XML+V0//EN>>.

⁶⁷ [EU-Russia Partnership for Modernisation](http://eeas.europa.eu/delegations/russia/eu_russia/tech_financial_cooperation/partnership_modernisation_facility/index_en.htm). 18 Apr. 2013 <http://eeas.europa.eu/delegations/russia/eu_russia/tech_financial_cooperation/partnership_modernisation_facility/index_en.htm>.

⁶⁸ “European Parliament resolution of 17 February 2011 on the rule of law in Russia” P7_TA(2011)0066, pt. 3. [European Parliament](http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0066+0+DOC+XML+V0//EN) 17 Feb. 2011. 18 Apr. 2013 <<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0066+0+DOC+XML+V0//EN>>.

⁶⁹ “European Parliament resolution on EU-Russia relations following the murder of the Russian journalist Anna Politkovskaya” P6_TA(2006)0448. [European Parliament](http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2006-0448+0+DOC+XML+V0//EN) 25 Oct. 2006. 18 Apr. 2013 <<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2006-0448+0+DOC+XML+V0//EN>>.

⁷⁰ *Ibid.*, pt. 3.

reputation⁷¹». In addition to the European Parliament measures, then, the Politkovskaya and Magnitsky cases have inflamed the reactions of several other international subjects and NGOs, including the appeals contained in the Council of Europe Report on Politically-Motivated Abuse of Criminal Justice System (August 2009), the Amnesty International Report on Human Rights (May 2010), and the Human Rights Watch Report on Human Rights (May 2010)⁷².

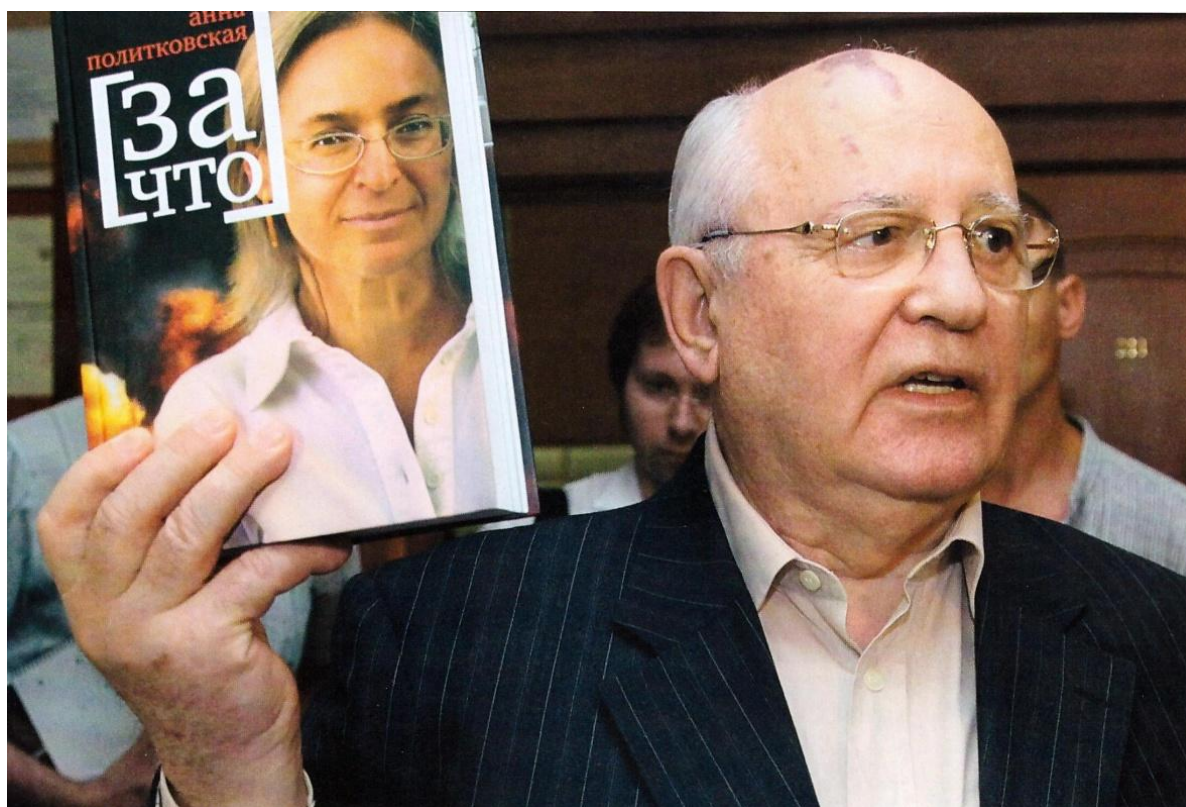


Figure 4. Mikhail Gorbachev shows a copy of the Russian edition of Anna Politkovskaya’s posthumous publication of articles.

Further on, in the text of the European Parliament resolution of 17 February 2011, explicit reference to the controversial verdict of Yukos trial and the second conviction of Mikhail Khodorkovsky and Platon Lebedev on 30 December 2010 is mentioned, followed by a call for an independent judicial review of the verdict and for a general

⁷¹ *Ibid.*, pt. 4.

⁷² “Stop the Untouchables, Justice for Sergey Magnitsky. Reports and Appeals issued after Sergey Magnitsky’s death”. *The Russian Untouchables*. 18 Apr. 2013 <<http://russian-untouchables.com/eng/world-reaction>>.

improvement of the Russian judicial system⁷³. Similarly, on 23 October 2012 the European Court of Human Rights (ECHR) ruled against the procedural violations that occurred in the trial of a former Yukos security chief, Aleksey Pichugin⁷⁴, declaring «the complaints concerning the alleged unlawfulness of the applicant’s detention, its excessive length, the alleged violation of his right to a speedy judicial decision concerning the lawfulness of his detention, the lack of a public hearing and the alleged unfairness of the criminal proceedings against him admissible and the remainder of the application inadmissible⁷⁵».



Figure 5. Mikhail Khodorkovsky’s picture held by a protester.

In fact, in the examined resolution the European Parliament underlines that «Russia,

⁷³ “European Parliament resolution of 17 February 2011 on the rule of law in Russia” P7_TA(2011)0066, pt. 4. European Parliament 17 Feb. 2011. 18 Apr. 2013 <<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0066+0+DOC+XML+V0//EN>>.

⁷⁴ A. PANOVA, “Human Rights Court Rules Ex-Yukos Security Head Trial Unfair”. Rianovosti 23 Oct. 2012. 18 Apr. 2013 <<http://en.rian.ru/russia/20121023/176848530.html>>.

⁷⁵ “European Court of Human Rights Application No. 38623/03, Case of Pichugin v. Russia. Judgement of 23 Oct. 2012”. European Court of Human Rights 18 Mar. 2013. 18 Apr. 2013 <<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-114074>>.

as a member of the Council of Europe, has signed up to fully respecting European standards as regards democracy, fundamental human rights and the rule of law», and it calls, therefore, «on the Russian authorities to comply with all the rulings of the European Court of Human Rights and to implement measures to rectify violations in individual cases, including by ensuring that effective investigations are conducted and by holding the perpetrators accountable, and to adopt general measures to implement the rulings, including by making policy and legal changes to prevent similar violations from occurring in the future⁷⁶».

The European Court of Human Rights had already expressed on previous occasions deep concern over the Russian Federation's practices of unlawful detentions, violations of the right to fair trial, and inhuman or degrading treatment, as in the "Case of Romanov v. Russia", judged by the Court in 2005⁷⁷. In this case, the Court ruled that the Russian authorities was responsible for the violation of Article 3 of the European Convention for the Protection of Human Rights, according to which «no one shall be subjected to torture or to inhuman or degrading treatment or punishment⁷⁸», while, on the contrary, the applicant complained about his conditions during the detention in the psychiatric ward of the detention structure "Butyrskiy". Moreover, the Court ruled over the violation of Article 5 § 3 of the Convention, stating that "everyone arrested or detained in accordance with the provisions of paragraph 1 (c) of this Article shall be [...] entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial⁷⁹». And finally, the applicant was deprived by the Russian authorities from his right to appear at the hearing in person before the Gagarinskiy District Court of Moscow, in violation of Article 6 §§ 1 and 3 (c) of the Convention, according to which «in the determination of [...] any criminal charge against him, everyone is entitled to a fair and public hearing [...] by [a] tribunal», and «everyone charged with a criminal offence has the [...] minimum right to defend himself in person or through legal assistance of his own choosing or, if he has not

⁷⁶ "European Parliament resolution of 17 February 2011 on the rule of law in Russia" P7_TA(2011)0066, pt. 13. European Parliament 17 Feb. 2011. 18 Apr. 2013 <<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0066+0+DOC+XML+V0//EN>>.

⁷⁷ European Court of Human Rights Application No. 63993/00, Case of Romanov v. Russia. Judgement of 20 Oct. 2005". European Court of Human Rights 20 Jan. 2006. 3 June 2013 <<http://echr.ketse.com/doc/63993.00-en-20051020/view/>>.

⁷⁸ *Ibid.*, par. 67.

⁷⁹ *Ibid.*, par. 85.

sufficient means to pay for legal assistance, to be given it free when the interests of justice so require⁸⁰».

The Cases of Pichugin and Romanov, thus, highlight that the violation of the right to fair trial, excessively long detentions and inhuman or degrading treatment during detention are among the most acute manifestations of the ill-health condition of the Russian Federation's justice system.

On 29 May 2008, at the conclusion of his official visit to the Russian Federation, the United Nations Special Rapporteur on the independence of judges and lawyers, Mr. Leandro Despouy, highlighted the great changes that contributed to improve the overall situation of the country since the early 1990s, with particular reference to «the adoption of new legislation governing judicial proceedings, and the significant improvement of working conditions of the judiciary⁸¹»; he also valued that the Government authorities proved aware of the inadequacy and malfunction of the Russian judicial system, as well as of the question of the judges' independence. On the other hand, the Special Rapporteur added that «important concerns remain about the lack of equal access to the courts and the fact that an important percentage of judicial decisions, including those against state officials, are not implemented⁸²»; the Special Rapporteur's criticism invested also the lack of transparency in the designation process of judges, the interference of political interests in the judicial sphere, and «the lack of objective criteria in the allocation of court cases by court presidents, as well as in the implementation of disciplinary measures⁸³».

Therefore, ascertaining the critical situation of human rights protection in the judicial sphere, through examining the above mentioned and other cases of severe violation reported by several international institutions, and through taking into consideration the Special Rapporteur's recommendations, OHCHR dedicated some of the most important initiatives of the Framework for Cooperation to the establishment and improvement of a human rights network of judges in the Russian Federation. This

⁸⁰ *Ibid.*, par. 102-103.

⁸¹ "United Nations expert calls for renewed efforts for a comprehensive judicial reform in the Russian Federation". [OHCHR press release](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=8306&LangID=E) 29 May 2008. 19 Apr. 2013 <<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=8306&LangID=E>>.

⁸² *Ibid.*

⁸³ *Ibid.*

has been conceived by OHCHR as a «pilot project⁸⁴» to be launched in certain regions of the Federation and, if successful, to be applied in future in other contexts. The main purpose of this initiative was to promote the implementation of expertise in the domain of human rights, providing the Supreme Court, the judges belonging to the network and all the other participating stakeholders with recurrent training and update about the «international human rights law, international mechanisms of human rights protection, and the evolving jurisprudence applying substantive and procedural human rights⁸⁵». Thus, the creation of such an interactive network aimed at mutual exchange and sharing of experience, information and advice at international level, thanks to the access to common electronic resources, workshops, and interactive forums.

2.2.1.2. Promotion of administrative justice.

The Special Rapporteur's comments on the independence of judges and lawyers in the Russian Federation also included a note about the critical deficiencies in the institutional and legal framework of Russian administrative justice. According to the Special Rapporteur, indeed, «renewed efforts should be taken to establish an administrative court system as this will strengthen the mechanisms to effectively fight corruption and to ensure the liability of state officials⁸⁶»; and then, he continued by maintaining that «the removal of these deficiencies is crucial for the future development of the country. Recent reform initiatives, such as the creation of a special working group on the judicial reform and the establishment of a council to fight corruption, chaired by the President⁸⁷, demonstrate the political will to tackle the problems facing the justice system⁸⁸».

In its resolution of 17 February 2011 on the rule of law in Russia the European Parliament underlined the inadequacy of the administrative justice, too. Particularly,

⁸⁴ "Framework for Cooperation with the Russian Federation for 2007 and beyond", p.1. [OHCHR Publications](http://www.unrussia.ru/sites/default/files/doc/ohchr_Cooperation_Framework.pdf) 9 Apr. 2013 <http://www.unrussia.ru/sites/default/files/doc/ohchr_Cooperation_Framework.pdf>.

⁸⁵ *Ibid.*

⁸⁶ "United Nations expert calls for renewed efforts for a comprehensive judicial reform in the Russian Federation". [OHCHR press release](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=8306&LangID=E) 29 May 2008. 19 Apr. 2013 <<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=8306&LangID=E>>.

⁸⁷ At that time the President of the Russian Federation was Dmitry Medvedev.

⁸⁸ "United Nations expert calls for renewed efforts for a comprehensive judicial reform in the Russian Federation". [OHCHR press release](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=8306&LangID=E) 29 May 2008. 19 Apr. 2013 <<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=8306&LangID=E>>.

the European Parliament called for the signing of new Partnership and Cooperation Agreements (PCAs) by the European Union and the Russian Federation that would deal with the questions of fundamental human rights, democracy and rule of law. A renewed collaboration in this field, in fact, would promote transparency in the proceedings of the administrative courts and support the Government programme of fight against corruption⁸⁹.

In accordance to this, OHCHR has instituted technical activities on the role of administrative justice in the protection of human rights dedicated to the Russian judges and state administration personnel within the programme of the Framework for Cooperation. In this case, the beneficiaries could take part to seminars and workshops organized by OHCHR with the advisory services and technical assistance provided by the United Nations Technical Cooperation Programme⁹⁰. In particular, in the field of the administration of justice, «the Programme provides training courses for judges, lawyers, prosecutors and prison officials, as well as law enforcement officers. Such courses are intended to familiarize participants with international human rights standards relevant for the administration of justice; facilitate examination of humane and effective techniques for the performance of penal and judicial functions in a democratic society; and teach trainers to include this information in their own training activities⁹¹». The topics of the seminars and courses launched by OHCHR, for instance, cluster around the main themes of «international systems of human rights protection; the independence of judges and lawyers; human rights standards applicable in criminal investigations, arrest and pre-trial detention; elements of a fair trial; juvenile justice; protection of the rights of women in the administration of justice; and human rights under a state of emergency», but also «relevant international human rights standards; the duties and principles of the code of conduct for the police in democracies; the use of force and firearms by law enforcement agencies; protection against torture and other inhuman treatment or punishment; effective methods of legal and ethical interviewing; human rights during arrest and pre-trial detention; and the legal status

⁸⁹ “European Parliament resolution of 17 February 2011 on the rule of law in Russia” P7_TA(2011)0066, pt. 9. European Parliament 17 Feb. 2011. 18 Apr. 2013 <<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0066+0+DOC+XML+V0//EN>>.

⁹⁰ “Substantive Areas of the Technical Cooperation Programme”. OHCHR Publications. 19 Apr. 2013 <<http://www.ohchr.org/EN/Countries/pages/SubstantiveAreasIndex.aspx>>.

⁹¹ *Ibid.*

and the rights of the accused⁹²».

2.2.1.3. Promotion of human rights among judges, prosecutors, lawyers and law enforcement officials.

As in the case of administrative justice, a relevant number of reports from various actors of the international community underlines significant violations of human rights and international law perpetrated by Russian state agencies and their officials in conducting judicial procedures. An example of these practices is represented by the “Case of Bykov v. Russia⁹³” judged by the European Court of Human Rights on 10 March 2009. As the applicant denounced the fact that covert recording has been made at his home and used as evidence to originate judicial proceedings against him, and that his long pre-trial detention was not conducted in accordance to what established by the Convention for the Protection of Human Rights and Fundamental Freedoms⁹⁴, the Court ruled that there had been a violation of Article 5 § 3, according to which everyone arrested or detained «shall be brought promptly before a judge [...] and shall be entitled to trial within a reasonable time or to release pending trial⁹⁵», and Article 8 of the Convention, ruling the right to respect for private and family life⁹⁶.

The OHCHR Framework for Cooperation, therefore, promoted an initiative dedicated to judges, prosecutors, lawyers and law enforcement officials, whose professional activities would benefit from «upgrading human rights expertise» and the «exploration of enhancing the role of videotaping of interrogations as a pre-emptive measure – a pilot project to gather good practices⁹⁷». In addition, OHCHR in cooperation with the International Bar Association published a “Manual” and a “Facilitator’s Guide on Human Rights in the Administration of Justice”, containing training material, case studies, and other educational resources about how to apply human rights standards

⁹² *Ibid.*

⁹³ “European Court of Human Rights Application No. 4378/02, Case of Bykov v. Russia”. European Court of Human Rights 10 Mar. 2009. 18 Apr. 2013 <<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-91704>>.

⁹⁴ “European Convention for the Protection of Human Rights and Fundamental Freedoms”. Rome, 4 Nov. 1950. 18 Apr. 2013 <http://www.echr.coe.int/NR/ronlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/Convention_ENG.pdf>.

⁹⁵ *Ibid.*, Art. 5 § 3, p. 8.

⁹⁶ *Ibid.*, Art. 8, p. 10.

⁹⁷ “Framework for Cooperation with the Russian Federation for 2007 and beyond”, p.1. OHCHR Publications 9 Apr. 2013 <http://www.unrussia.ru/sites/default/files/doc/ohchr_Cooperation_Framework.pdf>.

effectively⁹⁸.

2.2.1.4. Promotion of women's rights and combating violence against women.

In the 2006 report related to her official mission to the Russian Federation⁹⁹, the United Nations Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk, analysed the Russian context through an historical point of view, highlighting to what extent different dimensions of the state's evolution could influence on the alarming character that the violation of women's human rights has assumed in the contemporary Russian society. In fact, in her opinion, «the Soviet legacy and the recent transition to a market economy are important elements that have shaped the current patterns of human rights violations of women in the Federation. Although the 1993 Constitution ensures the equal rights of women and men and Russia is party to many of the human rights instruments, including the Committee on the Elimination of Discrimination against Women and its optional protocol, women disproportionately endure the adverse impact of the transition process¹⁰⁰». In the Special Rapporteur's opinion, this is one of the paradoxical and dramatic consequences of the complex historical patterns on which the Russian Federation was established. In fact, although the effectiveness of gender equality policies was undoubtedly a source of pride to the Soviet Union, today, indeed, women have several more formal rights. However, in practice authentic opportunities for women, including the access to health care and education, political participation, and the ways to emancipation, have significantly decreased since 1993¹⁰¹.

Therefore, the violation of women's human rights and the gender discrimination in the Russian Federation remain crucial, unsolved problems, despite the important measures adopted throughout two decades both at federal and international level. At national level, article 19 of the Constitution, particularly, states that «all people shall be

⁹⁸ "Human Rights in the Administration of Justice. A Facilitator's Guide on Human Rights for Judges, Prosecutors and Lawyers". OHCHR Publications. 22 Apr. 2013 <<http://www.ohchr.org/Documents/Publications/HRAdministrationJustice.pdf>>.

⁹⁹ "Integration of the Human Rights of Women and a Gender Perspective: Violence against Women. The Due Diligence Standard as a Tool for the Elimination of Violence against Women. Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk" E/CN.4/2006/61/Add.2. United Nations Commission on Human Rights 26 Jan. 2006. 22 Apr. 2013 <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/104/47/PDF/G0610447.pdf?OpenElement>>.

¹⁰⁰ *Ibid.*, Summary.

¹⁰¹ *Ibid.*, par. 7-9.

equal before the law and court¹⁰²», and that «man and woman shall enjoy equal rights and freedoms and have equal possibilities equal opportunities to exercise them¹⁰³»; moreover, in 1996 the two concept papers «Improvement of Women’s Status» and «Activities for Assurance of Equal Rights and Opportunities for Men and Women» were adopted by the Federal Assembly¹⁰⁴. At international level, then, in addition to more comprehensive treaties in the broad field of human rights, the Russian Federation has ratified specific conventions on the protection of women’s human rights, such as the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol, as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplement the United Nations Convention against Transnational Organized Crime (see Table 1, Paragraph 1.3.).

Nonetheless, according to the Special Rapporteur, the Russian domestic legislation on violence and gender biases is still inadequate to its level of democratic development and its position in the international community. «Violence against women in the Federation poses a major challenge to the Government in terms of its human rights obligations and sustained security», claimed the Special Rapporteur, adding that «the Government, with its well-developed State apparatus and human rights commitments, is well equipped to mobilize society to put an end to violence, provided that this issue is prioritized¹⁰⁵». In particular, the Special Rapporteur’s findings about the respect of women’s human rights in Russia cluster around two main cores: domestic violence in Russia and violence against women in the Northern Caucasus.

Although women may be victims of multiple forms of violence in society at large, reportedly, violations of women’s rights take place mainly at home¹⁰⁶. More specifically, the Special Rapporteur asserted that the Committee on the Elimination of Discrimination against Women (CEDAW) in 1999 was sent a report by the Russian Federation referring about 14,000 cases of women killed annually by their family

¹⁰² Art. 19, par. 1, Constitution of the Russian Federation (English Translation). 22 Apr. 2013 <<http://www.constitution.ru/en/10003000-03.htm>>.

¹⁰³ Art. 19, par. 3, Constitution of the Russian Federation (English Translation). 22 Apr. 2013 <<http://www.constitution.ru/en/10003000-03.htm>>.

¹⁰⁴ “Integration of the Human Rights of Women and a Gender Perspective: Violence against Women. The Due Diligence Standard as a Tool for the Elimination of Violence against Women. Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk” E/CN.4/2006/61/Add.2, par. 19. United Nations Commission on Human Rights 26 Jan. 2006. 22 Apr. 2013 <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/104/47/PDF/G0610447.pdf?OpenElement>>.

¹⁰⁵ *Ibid.*, Summary.

¹⁰⁶ *Ibid.*, par. 24.

members or their husbands¹⁰⁷. «The situation is exacerbated by the lack of statistics and indeed by the attitude of the agencies of law and order to this problem, for they view such violence not as a crime but as “a private matter” between the spouses¹⁰⁸». According to the Special Rapporteur, thus, the main problems in combating this kind of violence are the Government’s unwillingness to recognize this as a priority and the lack of a specific and effective domestic legislation, as well as the law enforcement officials’ failure to take proper action. «CEDAW and the Committee on Economic, Social and Cultural Rights, in their concluding observation on Russia, have both expressed concern about the high rates of domestic violence and the lack of legislative protection¹⁰⁹», and the Special Rapporteur strongly recommended the urgency of such judicial reforms, too.

In an already complex situation on the gender perspective, women in Northern Caucasus live at present in even harder conditions, because of the extraordinary circumstances brought by military operations from 1994 up to today, during the two Chechen wars. As claimed by the Special Rapporteur – who, during her mission to the Russian Federation, travelled also to the Northern Caucasus and met with the authorities and civil society organizations of Ingushetia and Chechnya – women in this suffering region «not only encounter multiple forms of violence as direct targets of the military operations, they also bear the consolidated hardships associated with the overall destruction caused by the fighting, the contradictory consequences of transition in general as well as the heightened patriarchal control exacerbated by the general situation¹¹⁰». Additional causes of human rights violations suffered by Chechen women, moreover, were related to the counter-terrorist strategy established by the Russian governmental authorities to face the threat represented by the phenomenon of the so-

¹⁰⁷ *Ibid.*, par. 26.

¹⁰⁸ “Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. Fifth Periodic Reports of State Parties, Russian Federation” CEDAW/C/USR/5, par. 6. United Nations Committee on the Elimination of Discrimination against Women 3 Mar. 1999. 22 Apr. 2013 <<http://www.un.org/womenwatch/daw/cedaw/cedaw26/usr5.pdf>>.

¹⁰⁹ “Integration of the Human Rights of Women and a Gender Perspective: Violence against Women. The Due Diligence Standard as a Tool for the Elimination of Violence against Women. Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk” E/CN.4/2006/61/Add.2, par. 37. United Nations Commission on Human Rights 26 Jan. 2006. 22 Apr. 2013 <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/104/47/PDF/G0610447.pdf?OpenElement>>.

¹¹⁰ *Ibid.*, par. 16.

called “Black Widows¹¹¹”: under “Operation Fatima”, as the Order No. 12/309 of 9 July 2003 has been defined, all women wearing traditional Muslim headscarves had to be detained by the Russian police, and under these circumstances of arbitral detention they might suffer torture, sexual abuse and other gender-specific kinds of violence, as highlighted by the Special Rapporteur’s research.

Considering the complexity of the gender dimension in the Russian context, therefore, the main purpose of the specific project included in the OHCHR Framework for Cooperation was to promote women’s human rights through integrating this issue into the programme of rule of law improvement in the Russian Federation.

In 2010, a support to the action of the Office of the High Commissioner was offered by the CEDAW, with its “Concluding observations on the Elimination of Discrimination against Women” about the Russian Federation¹¹². In this document the Committee denounced the inadmissibility of the lack of a gender equality law and of a clear definition of discrimination on the ground of sex in the Constitution of the Federation, which formally recognizes women and men’s equality before the law¹¹³. The Committee also called for the inclusion of the question of gender equality in the project of rule of law improvement by urging the State authorities «to take all appropriate measures to ensure that the Convention and its Optional Protocol are sufficiently known and applied by all branches of Government, including the judiciary, as a framework for all laws, courts decisions and policies on gender equality and the advancement of women. The Committee recommends that the Convention, its Optional Protocol and related domestic legislation be made an integral part of the legal education and training of judges, magistrates, lawyers and prosecutors so that a legal culture supportive of the equality of women with men and non-discrimination on the basis of sex is firmly established in the country¹¹⁴».

¹¹¹ The term “Black Widow” refers to the legion of Chechen women, recruited by separatist Chechen rebels, who, especially during the earlier Chechen separatist actions, committed suicide bombing and mass hostage-takings to avenge the loss of male relatives. See M. ELDER, “Moscow bombings blamed on Chechnya’s Black Widows”. The Guardian 29 Mar. 2010. 22 Apr. 2013 <<http://www.guardian.co.uk/world/2010/mar/29/black-widows-women-moscow-bombings>>.

¹¹² “Concluding observations on the Elimination of Discrimination against Women. Russian Federation” CEDAW/C/USR/CO/7. United Nations Committee on the Elimination of Discrimination against Women 16 Aug. 2010. 22 Apr. 2013 <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/485/54/PDF/N1048554.pdf?OpenElement>>.

¹¹³ *Ibid.*, par. 13.

¹¹⁴ *Ibid.*, par. 15.



Figure 6. The aftermath of military operations in Chechnya.

Finally, CEDAW in its concluding observations called for the adoption of special measures in the Northern Caucasus, particularly in Chechnya, where the State authorities should take immediate action to ensure the protection of women's human rights, the end of the impunity for violence against women and normal judicial proceedings against the perpetrators of these acts, be they State or non-State actors. «The Committee», moreover, «calls on the State party to ensure the provision of adequate reparation to the surviving victims, including the families of the deceased, and to send a clear message that human rights abuses will not be tolerated and will be addressed through human rights complaints, through investigations, fair trials and punishment of the perpetrators¹¹⁵».

2.2.1.5. Juvenile justice and promoting child rights.

Although recognizing the considerable progress in legislative developments adopted

¹¹⁵ *Ibid.*, par. 25.

by the Russian Federation in the field of children's rights, the UN Committee on the Rights of the Child in its 2005 report¹¹⁶ expressed its concern over the level of protection of children's rights throughout the nation, especially in regard to the situation of minors affected by conflict in Northern Caucasus and the administration of juvenile justice.

Among the progresses achieved by the Russian Federation, the Committee positively valued a series of legislative measures adopted in early 2000s, such as the adoption in December 2001 of a new Labour Code ensuring a greater protection of minors from harmful working conditions¹¹⁷; the amendments to the Criminal Procedure Code approved in July 2002 ensuring a more human approach in trials of minors¹¹⁸; the adoption of Federal Law No. 162 amending the Criminal Code in the attempt to eradicate child pornography¹¹⁹; the ratification in December 2003 of ILO Convention No. 182 on the "Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour¹²⁰".

Despite these important steps forward, however, at the time of the publication of the Committee's report several aspects of the protection of children's rights were still matter of concern for the international community, especially the effectiveness of the above mentioned and other recently adopted measures. For instance, while acknowledging that the Government was undertaking a general improvement in the coordination of the programmes of protection of children's rights, primarily thanks to the establishment of a Governmental Interdepartmental Commission on coordination of implementation of the Convention on the Rights of the Child, the Committee was surprised by the abolition of this body in 2004. Indeed, the adoption of Federal Law No. 122¹²¹ was intended to substitute the activity of the Commission, but according to the Committee the problem was that it was not accompanied by the reintroduction of

¹¹⁶ "Consideration of Reports submitted by States Parties under Article 44 of the Convention. Concluding Observations: Russian Federation" CRC/C/RUS/CO/3. United Nations Committee on the Rights of the Child 23 Nov. 2005. 22 Apr. 2013 <[http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0c13abf7078d9bc1c12570ee0058fef8/\\$FILE/G0545104.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0c13abf7078d9bc1c12570ee0058fef8/$FILE/G0545104.pdf)>.

¹¹⁷ *Ibid.*, par. 3a.

¹¹⁸ *Ibid.*, par. 3b.

¹¹⁹ *Ibid.*, par. 3e.

¹²⁰ *Ibid.*, par. 5.

¹²¹ "Federal Law No. 122-FZ" of 22 Aug. 2004. 22 Apr. 2013 <<http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=132979>>.

fundamental coordination instruments¹²². Moreover, in order to guarantee collaboration among central and local authorities, the Committee recommended the establishment of a Federal Office of the Ombudsman for Children's Rights as well as the institution of regional Offices of Ombudsmen for Children's Rights in every Regions of the Russian Federation, in order that this system of cooperation could function effectively¹²³. This kind of system was required *a fortiori*, in the Committee's opinion, as the Russian Federation since 2000 had not adopted a national plan of action on the protection of children's rights yet, although it adopted – at least formally – an overall strategy, that is “Basic directions for improving the situation of children in the Russian Federation¹²⁴”. Therefore, the Committee «recommends that the State party ensure that the new national strategy and the related action plans cover all areas of the Convention and take into account the outcome of the 2002 General Assembly special session on children, “A world fit for children”. The Committee also recommends that the State party ensure comprehensive and effective coordination of the implementation of the national strategy and the related plans of action at the federal and regional levels, *inter alia* with a view to preventing unjustifiable disparities¹²⁵».

Furthermore, in the field of civil rights and freedoms, the Committee on the Rights of the Child expressed its concern about the still diffused practice of perpetrating acts of torture and cruel treatment against minors in police custody or during the pre-trial legal proceedings. Thus, the Committee urged the State authorities to take immediate action to prevent these acts, particularly through instructing the police in this sense; through investigating, prosecuting and punishing those who perpetrate acts of torture or inhuman or degrading treatment or punishment against minors; and through establishing effective programmes of recovery and social reintegration for the victims¹²⁶. In the Committee's report, the administration of juvenile justice was highlighted as matter of concern, too. Particularly, the Committee expressed its preoccupation as regards «the inadequate research, studies and evaluation

¹²² “Consideration of Reports submitted by States Parties under Article 44 of the Convention. Concluding Observations: Russian Federation” CRC/C/RUS/CO/3, par. 9-12. United Nations Committee on the Rights of the Child 23 Nov. 2005. 22 Apr. 2013 <[http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0c13abf7078d9bc1c12570ee0058fef8/\\$FILE/G0545104.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0c13abf7078d9bc1c12570ee0058fef8/$FILE/G0545104.pdf)>.

¹²³ *Ibid.*, par. 14.

¹²⁴ *Ibid.*, par. 15.

¹²⁵ *Ibid.*, par. 16.

¹²⁶ *Ibid.*, par. 33.

mechanisms on prevention activities or on the adequacy of existing measures¹²⁷»; «the stigmatization of children in conflict with law¹²⁸»; «the lack of alternative measures of detention and forms of reintegration for children in conflict with the law¹²⁹»; «the lack of appropriate places for persons under 18 who have been deprived of their liberty, who are often detained together with adults¹³⁰»; and «the poor material conditions of detention of persons under 18 deprived of their liberty¹³¹». The 2009 report¹³² of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, also highlighted the persistence of this problem. «The Russian Federation has not yet established a juvenile justice system» claimed the Special Rapporteur. «In 2005, the Duma adopted in its first reading a bill on a juvenile justice system, including the establishment of specialized juvenile courts. However, the second reading of the bill has not yet taken place. Pilot projects for elements of a juvenile justice system have been conducted in a number of regions. Based on the positive assessment of these projects, a Presidential decree was issued on psychological support. Currently, over 30 juvenile courts are operational in more than 18 entities. However, the absence of a legal and institutional framework at the federal level significantly hampers progress made in the regions¹³³».

Finally, the Committee's attention focused on the alarming insufficiency of special protection measures, concerning refugee and internally displaced children, as well as children affected by conflict. In the case of refugee and internally displaced children, the Committee underlined a deep disproportion between the Moscow region, where refugee children and asylum seekers are provided with access to education, and all the other regions of the Federation, where they are not.

Moreover, the Committee noted with concern that minors without a family and separated minors have not access to the national refugee status as they lack a guardian. Therefore, the Committee called for the establishment of clear procedures ensuring

¹²⁷ *Ibid.*, par. 85a.

¹²⁸ *Ibid.*, par. 85b.

¹²⁹ *Ibid.*, par. 85c.

¹³⁰ *Ibid.*, par. 85d.

¹³¹ *Ibid.*, par. 85e.

¹³² "Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development. Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy. Addendum. Mission to the Russian Federation" A/HRC/11/41/Add.2. United Nations Human Rights Council 23 Mar. 2009. 22 Apr. 2013 <http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.41.Add.2_en.pdf>.

¹³³ *Ibid.*, par. 92.

refugee status determination and assistance, through providing legal guardians, to unaccompanied and separated minors¹³⁴. In the case of children affected by conflict, the Committee strongly condemned the fact that children living in Northern Caucasus and Chechnya very deeply suffered the consequences of the recent conflict in that region. The Committee was particularly concerned about the severe violation of their rights to education and health, and called for the Russian authorities' immediate action to adopt effective measures to the benefit of the children living in this region, with particular regard to Article 38, paragraph 1, of the Convention on the Rights of the Child¹³⁵. The Committee also urged the Government to adopt effective measures to prevent children living in Northern Caucasus from being victims of security forces' abuses, to clear the region from mines and to ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction¹³⁶.

For all these reasons, the OHCHR Framework for Cooperation with the Russian Federation included a section on the Rule of Law dedicated to juvenile justice and promotion of child rights. The aim of the OHCHR initiatives in this field was primarily to offer support to the State authorities' efforts to improve the administration of juvenile justice, to facilitate juvenile offenders' social reintegration and psychological help, and to comply painstakingly with the recommendations of the Committee on the Rights of the Child. The main beneficiaries of such initiatives, therefore, would be first and foremost the children involved in these programmes, but also the practitioners and stakeholders dealing with the protection of children's rights, the administration of juvenile justice and the support to conflict-affected children¹³⁷.

¹³⁴ "Consideration of Reports submitted by States Parties under Article 44 of the Convention. Concluding Observations: Russian Federation" CRC/C/RUS/CO/3, par. 66-67. United Nations Committee on the Rights of the Child 23 Nov. 2005. 22 Apr. 2013 <[http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0c13abf7078d9bc1c12570ee0058fef8/\\$FILE/G0545104.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0c13abf7078d9bc1c12570ee0058fef8/$FILE/G0545104.pdf)>.

¹³⁵ "Convention on the Rights of the Child", New York, 20 Nov. 1989. United Nations Treaties. 22 Apr. 2013 <http://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=iv-11&chapter=4&lang=en>.

¹³⁶ "Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction", Oslo, 18 Sep. 1997. United Nations Treaties. 22 Apr. 2013 <<http://untreaty.un.org/cod/avl/ha/cpusptam/cpusptam.html>>.

¹³⁷ "Framework for Cooperation with the Russian Federation for 2007 and beyond", p.1. OHCHR Publications 9 Apr. 2013 <http://www.unrussia.ru/sites/default/files/doc/ohchr_Cooperation_Framework.pdf>.



Figure 7. Chechen child.

2.2.2. Promotion of equality and tolerance.

After the section dedicated to the Rule of Law, the second broad area of improvement presented in the Framework for Cooperation is the promotion of equality and tolerance. This section, which analyses several problematic aspects of the Russian society – as well as of many other contemporary societies – focuses on the main issues of the fight against racism, the protection of indigenous peoples' rights, the

promotion of the rights of persons with disabilities, and the human rights aspects of HIV/AIDS¹³⁸.

2.2.2.1. Countering racism and xenophobia.

The European Commission against Racism and Intolerance (ECRI) established by the Council of Europe conducted three rounds of reports on the Russian Federation, the first one dating at 1998, the second one at 2002, and the third one at 2005¹³⁹. In particular, the third round report, focusing on follow-up and implementation, though acknowledging the adoption of important measures, denounced an alarming situation as regards racial and xenophobic attitudes in the Russian Federation. In fact, ECRI recognized the efforts made by the Russian Government to reinforce the measures adopted in the field of criminal law in countering racial discrimination, to introduce new provisions in the Labour Code to prohibit discrimination in employment, as well as to promote tolerance and inter-ethnic dialogue at local level¹⁴⁰. However, several ECRI's recommendations contained in the second report have been neglected, and the overall level of discrimination and intolerance in the Federation has increasingly grown. «There has been a rise in racial violence, an increase in cases of racist expression, as well as the increasing use of racist and xenophobic discourse in politics. Visible minorities including Chechens, other Caucasians, Roma, Meskhetian Turks in Krasnodar, citizens from CIS countries, Africans, Asians and other non-citizens, as well as members of small religious groups including Jews, are the main targets of racially motivated attacks, and of racist inflammatory discourse. Police and Cossacks often adopt discriminatory and unlawful conduct in virtual impunity. Racial discrimination in the residence registration system remains serious. This system effectively has a negative impact on the basic rights of visible minorities throughout the country¹⁴¹». Therefore, according to ECRI, there should be greater urgency both at local and federal level in facing this multifaceted problem.

In acknowledging the adoption of international legal instruments, in particular, ECRI

¹³⁸ "Framework for Cooperation with the Russian Federation for 2007 and beyond", p.2. OHCHR Publications 9 Apr. 2013 <http://www.unrussia.ru/sites/default/files/doc/ohchr_Cooperation_Framework.pdf>.

¹³⁹ "ECRI Third Report on the Russian Federation" CRI(2006)21. European Commission against Racism and Intolerance 16 Dec. 2005. 26 Apr. 2013 <http://hudoc.ecri.coe.int/XML/ECRI/ENGLISH/Cycle_03/03_CbC_eng/RUS-CbC-III-2006-21-ENG.pdf>.

¹⁴⁰ *Ibid.*, Executive Summary.

¹⁴¹ *Ibid.*, Executive Summary.

welcomes the ratification of Protocol No. 12 to the European Convention on Human Rights¹⁴², condemning and prohibiting discrimination. Nonetheless, ECRI recommended that the Russian Federation ratify, as swiftly as possible, the European Charter for Regional and Minority Languages, the European Social Charter, the European Convention on Nationality, the European Convention on Legal Status of Migrant Workers, and the Convention on the Participation of Foreigners in Public Life at Local Level¹⁴³.

In the case of criminal law provisions within the domestic jurisdiction, then, ECRI reported a general inadequacy, too. Between 2002 and 2005, for instance, «the average number of cases where a provision aimed at combating racially motivated violence or hate speech has been applied is less than 50 a year» claimed ECRI. «The number of cases resulting in a conviction is even lower as some proceedings result in acquittals or are discontinued. NGOs and officials working in this field have all concurred to say that such numbers are far from reflecting the current situation as regards racial violence and the dissemination of hate speech in the Russian Federation¹⁴⁴». Among the possible measures to be adopted, ECRI particularly emphasised the review of criminal law provisions through which fighting against racially motivated hate speech in the media, relying, for instance, on the provisions contained in ECRI's General Policy Recommendation No. 7 "on National Legislation to combat Racism and Racial Discrimination"¹⁴⁵. «In particular, the criminal law should provide for effective, proportionate and dissuasive sanctions for all racist offences. It should also provide for ancillary or alternative sanctions such as: participation in training courses, refusal or cessation of public benefit or aid or publication of all or part of a sentence¹⁴⁶».

Finally, as concerns the situation of specific vulnerable groups living in the Russian Federation, ECRI dedicated an in-depth examination to each of them. As regards to Chechens and other Caucasians, ECRI urged that the Russian authorities take immediate action to investigate over the severe human rights violations that occurred

¹⁴² The Protocol No. 12 to the European Convention on Human Rights entered into force on 1 Apr. 2005.

¹⁴³ "ECRI Third Report on the Russian Federation" CRI(2006)21, par. 4. European Commission against Racism and Intolerance 16 Dec. 2005. 26 Apr. 2013 <http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/RUS-CbC-III-2006-21-ENG.pdf>.

¹⁴⁴ *Ibid.*, par. 16.

¹⁴⁵ "ECRI General Policy Recommendation No. 7 on National Legislation to Combat Racism and Racial Discrimination" CRI(2003)8. European Commission against Racism and Intolerance 13 Dec. 2002. 26 Apr. 2013 <http://www.coe.int/t/dghl/monitoring/ecri/activities/gpr/en/recommendation_n7/ecri03-8%20recommendation%20nr%207.pdf>.

¹⁴⁶ *Ibid.*, par. 15.

in the Region during the military operations, to improve the living conditions in the region, and to comply with the recommendations of the Commissioner for Human Rights and the Parliamentary Assembly of the Council of Europe¹⁴⁷. In the case of Muslims, ECRI called for a careful examination of the phenomenon of islamophobia in the Russian Federation, with particular regard to the widespread tendency of identifying all Muslims with religious extremists and the frequent episodes of violence and harassment perpetrated by the authorities and members of the majority population against Muslim groups¹⁴⁸. Likewise, Roma have increasingly become the target of acts of discrimination and violence as well, as demonstrated by the 2002 police operation conducted throughout the nation to combat drug-trafficking, consisting of «random police raids against several Roma encampments in order to find drugs and drug-dealers, without concrete reasons for believing that there were drugs in the encampments searched¹⁴⁹». Although the Ministry of Interior admitted that this discriminatory operation was deplorable, since then the police have periodically organised at local level other similar raids against Roma people, for instance in Saint Petersburg in 2004¹⁵⁰. Furthermore, also the discriminatory treatment of Meskhetian Turks by the authorities of Krasnodar district have not decreased since the publication of ECRI second report in 2002, when ECRI expressed its concerns about the difficulties frequently encountered by Meskhetian Turks in the registration of residence, the enjoyment of civil rights and their right to citizenship¹⁵¹. Finally, the last two categories numbered by ECRI among the vulnerable groups in the Russian territory are the Jewish community and small religious group. Since antisemitic offences have increased in the Russian Federation in recent years, as stated in ECRI's report, ECRI urged that the Russian Government monitor «all instances of antisemitism very closely and strengthen their efforts to punish the perpetrators of antisemitic offences. In this connection, ECRI draws the attention of the Russian authorities to its General Policy

¹⁴⁷ *Ibid.*, par. 80-83.

¹⁴⁸ *Ibid.*, par. 89-90.

¹⁴⁹ *Ibid.*, par. 94.

¹⁵⁰ V. KOVALEV, "Police Checking Roma to Protect Tourists". The St. Petersburg Times 25 May 2004. 26 Apr. 2013 <http://www.sptimes.ru/index.php?action_id=2&story_id=588>.

¹⁵¹ "ECRI Third Report on the Russian Federation" CRI(2006)21, par. 108-113. European Commission against Racism and Intolerance 16 Dec. 2005. 26 Apr. 2013 <http://hudoc.ecri.coe.int/XML/ECri/ENGLISH/Cycle_03/03_CbC_eng/RUS-CbC-III-2006-21-ENG.pdf>.

Recommendation No. 9 on the fight against antisemitism¹⁵², which provides detailed guidance on the measures which should be taken to prevent and sanction antisemitic acts¹⁵³». The situation has increasingly worsen for small religious groups as well, so that ECRI recommended that the Russian authorities adopt the necessary measures to implement the effectiveness throughout the country of the 1997 Federal Law on the freedom of conscience¹⁵⁴.

Just like ECRI's evaluation focused on the alarming trends of racism and discrimination which have recently increased in the Russian Federation, the 2007 report of the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance, Doudou Diène, analysed the complex pattern of the fight against racism in the Russian Federation, too¹⁵⁵. In particular, the Special Rapporteur in his report investigated the political, economic and social factors which could have influenced the origin and the massive growth of racism and discrimination in the Russian Federation. His research ended in this effective formulation:

The alarming rise of racist and xenophobic violence is linked to two fundamental trends in the Russian society. On the one hand, the ideological ground of the rise of this violence is rooted in the ethnic interpretation, by neo-Nazi and extremist groups and some political parties, of the political nationalism promoted by the Russian authorities to fill the ideological void of socialism and internationalism left by the collapse of the Soviet Union. On the other hand, the deep social and economic crisis of the Russian society has nourished the political instrumentalization of the ideology of nationalism and promoted a culture of xenophobia and racism in the growing marginalized groups of the society. In this context, the dominant security approach to immigration and the growing association between ethnic and religious

¹⁵² "ECRI General Policy Recommendation No. 9 on the Fight against Antisemitism" CRI(2004)37. European Commission against Racism and Intolerance 25 June 2004. 26 Apr. 2013 <http://www.coe.int/t/dghl/monitoring/ecri/activities/gpr/en/recommendation_n9/Rec.09%20en.pdf>.

¹⁵³ "ECRI Third Report on the Russian Federation" CRI(2006)21, par. 117. European Commission against Racism and Intolerance 16 Dec. 2005. 26 Apr. 2013 <http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/RUS-CbC-III-2006-21-ENG.pdf>.

¹⁵⁴ *Ibid.*, par. 106.

¹⁵⁵ "Implementation of General Assembly Resolution 60/251 of 15 March 2006 Entitled "Human Rights Council". Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène. Addendum. Mission to the Russian Federation". A/HRC/4/19/Add.3. United Nations Human Rights Council 30 May 2007. 26 Apr. 2013 <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/127/01/PDF/G0712701.pdf?OpenElement>>.

minorities and criminality, justified by “the combat against terrorism”, are giving legitimacy to the rhetoric and violence of racism and xenophobia¹⁵⁶.

In accordance with the analysis offered by both ECRI and the UN Special Rapporteur, OHCHR, among the initiatives of the Framework for Cooperation, promoted the launch of coordinated programmes aimed at countering racism and xenophobia in the Russian Federation. The three main objective highlighted in the Framework were the following ones: first, monitoring and combating the most alarming racial and xenophobic trends identified by the United Nations agencies in collaboration with the Plenipotentiary Commissioner for Human Rights in the Russian Federation; second, encouraging intercultural and inter-ethnic dialogue through the promotion of educational activities and awareness-raising events, with the collaboration of civil society organisations; third, ensuring the protection of the rights of victims of acts of racial discrimination, especially through increasing the procedures of investigation and prosecution of such acts¹⁵⁷.

2.2.2.2. Protection of the rights of indigenous people.

In his 2007 report¹⁵⁸, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen, highlighted that the Russian Federation was at that time elaborating a federal programme to enhance the protection of the fundamental rights of Russia’s indigenous communities. In fact, under the supervision of the Ministry of Regional Development of the Russian Federation, the Russian authorities were working on a comprehensive programme aimed at the general improvement of the social and economic situation of the small indigenous peoples living in the North of the country, including the drafts of Federal Regulations

¹⁵⁶ *Ibid.*, Summary.

¹⁵⁷ “Framework for Cooperation with the Russian Federation for 2007 and beyond”, p. 2. [OHCHR Publications](http://www.unrussia.ru/sites/default/files/doc/ohchr_Cooperation_Framework.pdf) 9 Apr. 2013 <http://www.unrussia.ru/sites/default/files/doc/ohchr_Cooperation_Framework.pdf>.

¹⁵⁸ “Implementation of General Assembly Resolution 60/251 of 15 March 2006 Entitled “Human Rights Council”. Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen. Addendum. Summary of cases transmitted to Governments and replies received” A/HRC/4/32/Add.1. [United Nations Human Rights Council](http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/119/39/PDF/G0711939.pdf?OpenElement) 19 Mar. 2007. 26 Apr. 2013 <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/119/39/PDF/G0711939.pdf?OpenElement>>.

on Regions of Traditional Resource Use and of a Federal Programme on the ethnic and cultural development of the regions, which would have been completed by 2011¹⁵⁹.

Meanwhile, in summer 2006 the Russian network of indigenous people “L’auravetl’an¹⁶⁰” was granted the associated status for non-governmental organisations with the Department of Public Information (DPI) of the United Nations Secretariat¹⁶¹. This represented an unprecedented opportunity and an important progress for Russia’s indigenous communities to get in closer touch with the international community and express the need for greater protection of their fundamental rights. As the organisation’s Director, Gulvaira Shermatova, claimed, «currently, the major political regulations affecting the situation of indigenous peoples both in Russia and in the world are elaborated with limited participation of traditional leaders of indigenous communities and often without any dialogue at all. Hence our aspiration to establish mechanisms for direct communication at all levels, and cooperation with DPI is a unique opportunity to secure a stable two-way communication between traditional indigenous communities and the UN agencies¹⁶²».

In the same period, also OHCHR invested new energies in promoting human rights protection of indigenous peoples all over the world, particularly through the development of the Indigenous Fellowship Programme¹⁶³, an information network aimed at improving the awareness and knowledge of indigenous peoples about their rights. In particular, the Russian-speaking component of the Programme was launched in 2005 as a pilot project. In the Framework for Cooperation with the Russian Federation, thus, particular relevance has been dedicated to this initiative, which still required some improvements, such as the establishment of a partnership with a Russian academic institution which would offer its support and active participation in

¹⁵⁹ *Ibid.*, par. 452.

¹⁶⁰ “L’auravetl’an” is a civil society organisation of indigenous people of the Russian Federation in Special Consultative Status with the Economic and Social Council of the United Nations and associated with the Department of Public Information of the United Nations. 26 Apr. 2013 <<http://www.indigenous.ru/>>.

¹⁶¹ United Nations Office in the Russian Federation, “Speaking on Behalf of Indigenous Peoples”. UN in Russia No.1(50), Jan. – Feb. 2007: p. 17. 26 Apr. 2013 <http://www.unrussia.ru/sites/default/files/docs/eng/OON50_eng_01-02-2007.pdf>.

¹⁶² *Ibid.*, p. 17.

¹⁶³ “Indigenous Fellowship Programme”. OHCHR Publications, 26 Apr. 2013 <<http://www.ohchr.org/EN/Issues/IPeoples/Pages/IFP.aspx>>.

the Programme¹⁶⁴.

2.2.2.3. Protection of the rights of persons with disabilities.

In the already mentioned 2005 report of the UN Committee on the Rights of the Child, an entire section is dedicated to the rights of children with disabilities¹⁶⁵, which still represented a matter of concern to the Committee. In particular, the Committee recommended that the Russian authorities take immediate action «to address the issue of discrimination against children with disabilities¹⁶⁶»; «to ensure that children with disabilities have equal access to services, taking into consideration the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly Resolution 48/96)¹⁶⁷»; «to review the placement of children with disabilities in boarding schools with a view to limiting such placements only to those cases where they are in the best interests of the child¹⁶⁸»; and «to provide equal educational opportunities for children with disabilities, including by abolishing the practice of “corrective” and “auxiliary schools”, by providing the necessary support and by ensuring that teachers are trained to educate children with disabilities in regular schools¹⁶⁹».

Severe violations of the rights of persons with disabilities, however, were registered not only in the field of children’s rights, since they represented a major challenge and a widespread problem affecting the Russian society. For this reason, OHCHR envisaged as a priority issue of the Framework for Cooperation a process of guidance and technical advice¹⁷⁰ which would lead the Russian Federation to ratify the Convention

¹⁶⁴ “Framework for Cooperation with the Russian Federation for 2007 and beyond”, p. 2. [OHCHR Publications](http://www.unrussia.ru/sites/default/files/doc/ohchr_Cooperation_Framework.pdf) 9 Apr. 2013 <http://www.unrussia.ru/sites/default/files/doc/ohchr_Cooperation_Framework.pdf>.

¹⁶⁵ “Consideration of Reports submitted by States Parties under Article 44 of the Convention. Concluding Observations: Russian Federation” CRC/C/RUS/CO/3, section 5. [United Nations Committee on the Rights of the Child](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0c13abf7078d9bc1c12570ee0058fef8/$FILE/G0545104.pdf) 23 Nov. 2005. 22 Apr. 2013 <[http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0c13abf7078d9bc1c12570ee0058fef8/\\$FILE/G0545104.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0c13abf7078d9bc1c12570ee0058fef8/$FILE/G0545104.pdf)>.

¹⁶⁶ *Ibid.*, par. 50a.

¹⁶⁷ *Ibid.*, par. 50b.

¹⁶⁸ *Ibid.*, par. 50c.

¹⁶⁹ *Ibid.*, par. 50d.

¹⁷⁰ “Framework for Cooperation with the Russian Federation for 2007 and beyond”, p. 2. [OHCHR Publications](http://www.unrussia.ru/sites/default/files/doc/ohchr_Cooperation_Framework.pdf) 9 Apr. 2013 <http://www.unrussia.ru/sites/default/files/doc/ohchr_Cooperation_Framework.pdf>.

on the Rights of Persons with Disabilities and its Optional Protocol¹⁷¹.

2.2.2.4. Human rights aspects of HIV/AIDS.

The HIV epidemic is still a matter of urgency for the Russian Federation, and to face this problem in the last decade the Russian authorities have signed several cooperation programmes with national and international partners, including the World Health Organization (WTO) and the Joint United Nations Programme on HIV/AIDS (UNAIDS). The latter, in particular, supported the Ministry of Health and Social Development of the Russian Federation in the publication of the “Country Progress Report of the Russian Federation on the Implementation of the Declaration of Commitment on HIV/AIDS¹⁷²”, an important source of information and monitoring of the HIV epidemic in the country. According to the report, which refers to the period included between January 2006 and December 2007, the Russian Federation has increasingly implemented its duties in accordance with the “Declaration of Commitment on HIV/AIDS¹⁷³”, adopted in June 2001 at the 26th United Nations General Assembly Special Session¹⁷⁴. In those years, in fact, the commitment of the Russian Federation increased both in medical and scientific provisions dedicated to HIV prevention, treatment and support – i.e., a new National Health Project was launched, and the existing Project for the Prevention of HIV and Diagnosis and Treatment of HIV was enhanced – and in the active involvement of ministries, state agencies, scientific organisations and civil society as well¹⁷⁵. Among the most relevant initiatives undertaken by the country in that period, two projects elaborated by the Global Fund to Fight AIDS, Tuberculosis and Malaria must be mentioned: the GLOBUS project¹⁷⁶, promoting global efforts to fight HIV in the Russian Federation through the participation of a consortium of five international NGOs (the Open Health Institute,

¹⁷¹ “Convention on the Rights of Persons with Disabilities”, New York, 13 Dec. 2006. United Nations Treaties. 26 Apr. 2013 <http://treaties.un.org/doc/source/RecentTexts/IV_15_english.pdf>.

¹⁷² “Country Progress Report of the Russian Federation on the Implementation of the Declaration of Commitment on HIV/AIDS, Adopted at the 26th United Nations General Assembly Special Session, June 2001”. UNAIDS Publications, Moscow, 2008. 26 Apr. 2013 <http://data.unaids.org/pub/Report/2008/russia_2008_country_progress_report_en.pdf>.

¹⁷³ “Country Progress Report of the Russian Federation on the Implementation of the Declaration of Commitment on HIV/AIDS, Adopted at the 26th United Nations General Assembly Special Session June 2001”. UNAIDS, Moscow, 2008. 26 Apr. 2013 <http://data.unaids.org/pub/Report/2008/russia_2008_country_progress_report_en.pdf>.

¹⁷⁴ *Ibid.*, p. 6.

¹⁷⁵ *Ibid.*, p. 6.

¹⁷⁶ Globus Project Newsletter No. 1(3) 2006. 26 Apr. 2013 <<http://www.ohi.ru/files/eng3.pdf>>.

FOCUS MEDIA Foundation, AIDS Infoshare, AIDS Foundation East-West, and Population Services International)¹⁷⁷; and the project “For Universal Access to Preventive Measures and Treatment of HIV through the Development of HIV services for Injecting Drug Users in the Russian Federation”¹⁷⁸.

Following the proliferation of initiatives in the field, OHCHR integrated the Framework for Cooperation with the Russian Federation with projects aimed at supporting the national and international activities in the country. Particular attention was dedicated to the enhancement of human rights aspects related to HIV/AIDS, through promoting tolerance and universal access to HIV prevention and treatment, through addressing stigma and discrimination, and through supporting initiatives based on equality and non-discrimination¹⁷⁹.

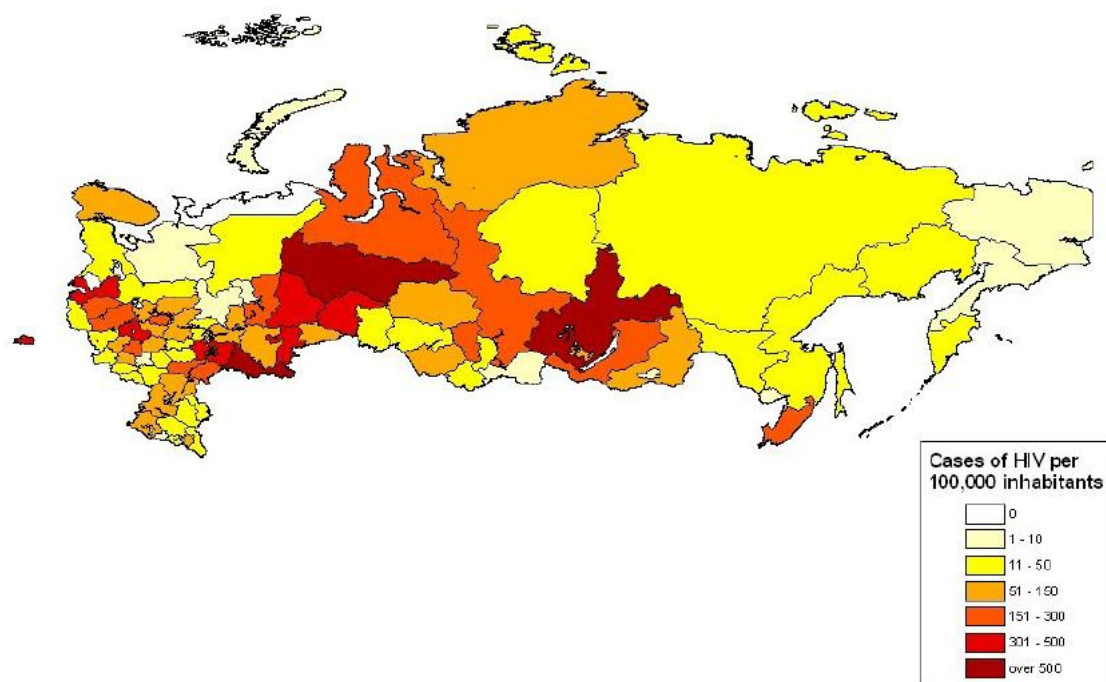


Figure 8. Prevalence of HIV in the Russian Federation as of December 2003 (WHO, 2005).

¹⁷⁷ *Ibid.*, p. 3.

¹⁷⁸ “Country Progress Report of the Russian Federation on the Implementation of the Declaration of Commitment on HIV/AIDS, Adopted at the 26th United Nations General Assembly Special Session June 2001”, p. 7. [UNAIDS](http://data.unaids.org/pub/Report/2008/russia_2008_country_progress_report_en.pdf), Moscow, 2008. 26 Apr. 2013 <http://data.unaids.org/pub/Report/2008/russia_2008_country_progress_report_en.pdf>.

¹⁷⁹ “Framework for Cooperation with the Russian Federation for 2007 and beyond”, p. 2. [OHCHR Publications](http://www.unrussia.ru/sites/default/files/doc/ohchr_Cooperation_Framework.pdf) 9 Apr. 2013 <http://www.unrussia.ru/sites/default/files/doc/ohchr_Cooperation_Framework.pdf>.

2.2.3. Education and information about human rights.

One of the main purposes of OHCHR activities has always been human rights implementation, both in States recovering from conflicts and in those lacking resources, expertise or technical assistance to fulfil human rights obligations¹⁸⁰. Therefore, OHCHR constantly dedicates resources and initiatives to implement and support national human rights programmes, for instance through engaging with countries, collaborating with Governments and NGOs, assisting in the process of translating international human rights standards into national laws, providing judiciaries and law enforcement officials with human rights training, and developing targeted projects in human rights education¹⁸¹.

For this reason, the OHCHR projects in the Russian Federation, envisaged in the Framework for Cooperation, comprise also the launch of a programme of education for human rights professionals and the effort towards a widespread dissemination of information about human rights international mechanisms and procedures throughout the Russian territory¹⁸².

2.2.3.1. Education of human rights professionals.

In order to enhance civil society's participation in human rights mechanisms and diffusion of knowledge, OHCHR has developed both Fellowship Programmes and Training Workshops.

The Fellowship Programmes are conceived to provide selected individuals with learning opportunities in the field of human rights. OHCHR offers four Fellowship programmes: the Indigenous Fellowship Programme, dedicated to members of indigenous communities (see Paragraph 2.2.2.2. of the present work); the Minorities Fellowship Programme, offering human rights training to members of national, ethnic, religious or linguistic minorities; the Human Rights LDC Fellowship Programme, dedicated to graduate students from the least developed countries (LDC); and the Fellowship for National Human Rights Institutions (NHRIs) Staff, providing staff

¹⁸⁰ "Working with the United Nations Human Rights Programme. A Handbook for Civil Society", p. 7. OHCHR Publications, New York and Geneva, 2008. 29 Apr. 2013 <http://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf>.

¹⁸¹ *Ibid.*, p. 8.

¹⁸² "Framework for Cooperation with the Russian Federation for 2007 and beyond", pp. 2.-3 OHCHR Publications 9 Apr. 2013 <http://www.unrussia.ru/sites/default/files/doc/ohchr_Cooperation_Framework.pdf>.

members from NHRIs with a targeted training programme¹⁸³.

Similarly, the Training Workshops consist of specific educational activities on human rights mechanisms and institutions, organised in every region of the world by OHCHR in collaboration with NHRIs, NGOs and local media, to the benefit of Governments and civil society actors¹⁸⁴.

In addition to these important educational tools, through launching the Framework for Cooperation with the Russian Federation in 2007, OHCHR announced its intention to establish a Human Rights Master's Programme in association with both a leading academic institution of the Federation and one of the foreign academic partners participating in the programme. The aim of this project is to provide the graduates of the programme with high academic education and certified specialisation in the field of human rights, in order that they may make their knowledge and experience available to other academic institutions, State agencies, civil society and international organisations¹⁸⁵. Since then, the European Inter-University Centre for Human Rights and Democratisation (EIUC) has supported this initiative, offering its guidance in the preparatory process. In 2009 a Consortium of three Russian Universities – the Peoples' Friendship University of Russia (PFUR), the Russian State University for the Humanities (RGGU), and the Moscow State Institute of International Relations (MGIMO) – signed a cooperation agreement with EIUC. Finally, in September 2009 the first edition of the Human Rights Master's Programme was launched in Moscow¹⁸⁶.

2.2.3.2. Dissemination of knowledge of international mechanisms and procedures.

The OHCHR publications programme is devoted to the diffusion of human rights awareness throughout the world, in order that a widespread knowledge about fundamental human rights and freedoms of mankind may contribute to increase the

¹⁸³ "Working with the United Nations Human Rights Programme. A Handbook for Civil Society", p. 15. OHCHR Publications, New York and Geneva, 2008. 29 Apr. 2013 <http://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf>.

¹⁸⁴ *Ibid.*, p. 23.

¹⁸⁵ "Framework for Cooperation with the Russian Federation for 2007 and beyond", p. 2. OHCHR Publications 9 Apr. 2013 <http://www.unrussia.ru/sites/default/files/doc/ohchr_Cooperation_Framework.pdf>.

¹⁸⁶ EIUC Joint Programme, Cooperation with Russian Universities. 29 Apr. 2013 <<http://www.eiuc.org/education/joint-programmes/cooperation-with-russian-universities.html>>.

ways of promoting them worldwide¹⁸⁷. The OHCHR most common publications include Fact Sheets, providing general and basic information on human rights; Special Issue Papers, which offer an in-depth analysis of topical themes; OHCHR Training and Education Material, consisting of manuals, handbooks and interactive tools that are specifically addressed, for instance, to educational institutions, judges, the police, government and law enforcement officials, professional groups and social workers; Reference Material, which offers information about human rights instruments and international jurisprudence to human rights researchers and practitioners; and Human Rights Basics, aimed at informing the general public about human rights themes and the United Nations work in the field¹⁸⁸.



Figure 9. UN Secretary General Ban Ki-moon visiting the RIA Novosti international press centre in Moscow.

More specifically, the Framework for Cooperation with the Russian Federation has

¹⁸⁷ “Working with the United Nations Human Rights Programme. A Handbook for Civil Society”, p. 25. OHCHR Publications, New York and Geneva, 2008. 29 Apr. 2013 <http://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf>.

¹⁸⁸ *Ibid.*, p. 25-26.

called for a more widespread availability of international sources of jurisprudence, official documents and relevant information diffused by the United Nations in the Russian language, so that they may be accessible to a broader audience throughout the country. In addition, the organisation of awareness-raising events on human rights and fundamental freedoms, as well as on the OHCHR activity in the Russian Federation, has been highlighted in the Framework for Cooperation as an important tool through which increasing the dissemination of human rights information in the country¹⁸⁹.

2.2.4. Mainstreaming human rights within the United Nations Country Team (UNCT).

The last section of the Framework for Cooperation with the Russian Federation deals with the purpose of implementing the collaboration activity of OHCHR with the United Nations Country Team (UNCT), aimed at integrating human rights promotion into the programmes of the various United Nations Agencies based in the Russian Federation¹⁹⁰. In fact, in order that all the above mentioned projects launched in 2007 by OHCHR through the Framework for Cooperation may be fulfilled, a close and efficient collaboration among all the UN entities acting on the territory is essential.

Whereas the United Nations Information Centre (UNIC) was established in Moscow in 1948, being the first UN entity acting in the Russian Federation, the United Nations presence in the country has increasingly grown over the last two decades, and today it embraces almost twenty UN Agencies and six UN Theme Groups. The UN Agencies directly working in the Russian Federation are the World Health Organisation (WHO), the World Bank (WB), the United Nations Department of Safety and Security (UNDSS), the UN Information Centre (UNIC), the International Monetary Fund (IMF), the International Organisation for Migration (IOM), the International Labour Organisation (ILO), the International Finance Corporation (IFC), the United Nations Human Settlements Programme (UN-HABITAT), the United Nations Development Programme (UNDP), the United Nations High Commissioner for Refugees (UNHCR), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Office on Drugs and Crime (UNODC), the United Nations Environment Programme

¹⁸⁹ "Framework for Cooperation with the Russian Federation for 2007 and beyond", p. 3. OHCHR Publications 9 Apr. 2013 <http://www.unrussia.ru/sites/default/files/doc/ohchr_Cooperation_Framework.pdf>.

¹⁹⁰ *Ibid.*, p. 3.

(UNEP), the United Nations Educational, Scientific and Cultural Organisation (UNESCO), the United Nations Industrial Development Organisation (UNIDO), the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), and the Joint United Nations Programme on HIV/AIDS (UNAIDS)¹⁹¹. Gradually, the UN Agencies in the Russian Federation established special Theme Groups, working on specific issues and integrating the UN Agencies studies and initiatives. These Theme Groups are the Joint UN Team on HIV/AIDS (UNAIDS), the UN Gender Team Group (GTG), the Working Group on Democratic Issues, the Working Group on the Rights of Persons with Disabilities, the Working Group on the Arctic, the International Working Group on Human Trafficking, and the North Caucasus Theme Group (NC TG)¹⁹².

Therefore, considering the articulated structure of the UN presence in the field, OHCHR improved collaboration with the UN entities primarily focused on three objectives: «assisting UN Agencies acting in the Russian Federation in mainstreaming human rights into their programmes»; promoting «the rights based approach within the UNCT, its implementing partners and cooperating governmental agencies, in particular planning units, including training in analysis and programming»; and finally «training programmes for UNCT staff on UN human rights mechanisms and procedures¹⁹³».

In conclusion, through promoting the adoption of the “Framework for Cooperation with the Russian Federation for 2007 and beyond”, OHCHR has assumed a coordinating role among the United Nations entities as well as with the Russian authorities and civil society. An accurate analysis of the situation of human rights protection in the Russian Federation, the establishment of well-defined target points, and the promotion of dialogue and collaboration among all the human rights actors and stakeholders acting in the country have been the fundamental factors

¹⁹¹ The list of the UN Agencies in the Russian Federation is available at the website: <<http://www.unrussia.ru/en/un-agencies>>, consulted on 29 Apr. 2013.

¹⁹² The list of the UN Theme Groups in the Russian Federation is available at the website: <<http://www.unrussia.ru/en/groups>>, consulted on 29 Apr. 2013.

¹⁹³ “Framework for Cooperation with the Russian Federation for 2007 and beyond”, p. 3. OHCHR Publications 9 Apr. 2013 <http://www.unrussia.ru/sites/default/files/doc/ohchr_Cooperation_Framework.pdf>.

characterising the launch of the Framework for Cooperation, whose progresses and deficiencies will be analysed in detail in the following chapter.

3. THE 2011 REPORT OF OHCHR. ACHIEVEMENTS AND PERSISTING CHALLENGES TO HUMAN RIGHTS PROTECTION IN THE RUSSIAN FEDERATION

SUMMARY: 3.1. The 2011 Report of OHCHR on the Russian Federation. – 3.2. Results of the 2011 Report of OHCHR. Achievements and persisting challenges. – 3.2.1. Rule of law concerns. – 3.2.1.1. The challenge of the judiciary's enhancement. – 3.2.1.2. Civil rights. Freedom of expression and freedom of assembly. – 3.2.1.3. Economic, social and cultural rights. – 3.2.1.4. Promoting gender equality and women's empowerment. – 3.2.1.5. Children's rights. Improving juvenile justice and the rights of children affected by armed conflict. – 3.2.2. Working on the issue of equality. – 3.2.2.1. The Moscow component of the OHCHR Indigenous Fellowship Programme. – 3.2.2.2. Countering racial discrimination. – 3.2.2.3. Beyond the barriers. The rights of persons with disabilities. – 3.2.2.4. Implementing the national response to HIV/AIDS epidemic – 3.2.3. The priority of human rights education and information. – 3.2.3.1. Education. The Joint Human Rights Master's Programme and the Moscow Summer School on Human Rights. – 3.2.3.2. Information. Promoting the dissemination of United Nations information in the Russian Federation. – 3.2.4. The OHCHR Moscow role of guidance in articulating human rights dimensions and actors in the Russian Federation.

3.1. The 2011 Report of OHCHR on the Russian Federation.

Since the adoption of the Framework for Cooperation in August 2007, the joint efforts of OHCHR and the Russian authorities have contributed to an overall enhancement in the integration of international human rights standards and mechanisms within the Russian context. In fact, with the Framework for Cooperation, devised through acknowledging the priority of human rights promotion throughout the country, OHCHR and the Russian authorities engaged with a programme of extensive collaboration, coordinating the contributions from the civil society, other United Nations Agencies, non-governmental organisations and international interlocutors. More specifically, by developing a sustainable and progressive programme of long-

term projects, OHCHR, with the assistance of the UNCT based in Moscow, focused primarily on the four main areas of intervention in which the High Commissioner for Human Rights identified the most severe and widespread violations of human rights: the juridical areas of the rule of law, the promotion of equality and tolerance, the education and information about human rights, and human rights mainstreaming within the United Nations.

In February 2011, then, the Framework for Cooperation was made object of a general verification by the High Commissioner for Human Rights, Navanethem Pillay, on her first official mission to the Russian Federation. This in-depth examination resulted in the 2011 Report of OHCHR on the Russian Federation. Through conducting the examination, the High Commissioner for Human Rights observed that despite the numerous and important measures devised by the Russian institutions and stakeholders in accordance with the dispositions of the Framework for Cooperation, several fundamental challenges persist in certain human rights areas. Therefore, ascertaining that the aims inspiring the collaboration between OHCHR and the Russian Federation are still far from being reached, the 2011 Report has marked the renewal of this close cooperation, towards the achievement of new and even more challenging objectives.

3.2. Results of the 2011 Report of OHCHR. Achievements and persisting challenges.

Overall, the results of the 2011 Report turned out to be quite controversial, since some of the initiatives undertaken in accordance with the guide-lines of the Framework for Cooperation reached important and significant goals, whereas others did not succeed or proved insufficient. The main steps forward which have been fulfilled since the signing of the Framework for Cooperation, as well as the persisting deficiencies which still affect the system of human rights protection in the Russian Federation will be extensively discussed in the following paragraphs of the present chapter, through maintaining the partition among the four areas of intervention analysed by the High Commissioner for Human Rights.

As highlighted in the 2011 Report, human rights challenges prevail in the area of the rule of law¹⁹⁴. In fact, notwithstanding the positive results achieved through regular forms of collaboration between State institutions and OHCHR – such as the “Joint Plan of Action” signed by the Supreme Court Judicial Department and OHCHR – rule of law deficits, including the severe violations of civil freedoms and economic, social and cultural rights, are still matter of concern to OHCHR and local human rights groups¹⁹⁵. Relevant achievements, instead, have been reached in promoting equality and tolerance: in fact, although racial discrimination and xenophobia have reached alarming levels throughout the Russian territory, relevant initiatives reached important results, especially in promoting the rights of indigenous people, the rights of persons with disabilities and the human rights aspects related to HIV/AIDS¹⁹⁶. The enhancement of human rights education and information, which has always been one of OHCHR’s main priorities, is then one of the most successful developments that have been achieved in recent years, with the establishment of a joint Human Rights Master’s Programme in 2009 and, more in general, with an overall increase in the dissemination of information, United Nations campaigns and awareness raisings events related to the various aspects of human rights protection and promotion. Finally, also the role of OHCHR Moscow in providing *ad-hoc* guidance and articulating human rights dimensions and actors turned out to be of extreme importance in supporting and coordinating all the United Nations activities pertaining the promotion of human rights in the Russian Federation.

3.2.1. Rule of law concerns.

As at the time of the signature of the Framework for Cooperation in 2007, great concerns over the state of Russia’s rule of law system pervade the High Commissioner’s comments contained in the 2011 Reports. In particular, despite the establishment of a human rights network of judges, the institution of training activities to enhance the administrative justice and the adoption of the other several measures devised in the Framework for Cooperation, the United Nations, local stakeholders and

¹⁹⁴ “OHCHR in the field: Europe and Central Asia. OHCHR Report of 2011”, p. 345. [OHCHR Publications 2011. 9 Apr. 2013 <http://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report2011_web/allegati/24_Europe.pdf>](http://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report2011_web/allegati/24_Europe.pdf).

¹⁹⁵ *Ibid.*, p. 345.

¹⁹⁶ *Ibid.*, p. 346.

the whole international community continue to express preoccupation with the lack of independence and impartiality of the Russian judiciary. Moreover, in recent years human rights violations in the fields of civil, economic, social and cultural freedoms have reached alarming levels, and the freedom of assembly and expression is threatened by the adoption of increasingly limiting local and federal law provisions.

The overall situation of women's and children's rights protection, instead, appears to have improved since the launch of the Framework for Cooperation, especially in consideration of the multiplication of the initiatives aiming to raise the Russian citizens' awareness about these human rights issues. Nonetheless, the reports of several international human rights actors – such as the Committee on the Elimination of Discrimination against Women – highlight that several challenging cores still persist, especially in the areas of Chechnya and Northern Caucasus.

3.2.1.1. The challenge of the judiciary's enhancement.

In his already mentioned 2009 Report¹⁹⁷, the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, highlighted the main matters of concern in regard to the critical state of the Russian judiciary, especially as regards human rights protection. In particular, the Special Rapporteur claimed that the practical implementation of equal access to the courts, the transparency in the process of selecting the judges, and the effectiveness of disciplinary measures were still far from being reached at the time of his official visit to the Russian Federation. In addition, «political and other interference has regrettably damaged the image of the justice system in the eyes of the population¹⁹⁸». The Special Rapporteur praised the recent setting-up of special working groups on judicial reforms, as well as the Government reform programme of the judiciary projected for the years 2007-2011, which focuses on an increase in transparency, accountability and accessibility of the courts; however, he also underlined that «more than a solid legal framework is needed to eventually achieve a judicial system with independent courts and guaranteeing

¹⁹⁷ "Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development. Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy. Addendum. Mission to the Russian Federation" A/HRC/11/41/Add.2. United Nations Human Rights Council 23 Mar. 2009. 22 Apr. 2013 <http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.41.Add.2_en.pdf>.

¹⁹⁸ *Ibid.*, Summary.

adversarial proceedings. It also requires a change in attitude¹⁹⁹».



Figure 10. The Supreme Court of the Russian Federation.

This change was one of the purpose inspiring the OHCHR activities launched through the Framework for Cooperation. The OHCHR intervention in the juridical field of the Russian Federation, in fact, especially aimed at providing judges, lawyers and law enforcement officials with further instruments in order that they could promote a human rights based approach to justice in their own country. Among these instruments, a special emphasis was dedicated to training activities, seminars and workshops, including the 2009 international expert seminar on the role of administrative justice for the protection of human rights, organised by OHCHR, the Russian Academy of Justice and the Supreme Court of the Russian Federation, with the participation of Russian, European, South African and Colombian legal experts and

¹⁹⁹ *Ibid.*, Summary.

specialists²⁰⁰. A similar initiative, promoted by OHCHR Moscow with the Russian International Law Association, was the roundtable held in July 2010 at the Chamber of Accounts of the Russian Federation, during which the Human Rights Council's Universal Periodic Review process and its recommendation to the Russian Federation²⁰¹ were analysed and discussed²⁰².

Therefore, as demonstrated by these initiatives, which were promoted in accordance with the dispositions of the Framework for Cooperation, the occasions for the OHCHR collaboration with Russian judicial institutions and international interlocutors have increased in recent years. While the above mentioned initiatives and roundtables have been only occasionally organised, other forms of collaboration were established on an ongoing basis, as in the case of the regular consultations between the Russian Federation Supreme Court Judicial Department and OHCHR, which led to the signature of the "Joint Plan of Action" in February 2011²⁰³. This project, which was positively reviewed in the 2011 Report of OHCHR, focused primarily on the promotion of international law human rights standards and mechanisms within the judicial community of the Russian Federation, along with supporting the creation of a human rights network of judges (see Paragraph 2.2.1.1.) and a more widespread availability of the international judicial documents and jurisprudence in the Russian territory²⁰⁴.

Despite all these important steps forward, however, the challenges that the judicial system of the Russian Federation has to address are still substantial, and the recent initiatives aimed at improving the accountability and the efficiency of justice did not achieve to a great extent the expected outcomes. The latest judgement of the European Court of Human Rights of 18 December 2012²⁰⁵, in fact, should be interpreted in the

²⁰⁰ "2008-2010 activities of OHCHR in Russia". OHCHR Publications, 2 May 2013 <<http://www.unrussia.ru/en/agencies/office-united-nations-high-commissioner-human-rights-ohchr>>.

²⁰¹ The Russian Federation was reviewed by the Universal Periodic Working Group during its fourth session in February 2009, over the first UPR cycle (2008-2011). More information about UPR sessions is available at the website: <<http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRSessions.aspx>>, consulted on 2 May 2013.

²⁰² "2008-2010 activities of OHCHR in Russia". OHCHR Publications, 2 May 2013 <<http://www.unrussia.ru/en/agencies/office-united-nations-high-commissioner-human-rights-ohchr>>.

²⁰³ "OHCHR in the field: Europe and Central Asia. OHCHR Report of 2011", p. 346. OHCHR Publications 2011. 9 Apr. 2013 <http://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report2011_web/allegati/24_Europe.pdf>.

²⁰⁴ *Ibid.*, p. 346.

²⁰⁵ "European Court of Human Rights Applications Nos. 2944/06 and 8300/07, 50184/07, 332/08, 42509/10, Case of Aslakhanova and Others v. Russia. Judgement of 18 Dec. 2012". European Court of

light of the persisting deficiencies that continue to affect the Russian justice system, focusing in particular on the condemnation of the practice of unlawful detention, the repeated violation of the right to life, and the structural nature of the Russian authorities' failure to investigate disappearance. In the "Case of Aslakhanova and Others v. Russia" judged by the Court, in fact, the members of five families living in Grozny district, Chechnya, denounce the disappearance of their eight male relatives between March 2002 and July 2004. «The abductions occurred in quite similar circumstances: the applicants' relatives were arrested by groups of armed and masked men at their homes or in the streets in a manner resembling a security operation²⁰⁶». The Court concluded in fact that «the investigations have regarded the possibility of abduction by servicemen as the only, or at least the main, plausible explanation of the events». In their application, moreover, some of these persons who had been arrested and later released describe the inhuman conditions and the life-threatening circumstances of their illegal detention, while the absence of any news about the others led the Court to conclude that they should be presumed dead²⁰⁷. The Court, therefore, unanimously concluded in its judgement that the situation of the examined case must result from the «systemic problem» of the absence of investigation at the national level over such crimes, for which there is no effective domestic remedy²⁰⁸. According to the Court, in fact, «the growing mass of similar cases supports the conclusion that there is a "systemic practice incompatible with the Convention": an accumulation of identical breaches which are sufficiently numerous and inter-connected to amount not merely to isolated incidents or exceptions but to a pattern or system. Such breaches reflect a continuing situation that has not yet been remedied and in respect of which litigants have no domestic remedy. This accumulation of breaches constitutes a practice that is incompatible with the Convention²⁰⁹».

In this regard, furthermore, it is interesting to underline that the entrance into force on 10 June 2010 of the 2004 Additional Protocol No. 14 to the European Convention

Human Rights 29 Apr. 2013. 3 June 2013 <[.](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-115657#{\)

²⁰⁶ *Ibid.*, par. 6.

²⁰⁷ E. PUTMAN, "Violation continue des droits de l'Homme en Tchétchénie: l'arrêt pilote, réponse de la CEDH à un «problème systémique»". Revue Juridique Personnes & Famille No. 2 Feb. 2013: p. 13.

²⁰⁸ *Ibid.*, p. 13.

²⁰⁹ "European Court of Human Rights Applications Nos. 2944/06 and 8300/07, 50184/07, 332/08, 42509/10, Case of Aslakhanova and Others v. Russia. Judgement of 18 Dec. 2012", par. 212. European Court of Human Rights 29 Apr. 2013. 3 June 2013 <[.](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-115657#{\)

for the Protection of Human Rights, which the Russian Federation has refused to ratify for a long time, permitted to introduce a reform in the procedures of the European Court of Human Rights: the new Article 46 § 5 of the European Convention, in fact, allows the Court to defer a case to the Council of Europe's Committee of Ministers, if a member State does not comply with the final judgements issued by the Court. Along with the indication of the measures to be adopted by the Russian Federation, therefore, the European Court of Human Rights in its final judgement on the "Case of Aslakhanova and Others v. Russia" ruled that the Russian Federation must submit its strategy of action in due time to the Committee of Ministers of the Council of Europe, in order to strengthen the international mechanisms of control over the State compliance with the Court's rulings²¹⁰.

The European Court of Human Rights' concern over the persistence of serious insufficiencies in the Russian justice system is shared by the United Nations Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, who taking her functions in August 2009 confirmed her predecessor's preoccupations and recommendations in her preliminary observations about the Russian Federation²¹¹. Since the Special Rapporteur's official visit to the Russian Federation took place in April 2013, a written report of her remarks and comments will be presented only at the 26th session of the United Nations Human Rights Council in June 2014. Nonetheless, also these preliminary comments may be useful in focusing on the current state of the Russian judicial system, through offering an overview of its achievements and shortcomings.

First of all, at the conclusion of her official visit to the Russian Federation, the Special Rapporteur praised the positive developments aimed at ensuring the separation of powers, the independence and the impartiality of the judiciary, undertaken in recent years to improve the protection and promotion of human rights in the country. Among these welcomed initiatives, the Special Rapporteur mentioned the judicial reform of the Federal Targeted Programme for "The Development of the Judicial System in

²¹⁰ E. PUTMAN, "Violation continue des droits de l'Homme en Tchétchénie: l'arrêt pilote, réponse de la CEDH à un «problème systémique»". *Revue Juridique Personnes & Famille* No. 2 Feb. 2013: p. 13.

²¹¹ "Preliminary observations on the official visit to the Russian Federation by the Special Rapporteur on the independence of judges and lawyers". *OHCHR News and Events*, 25 Apr. 2013. 3 May 2013 <<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13264&LangID=E>>.

Russia for 2007-2011²¹²”, the institution of the National Working Group on Judicial Reform, and the Law “On the securing of access to information on the activities of the courts of the Russian Federation”, adopted in 2009. Moreover, the separation of the Investigative Committee from the Prosecution services, in accordance with the recommendations of the United Nations Committee against Torture, as well as the adoption of the 2010 Federal Act on Compensation for Infringement of the Rights to Access to Legal Proceedings or Enforcement of a Judicial Act within a Reasonable Period, according to the Special Rapporteur, have been important steps forward in fulfilling the judiciary reform²¹³.

Afterward, the Special Rapporteur’s considerations focused on the several deficiencies which still affect the Russian judicial system, examining in particular three key-issues: the protection of the judiciary’s independence, the fair administration of justice, and the equal access to justice.

With respect to the protection of the independence of the judicial system’s actors, the Special Rapporteur urged that the Russian Federation take immediate action to improve the independence of the judges and protect them from any kind of political influence in their decision-making functions. This, according to the Special Rapporteur, could be effectively achieved by adopting specific laws that would establish «clear procedures and objective criteria for the appointment, remuneration, tenure, promotion, suspension and dismissal of the members of the judiciary and disciplinary sanctions taken against them²¹⁴». Moreover, the Special Rapporteur added that «in Russia, the mind-sets of judges themselves play an important role in defining their individual independence. It seems that some judges are still under the influence of the old Soviet system and keep ties with the executive and prosecutorial authorities that have become so strong that the lines separating the different powers of the State have blurred²¹⁵». Therefore, a more adequate professional knowledge, which can be achieved through continuing and implementing the training and education programmes, could contribute to enhance the judiciary’s capacity to act independently

²¹² Approved by the Government’s decree of 21 September 2006 No. 583. More information is available at the website: <<http://www.rg.ru/2006/11/01/programma-dok.html>>, consulted on 02/05/2013.

²¹³ “Preliminary observations on the official visit to the Russian Federation by the Special Rapporteur on the independence of judges and lawyers”. *OHCHR News and Events*, 25 Apr. 2013. 3 May 2013 <<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13264&LangID=E>>.

²¹⁴ *Ibid.*

²¹⁵ *Ibid.*

and impartially in the process of decision-making. Another significant problem, however, is represented by the method of judicial appointment currently employed in the Russian Federation, which, according to the Special Rapporteur, may favour the exposition of the judges to political pressure. In fact, «with the exception of justices of the peace, all judges are appointed by the President of the Russian Federation after recommendation by a Qualifications Board (federal or regional depending on the level of the vacancy). Such method of appointment can have a strong influence on judges' attitudes and behaviour, in particular vis-à-vis representatives of the executive²¹⁶». Thus, the Special Rapporteur suggested that representatives of the legal profession and civil society constitute the Qualifications Boards, and that members of the executive be avoided. Thanks to a similar reform of the Qualification Boards, the appointment process of the judges would become more transparent and impartial.

As regards judicial administration, the Special Rapporteur highlighted the problem of transparency in the assignment of cases in the general jurisdiction courts, which is reportedly decided by the President of the court. The Special Rapporteur claimed, therefore, that such a subjective method exposes the assignment procedure to the risk of interference and manipulation, and that a computer-based system, similar to the one which is already employed in the arbitration courts assignment procedure, should be used in the general jurisdiction courts, too. Furthermore, the Special Rapporteur examined also the problem of compliance with the judicial authorities' decisions. «Even though the Constitutional Court clearly stated in a decision that the non-execution of judicial sentences constitutes a violation of constitutional rights», claimed the Special Rapporteur, «the enforcement of some judicial decisions remains an issue in many instances. Execution services seem to lack the discipline required for discharging their functions effectively²¹⁷». For this reason, the Special Rapporteur underlined the urgency of *ad-hoc* measures aimed at improving compliance with the judicial authorities' decisions, in particular with the judgements of the European Court of Human Rights.

As concerns the access to justice, the Special Rapporteur expressed her preoccupation with the inadequacy of the legislation on free legal aid, urging that the Russian authorities undertake the required measures to offer an equal access to justice

²¹⁶ *Ibid.*

²¹⁷ *Ibid.*

in a more effective way and to ensure fundamental fairness in the administration of justice. Finally, the Special Rapporteur suggested that the access to judicial information be improved as well: thanks to the internet and communication technology, in fact, the public should access the courts' decisions, the international and regional jurisprudence, as well as the rulings of the European Court of Human Rights concerning Russia more easily.

In conclusion, the Special Rapporteur argued that «judicial independence is a prerequisite to the rule of law, which requires that everyone from the individual to the government be accountable to the law. The rule of law requires that laws are publicly promulgated, equally enforced and independently adjudicated. In this sense, an independent judiciary is essential if the courts are to fulfil their role as guardians of the rule of law and to ensure that everyone, including State officials, is accountable²¹⁸».

3.2.1.2. Civil rights. Freedom of expression and freedom of assembly.

The recent mass protests that have gathered the discontent of thousands of Russian citizens throughout the country and the urban population's increasing demand for the improvement of Russian democracy represented an impressive manifestation of the emerging Russian middle class and its call for greater political participation²¹⁹, but provoked, on the other hand, the adoption of several new legislative restrictions and measures aimed at curtailing the rights to freedom of expression and assembly.

The wave of rallies and pickets, which culminated in the massive "For Fair Elections" protest of 10 December 2011 and in the twenty-thousand-person rally of 06 May 2012, on the occasion of Putin's new election as President of the Russian Federation, have been taking place in the major Russian cities since 2009, when the civic initiative "Strategy-31" was launched by Eduard Limonov in accordance with the Article 31 of the Constitution of the Russian Federation, granting the right to peaceful assembly²²⁰. "Strategy-31" protests, which have been taking place on an ongoing basis on 31st of every month since 31 July 2009, indeed, had been preceded by the so-called

²¹⁸ *Ibid.*

²¹⁹ S.GIUSTI, "Natura, peso e ruolo della classe media in Russia". *ISPI Analysis* No.119 – June 2012, p.1. 9 Nov. 2012 <http://www.ispionline.it/sites/default/files/pubblicazioni/analysis_119_2012.pdf>.

²²⁰ M. GONCHARENKO, "The virtual freedom of Russia. Has the uncensored Internet anything to do with the recent protests in Russia?". *ISPI Analysis* No.120 – June 2012. 9 Nov. 2012 <http://www.ispionline.it/sites/default/files/pubblicazioni/analysis_120_2012.doc_.pdf>.

“Dissenters’ March²²¹” opposing rallies, which spread throughout the country in 2006 and 2007. Nonetheless, the mass character of the most recent protests has been assumed in relation to the widely contested Duma election results of October 2011, which drew about fifty thousands²²² of Russian citizens on Moscow’s Bolotnaya Square, in forming what has been defined as the largest and most important political event of its kind since the end of the Soviet Union²²³, which influenced the diffusion of such massive protests all over the country. The aftermath of the recent mass protests, moreover, were marked by the adoption of increasingly harsh measures, restrictions and law projects limiting the freedom of expression and assembly, as well as by the severe violations of human rights registered in the several cases of police custody, pre-emptive political arrests, violent repression of the rallies and irregular imprisonment of thousands of the participants to the protests²²⁴.

«Russia’s government is failing to live up to promises made to its citizens 20 years ago after the collapse of the Soviet Union. It desperately needs to show a commitment to upholding human rights and must stop peddling the disingenuous line that civil liberties and social, economic and political stability are incompatible in Russia²²⁵». John Dalhuisen, Director of Europe and Central Asia for Amnesty International, issued this harsh statement on 20 February 2013 with regard to the recent alarming increase in the violations of civil rights registered in the Russian Federation. In particular, according to the reports of several international organisations and human rights groups acting on the Russian territory, and in consideration of the adoption of increasingly strict federal and local law provisions, among the civil rights the most threatened appear to be the freedom of expression and the freedom of assembly.

The considerable increase in curtailing the rights to freedom of expression and

²²¹ The “Dissenters’ March” movement (which in Russian sounds like “Marsh Nesoglasnych”), organised the first rally in Moscow on 16 December 2006. More information is available at the website: <<http://www.namarsh.ru/>>, consulted on 02/05/2013.

²²² D. SANDFORD, “Russian election: Biggest protests since fall of USSR”. BBC News 10 Dec. 2011. 2 May 2013 <<http://www.bbc.co.uk/news/world-europe-16122524>>.

²²³ D. BATTY, “Russian election protests – Saturday 10 December 2011”. The Guardian 10 Dec. 2011. 2 May 2013 <<http://www.guardian.co.uk/global/2011/dec/10/russia-elections-putin-protest>>.

²²⁴ G. OKHOTIN, “Arrest and custody, Russian-style”. Open Democracy Russia 22 Feb. 2013. 2 May 2013 <<http://www.opendemocracy.net/od-russia/grigory-okhotin/arrest-and-custody-russian-style>>.

²²⁵ “Russia escalating attacks on free expression a year on from Pussy Riot protest”. Amnesty International 20 Feb. 2013. 2 May 2013 <<http://www.amnesty.org/en/news/russia-escalating-attacks-free-expression-year-pussy-riot-protest-2013-02-20>>.

assembly is, for instance, one of Amnesty International main concerns about the current human rights situation in the Russian Federation. In the 2013 Amnesty International Submission to the UN Universal Periodic Review on the Russian Federation²²⁶, in fact, it is asserted that since the last review in 2009, the freedom of expression encountered increased clampdown in Russia through the adoption of recent legislative restrictions, which have been introduced soon after Vladimir Putin's re-election as President on 7 May 2012 in reaction to the mass protests of the previous months²²⁷.

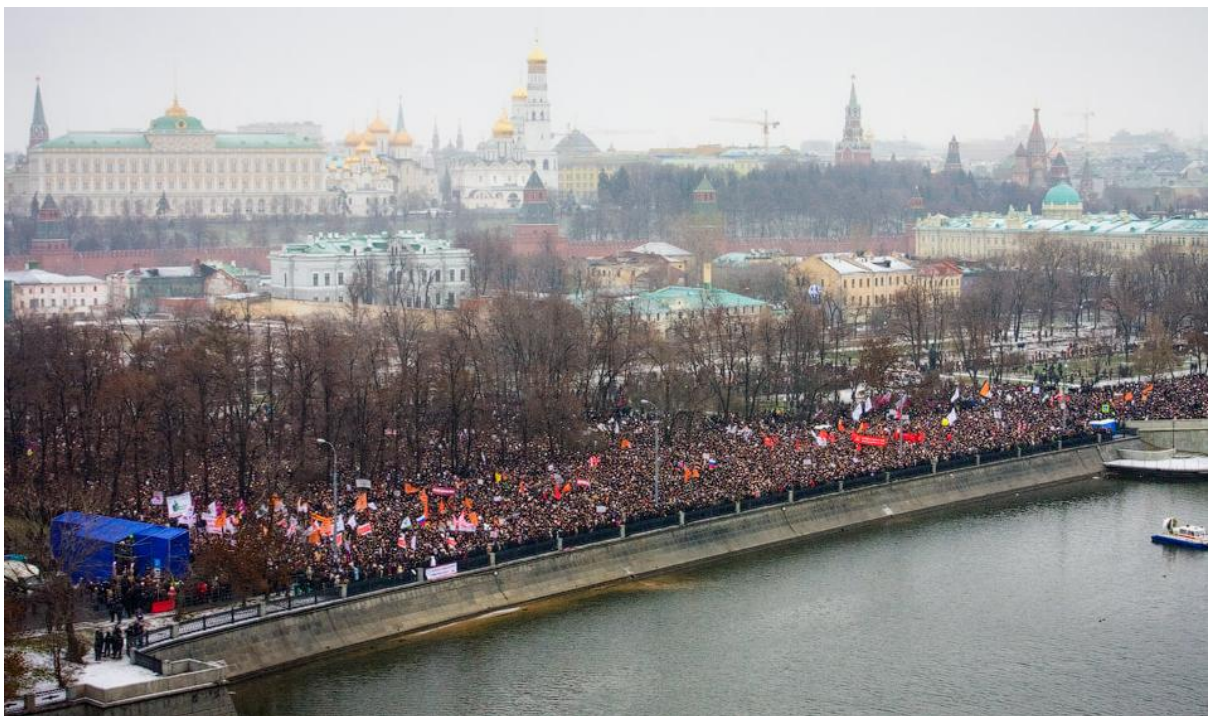


Figure 11. Moscow's Bolotnaya Square opposition rally of 10 December 2011.

Moreover, human rights activists have to face increasing harassment, threats and physical violence, and the number of assassinated journalists continues to grow dramatically. According to Amnesty International, in particular, the impunity of the

²²⁶ "Russian Federation: new laws lead to increased repression of fundamental rights. Amnesty International Submission to the UN Universal Periodic Review". Amnesty International Publications Feb. 2013. 2 May 2013 <<http://www.amnesty.org/en/library/asset/EUR46/006/2013/en/b69c5953-136c-4e78-b23a-defa32494a43/eur460062013en.pdf>>.

²²⁷ *Ibid.*, p. 5.

perpetrators of such acts of violence remains an alarmingly critical signal for Russia's human rights situation: since the killing of Natalya Estemirova in 2009 (see Note 2), for example, nobody has been brought to justice yet²²⁸. Encroachment of the right to freedom of assembly has considerably increased, too. In the Amnesty International Submission it is claimed that the recent clampdown of the right to peaceful assembly has been accompanied by increasingly violent and disproportionate repressions of law enforcement officials and harsher sentencing of peaceful protesters²²⁹. In regard to this, Amnesty International reports that:

During the peaceful demonstrations which took place on 4 December 2011 after the disputed parliamentary elections, over 1,000 protesters were detained across the Russian Federation and more than 100 sentenced to administrative detention in proceedings that frequently violated their right to a fair trial. Several opposition activists were arrested "pre-emptively" at home or on their way to the demonstrations. A protest march in Moscow on 6 May 2012 was accompanied by a stand-off and localized skirmishes between protesters and police. The authorities charged at least 20 individuals with "participation in mass riots", which is punishable by up to eight years' imprisonment. One individual pleaded guilty and was sentenced in November 2012 to four years in prison; others have spent months in pre-trial detention or under house arrest while the investigations are ongoing. On 6 and 7 May 2012, hundreds of peaceful individuals were arrested across Moscow, some merely for wearing white ribbons as a symbol of protest against electoral fraud²³⁰.

For these reasons, Amnesty International recommends that the Russian authorities remove the legislative regulations which excessively limit the rights to freedom of expression and assembly, put an end to the practice of arbitrarily restricting these freedoms²³¹, sue law enforcement officials responsible for disproportional and violent repression of demonstrations, protect the work of all journalists and human rights defenders acting on the Russian territory from the fear of prosecution and harassment, and investigate all cases of violence and threat against them²³².

Among the several international organisations which have expressed their concerns

²²⁸ *Ibid.*, p. 5.

²²⁹ *Ibid.*, p. 4.

²³⁰ *Ibid.*, p. 4.

²³¹ *Ibid.*, p. 8.

²³² *Ibid.*, p. 8.

over Russia's state of protection of civil freedoms, the United Nations have been addressing this critical situation for years, in particular since Anna Politkovskaya's death in 2006. In his report of 2011²³³, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, expresses his concerns on the lack of effective investigations about the cases of violent attack, harassment and murder of journalists and human rights activists registered in the Russian Federation²³⁴. In particular, the Special Rapporteur examined the development of the urgent appeal he received by the Special Rapporteur on the situation of human rights defender and the Special Rapporteur on the independence of judges and lawyers on 3 December 2010, concerning the case of Oleg Orlov, Chairman of the Russian human rights organisation Memorial and awarded the 2009 European Parliament's Sakharov Prize (see Introduction). After expressing his belief that the President of the Chechen Republic Ramzan Kadyrov or his administration was responsible for the killing of her colleague Natalya Estemirova, head of Grozny office of Memorial, on 15 July 2009²³⁵, Orlov was charged with the criminal offence of libel (under Article 29 parts 2 and 3 of the Criminal Code of the Russian Federation²³⁶), subjected to investigations and criminal proceedings, notwithstanding the European Parliament call in 2010 for the Russian authorities to reconsider the decision to open a criminal trial against him²³⁷. The European Parliament, in fact, expressed its concern that such criminal proceedings against Orlov «may be related to legitimate and peaceful work in defence of human rights, in particular his remarks made about the President, as well as that of the human rights organisation Memorial. These acts, if confirmed, would take place in a context of increasing harassment of and violence against human rights defenders in the Russian Federation²³⁸».

By examining Orlov's case, the Special Rapporteur used the occasion to express his great concern over the continual threats of harassment and intimidation – including measures against Government critics – which Russian journalists, human rights

²³³ “Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue. Summary of cases transmitted to Governments and replies received” A/HRC/17/27/Add.1. United Nations Human Rights Council 27 May 2011. 2 May 2013 <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/135/41/PDF/G1113541.pdf?OpenElement>>.

²³⁴ *Ibid.*, par. 1962.

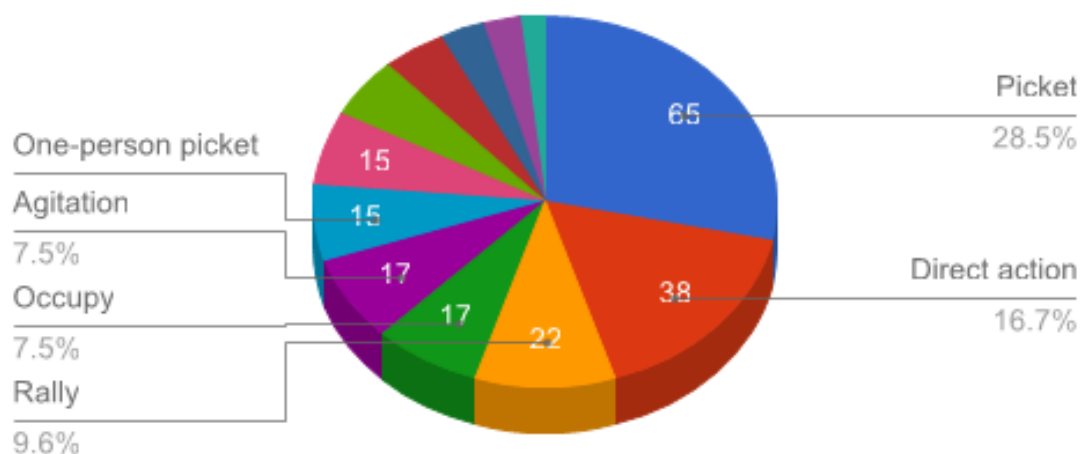
²³⁵ *Ibid.*, par. 1938.

²³⁶ *Ibid.*, par. 1939.

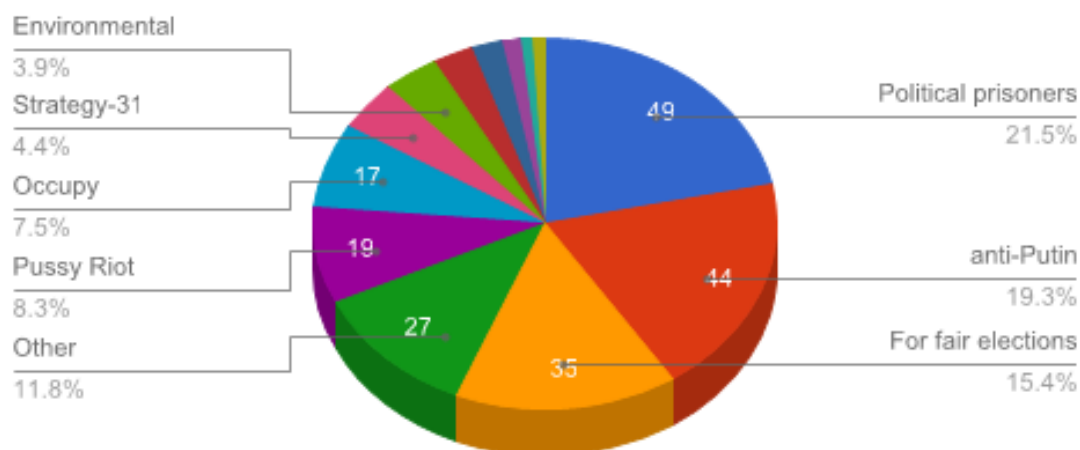
²³⁷ *Ibid.*, par. 1940.

²³⁸ *Ibid.*, par. 1942.

defenders and members of political opposing groups have to face in their daily work. The Special Rapporteur concluded by urging that the Russian authorities take immediate action to effectively investigate these cases of violence, among which the death of Anna Politkovskaya²³⁹.



Distribution of protests by type



Distribution of protests by topic

Figure 12. Arrests related to the participation in the protest rallies from 4 December 2011 to 31 December 2012 (OVD-Info, 2013).

²³⁹ *Ibid.*, par. 1962.

3.2.1.3. Economic, social and cultural rights.

The massive character of the above mentioned protests which have spread throughout the Russian Federation since 2011 is closely related to Russian citizens' shared and common need for an overall improvement in the modernisation and democratisation of their country²⁴⁰. According to Giusti, in fact, although acknowledging President Putin's successful efforts to increase Russia's political stability and economic growth during his presidential mandates, the protesting Russian citizens claim for a more comprehensive project of modernisation, which would not be limited to an economic reform, but which would enclose, on the contrary, a broader programme of political, administrative, social and cultural transformation of the young Russian democracy as well²⁴¹.

The strong connection between the economic, social and cultural human rights sphere and that of civil and political rights has been affirmed and supported by the United Nations since the adoption of the Universal Declaration of Human Rights in 1948²⁴². This position, which has been confirmed in several resolutions since then, considers therefore the sets of rights affirmed in the two fundamental United Nations human rights covenants – the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights – as «universal, indivisible and interdependent and interrelated», in the words adopted in the 1993 Vienna Declaration²⁴³. In fact, as stated in the Vienna Declaration, «The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms²⁴⁴».

The United Nations Committee on Economic, Social and Cultural Rights (ESCR

²⁴⁰ S.GIUSTI, "Natura, peso e ruolo della classe media in Russia". *ISPI Analysis* No.119 – June 2012, p.2. 9 Nov. 2012 <http://www.ispionline.it/sites/default/files/pubblicazioni/analysis_119_2012.pdf>.

²⁴¹ *Ibid.*, p. 2, and S.GIUSTI, *Russia in Crisis: Implications for Europe*, in P. Della Posta – L.S. Talani (Eds.), *Europe and the financial crisis*, London: Palgrave, 2011, pp. 242-253.

²⁴² H.J. STEINER, P. ALSTON, R. GOODMAN, *International Human Rights in Context: Law Politics and Morals. Text and Materials*, 3rd ed., Oxford: Oxford University Press, 2007, p. 263.

²⁴³ "Vienna Declaration and Programme of Action", par. 5. Vienna, 14-25 June 1993. *World Conference on Human Rights*. 2 May 2013 <[http://www.unhchr.ch/huridocda/huridoca.nsf/\(symbol\)/a.conf.157.23.en](http://www.unhchr.ch/huridocda/huridoca.nsf/(symbol)/a.conf.157.23.en)>.

²⁴⁴ *Ibid.*, par. 5.

Committee) in its 2011 Concluding Observations on the Russian Federation²⁴⁵ highlights the developments which have been achieved since the last review and calls for a urgent improvement of the persisting deficiencies which affect the protection of the economic, social and cultural rights in the country. Among the positive aspects, the ESCR Committee underlines the ratification of the UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air in May 2004, and the ratification of the ILO Convention 135 in July 2010²⁴⁶. On the other hand, the ESCR Committee's recommendations concern several issues, including those related to corruption, economic, social and cultural rights of minority groups, and the rights to work, to housing, to education, to healthcare and to an adequate standard of living.

As concerns the problem of corruption in the Russian Federation, the ESCR Committee encourages the State authorities' endeavour to fight against this alarming social pathology, but urges them implementing the amount of the resources which are necessary to combat corruption, both at regional and federal levels, and establishing a mechanism to monitor the State organs' use of these resources, in particular at local level²⁴⁷. In regard to the minority groups' enjoyment of economic, social and cultural rights, the Committee is particularly concerned over the living conditions of Roma people in the Federation, and recommends that the Russian authorities, along with allocating sufficient financial resources to ensure Roma's full enjoyment of their fundamental human rights, review the federal decision on eviction and destruction of Roma dwelling, respecting their right to adequate housing²⁴⁸. The ESCR Committee, moreover, is concerned about other forms of discrimination, such as the discrimination against women in workplace: the Committee, in particular, recommends that the Russian Government «consider reviewing resolution 162 of 25 February 2000, and section 353 of the Labour Code to ensure the equal enjoyment by women of their right

²⁴⁵ "Consideration of reports submitted by States parties under Articles 16 and 17 of the Covenant. Concluding Observations of the Committee on Economic, Social and Cultural Rights on the Russian Federation" E/C.12/RUS/CO/5. United Nations Committee on Economic, Social and Cultural Rights 20 May 2011. 2 May 2013 <<http://www.ohchr.org/EN/Countries/ENACARegion/Pages/RUIndex.aspx>>.

²⁴⁶ *Ibid.*, par. 3i.

²⁴⁷ *Ibid.*, par. 6.

²⁴⁸ *Ibid.*, par. 9.

to work²⁴⁹», and that both men and women respect the security and health standards in workplace²⁵⁰. The right to work, which is accompanied by other fundamental rights deriving from it and supporting it²⁵¹, is the object of further recommendations of the ESCR Committee. First, the Committee encourages the Russian Government to strengthen its efforts to regularise illegal immigrants' working conditions, for instance through increasing «the flexibility of the registration and quota system, including by enabling migrants to legalize their stay on a declaratory basis and to obtain work permits for longer periods (three to five years) with the subsequent possibility of the regularization of their permanent residence in the country²⁵²»; through ensuring «that migrant workers have access to effective appeals against orders of deportation and that detention and deportation of migrant workers are made in full compliance with Russia's human rights obligations²⁵³»; through exercising «strict control over private entities to ensure respect for just, equally favourable social and employment conditions for migrant workers²⁵⁴»; and finally, through increasing «the flexibility of access of migrant workers to the system of social benefits of the State party²⁵⁵». For these reasons, therefore, the ESCR Committee suggests that the Russian Federation ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families²⁵⁶, too. Second, with respect to the right to work, the Committee is preoccupied with the persistence of the federal legislation which still foists restrictions over the right to strike on certain categories of public workers, and it urges recommends that all public servants be free to exercise their

²⁴⁹ *Ibid.*, par. 16.

²⁵⁰ *Ibid.*, par. 16.

²⁵¹ F.J.M. FELDBRUGGE, Russian Law: the End of the Soviet System and the Role of Law. Dordrecht: Martinus Nijhoff Publishers, 1993, p. 222.

²⁵² "Consideration of reports submitted by States parties under Articles 16 and 17 of the Covenant. Concluding Observations of the Committee on Economic, Social and Cultural Rights on the Russian Federation" E/C.12/RUS/CO/5, par. 17a. United Nations Committee on Economic, Social and Cultural Rights 20 May 2011. 2 May 2013 <<http://www.ohchr.org/EN/Countries/ENACARegion/Pages/RUIndex.aspx>>.

²⁵³ *Ibid.*, par. 17b.

²⁵⁴ *Ibid.*, par. 17c.

²⁵⁵ *Ibid.*, par. 17d.

²⁵⁶ "International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families", New York, 18 Dec. 1990. United Nations Treaties. 2 May 2013 <http://treaties.un.org/Pages/ViewDetails.aspx?mtdsg_no=IV-13&chapter=4&lang=en>.

right to strike, excepting those who exercise authority in the name of the State²⁵⁷. Finally, with respect to the right to an adequate standard of living, the ESCR Committee expresses its concern on the fact that «in spite of the efforts undertaken by the State party, an estimated 18.7 million people, or 13.3 per cent of the population, are denied an adequate standard of living and continue to live below the poverty line²⁵⁸». Thus, the Committee recommends that the Russian Government strengthen its efforts to combat poverty and ensure to all Russian citizens an adequate standard of living, through aiming to reduce the number of people living under the poverty line to 4-8 million by the next report, and through adopting a national programme of action in line with the dispositions of the International Covenant on Economic, Social and Cultural Rights²⁵⁹. In Conclusion, the Committee invites the Russian authorities to disseminate the recommendations contained in this report throughout the country, translating them in all the main minority languages spoken in the Russian Federation²⁶⁰, in order that these considerations may be accessed by all Russian citizens.

As regards the close relation between the civil and political sphere of human rights and the economic, social and cultural one, the Russian civil society and the international organisations' shared call for the development of a more comprehensive programme of modernisation for the country has been examined also by the European Union, which launched in 2010 a "Partnership for Modernisation" with the Russian Federation (see Paragraph 2.2.1.1.). During their 25th Summit at Rostov-on-Don on 31 May and 1 June 2010, in fact, the European Union and the Russian Federation committed on this project of cooperation, which comprises not only economic and financial support, but also initiatives aimed at strengthening the rule of law, promoting judicial reform, protecting human rights and supporting civil society programmes throughout the Russian territory²⁶¹.

²⁵⁷ "Consideration of reports submitted by States parties under Articles 16 and 17 of the Covenant. Concluding Observations of the Committee on Economic, Social and Cultural Rights on the Russian Federation" E/C.12/RUS/CO/5, par. 19. United Nations Committee on Economic, Social and Cultural Rights 20 May 2011. 2 May 2013 <<http://www.ohchr.org/EN/Countries/ENACARRegion/Pages/RUIndex.aspx>>.

²⁵⁸ *Ibid.*, par. 26.

²⁵⁹ *Ibid.*, par. 26.

²⁶⁰ *Ibid.*, par. 38.

²⁶¹ "Joint Statement on the Partnership for Modernisation, EU-Russia Summit 31 May – 1 June 2010". EU-Russia Partnership for Modernisation. 2 May 2013 <<http://formodernisation.com/en/info/statement.pdf>>.



Figure 13. President Barroso and Prime Minister Medvedev at the Moscow meeting of 22 March 2013 between the European Commission and the Russian Government.

In the Progress Report of December 2012²⁶², the coordinators of the EU-Russia “Partnership for Modernisation” highlighted the significant progress made since the launch of the partnership. The main achievements reviewed in the Progress Report have been Russia’s WTO accession on 22 August 2012²⁶³ and intensified preparations for Russia’s accession to the OECD²⁶⁴; the cooperation on space and in the area of global satellite navigation systems; the agreement by the European Investment Bank (EIB), the European Bank for Reconstruction and Development (EBRD) and the European Union on financing several projects concerning long-term lending to and co-financing of enterprises, infrastructures, power plants and industries start-up or implementation in the Russian Federation²⁶⁵; the enhancement of the joint project on the modernisation of the judiciary; the signature in December 2012 of the EU-Russia

²⁶² “Progress Report agreed by the Coordinators of the EU-Russia Partnership for Modernisation for information to the EU-Russia Summit of 21 December 2012”. European Union External Action. 2 May 2013 <http://eeas.europa.eu/delegations/russia/documents/eu_russia/p4mdec2012_en.pdf>.

²⁶³ *Ibid.*, p. 1.

²⁶⁴ *Ibid.*, p.3.

²⁶⁵ *Ibid.*, p.6.

joint project on the fight against corruption, implemented by the Council of Europe and the Russian Business Ombudsman; renewed university cooperation and academic mobility²⁶⁶; the intensification of the dialogue on public health and harmonisation of sanitary norms²⁶⁷; and several further achievements in the various fields of cooperation.

Furthermore, European Union programmes in the sphere of human rights protection and promotion have been established within the framework of the “Partnership for Modernisation”. In particular, the projects of the “European Instrument for Democracy and Human Rights” (EIDHR) and “Non-State Actors in Developments” (NSA) are complementary to the programmes of the Partnership, pertaining specifically the field of human rights cooperation.

Since its launch in the Russian Federation in 1997, EIDHR has supported and financed about 330 projects²⁶⁸, and fourteen new EIDHR projects were launched in Russia for the year 2013. Among the its most recent initiatives, EIDHR launched the projects “Promoting Russian citizens rights in the area of healthcare”, in collaboration with Oxfam Russian Representative Office; “Protecting the rights of people living in rural Russia”, in collaboration with the Centre for Independent Social Research; “NGOs joint efforts to protect citizen’s rights” in collaboration with the regional public organisation Independent Council of Legal Expertise; “Protecting journalists in the most dangerous environments” in collaboration with ARTICLE 19 – Defending Freedom of Expression and Information; and “Strengthening mechanisms of human rights protection in the North Caucasus” in collaboration with Memorial Human Rights Centre²⁶⁹.

The projects launched by NSA, instead, are actor-oriented programmes, aimed at implementing the civil society organisations capacity and supporting the realisation of their own initiatives. Since 2011 NSA “Calls for Proposals” have been periodically launched, in order to select the organisations and their projects related to the promotion of support to the most vulnerable groups in Russia. The Call launched in October 2012, for instance, addressed the problems of children and the elderly in the

²⁶⁶ *Ibid.*, p. 2.

²⁶⁷ *Ibid.*, p.3.

²⁶⁸ The projects list of EIDHR is available at the [European Union External Action](http://eeas.europa.eu/delegations/russia/eu_russia/civil_society_dialogue/overview/projects_partners/index_en.htm) website: http://eeas.europa.eu/delegations/russia/eu_russia/civil_society_dialogue/overview/projects_partners/index_en.htm, consulted on 02/05/2013.

²⁶⁹ *Ibid.*, EIDHR List of Projects 2013.

Russian Federation²⁷⁰.

Moreover, the Russian Presidency of the 2013 G20 Summit testify for the increasing expansion of the country's participation in every sphere of the international community's life.



Figure 14. G20 Development Working Group meeting.

It is particularly interesting to highlight that the Russian G20 Presidency envisages an outreach strategy with the participation of the Think 20, Business 20, Labour 20, Civil 20, and Youth 20 groups, providing the economic forum of the world's largest economies with the important contribution of international organisations, labour unions, think tanks and other actors of civil society. With regard to the Civil 20 outreach group, for instance, under the Russian Presidency the project "Civil 20

²⁷⁰ More information about NSA Programme is available at: http://eeas.europa.eu/delegations/russia/eu_russia/tech_financial_cooperation/non_state_actors_development/index_en.htm, consulted on 02/05/2013.

Dialogue” has been launched for the first time in history, «allowing civil society to influence key policy recommendations that will be presented to the leaders during the G20 Summit²⁷¹». The “Civil 20 Dialogue”, in fact, invites citizens to join the global discussions on environmental sustainability and energy, financial inclusion and education, food security, global financial architecture, jobs and employment, anti-corruption, and post-2015 future development agenda²⁷². In this case, therefore, an international economic forum has offered to the Russian authorities the occasion to give voice to the opinions of citizens, civil society, and non-governmental organisations, experiencing in a sort of international laboratory a chance of human rights improvement and political participation that could be applied also at the national level.

Nonetheless, despite all these positive results and achievements, an effective and comprehensive modernisation programme for the Russian economy, society and democracy has not been fully formulated yet, as demonstrated by the 2010 National Human Development Report for the Russian Federation “Millennium Development Goals in Russia: Looking into the Future”²⁷³. The report, presented by the United Nations Development Programme (UNDP) and containing the analysis of a team of Russian experts and consultants, focuses especially on the examination of the United Nations Millennium Development Goals (MDGs) approved by the international community and adapted to the Russian context, to be possibly reached by 2015 or 2020. The various chapters of the report, which analyse the commitment of the Russian institutions to reduce poverty, increase public incomes, enhance the educational system, promote environmental sustainability and participate in the global efforts to create a partnership for human development, highlights that Russia is still seeking a long-term and comprehensive strategy of development. In particular, all the report contributions agree on observing that «modernisation and diversification of the national economy is the overriding priority goal of social and economic development.

²⁷¹ “The Civil 20 Dialogue: shaping discussions in the run-up to the G20 Summit”. OHCHR News and Events 22 Mar. 2013. 14 May 2013 <<http://www.unrussia.ru/en/taxonomy/term/4/2013-03-22>>.

²⁷² *Ibid.*

²⁷³ “National Human Development Report for the Russian Federation, Millennium Development Goals in Russia: Looking into the Future”. UNDP Publications, Moscow, 2010. 2 May 2013 <<http://www.un.org/ru/publications/pdfs/national%20human%20development%20report%20in%20the%20russian%20ederation%202010.pdf>>.

But, in order to be successful, modernisation in Russia needs to penetrate political, and social strata as well as the economy, thereby enabling cultural (ideological) renovation²⁷⁴».

<p>GOAL 1. REDUCE POVERTY AND ERADICATE HUNGER</p>	<p>GOAL 4&5. REDUCE MATERNAL MORTALITY AND MORTALITY AMONG CHILDREN UNDER FIVE</p>
<ol style="list-style-type: none"> 1. Halve by 2015 the general poverty level and eradicate extreme poverty among non-marginal groups of the population. 2. Provide access to food for the poor. 	<ol style="list-style-type: none"> 13. Increase life expectancy and reduce mortality for major causes. 14. Promote changeover in society to a healthier life style. 15. Reduce the mortality rate of children under five by at least 50% by 2015, as compared with 1990 (from 21.5 to 11 per 1000). 16. Reduce maternal mortality by at least 50% in the period 1990-2015.
<p>GOAL 2. INCREASE ACCESS TO EDUCATION</p>	<p>GOAL 6. COMBAT HIV/AIDS, TUBERCULOSIS AND OTHER DISEASES</p>
<ol style="list-style-type: none"> 3. Involve vulnerable groups of the population in education and socialization. 4. Ensure participation in pre-school education of children from low-income families and children residing in rural areas. 5. Reduce the gap in funding and access to general secondary and primary vocational education between and within regions. 6. Update the content of general secondary education towards developing practical skills and application of knowledge. 7. Improve compliance of vocational education with the modern economic environment and labor market requirements. 	<ol style="list-style-type: none"> 17. Halt and begin to reverse the spread of HIV/AIDS. 18. Halt the spread and significantly reduce incidence of Tuberculosis (TB) and other socially-based infectious diseases.
<p>GOAL 3. ENSURE GENDER EQUALITY AND IMPROVE THE SITUATION OF WOMEN</p>	<p>GOAL 7. ENSURE ENVIRONMENTAL SUSTAINABILITY</p>
<ol style="list-style-type: none"> 8. Eliminate gender inequality in primary and secondary education and at all levels of education by 2015. 9. Ensure equal access to political institutions for women and men. 10. Eliminate discriminatory practices in labor and employment. 11. Create effective mechanisms for preventing violence against women. 12. Reduce the impact of unfavorable socio-economic factors on health and life expectancy, especially male. 	<ol style="list-style-type: none"> 19. Integrate the principles of sustainable development into country policies and programmes and prevent losses of natural resources. 20. Provide the population with sustainable access to safe drinking water. 21. Improve people's living conditions.
	<p>GOAL 8. PARTICIPATION IN GLOBAL DEVELOPMENT PARTNERSHIP ADEQUATE TO RUSSIAN NATIONAL INTERESTS</p>
	<ol style="list-style-type: none"> 22. Creation of favorable international conditions for elimination of internal obstacles to human capital development and achievement of the MDGs in Russia. 23. Priority assistance by Russia to solution of global problems, whose manifestations inside Russia are particularly acute and dangerous. 24. Gradual building-up of Russia's contribution to international development programmes as a donor country.

Table 3. UN Millennium Development Goals adapted for Russia (UNDP 2010).

²⁷⁴ *Ibid.*, p. 7.

Moreover, this theme is further developed by the 2011 National Human Development Report for the Russian Federation “Modernisation and Human Development²⁷⁵”, which is presented by UNDP and the Ministry of Foreign Affairs of the Russian Federation, and which analyses the basic components of modernisation in the context of human development, examining the fundamental targets and main challenges which an efficient modernisation programme for the Russian context should address. The report, edited thanks to the contribution of the Faculty of Economics at Lomonosov Moscow State University, which acted as the National Executing Agency for the project “Mainstreaming Human Development in Russia”²⁷⁶, focuses on the concept that achieving economic, industrial and technological development within the framework of a country’s modernisation programme is impossible without introducing significant changes in the political and social spheres of that society²⁷⁷. Therefore, the report highlights the role of institutions in modernisation, but also the impact of the so-called “informal institutions²⁷⁸”, that is the social and cultural capital of the country and its influence on the overall human development of that country²⁷⁹.

«Clearly, trends in social and cultural capital are important for the study of modernization issues as a whole and Russian modernization in particular and they correlate directly with issues of human development, level of human potential, and human capital²⁸⁰» claimed Auzan and Tambovtsev in the report. It is for this reason, therefore, that the driving forces of modernisation must be identified in the Russian middle class, which represents the central element of the social structure, according to Maleva²⁸¹. In this regard, the problem is that the middle class, along with having a key and leading role in the modernisation of Russia, it is also the only force that may be

²⁷⁵ “National Human Development Report for the Russian Federation, Modernisation and Human Development”. UNDP Publications, Moscow, 2011. 2 May 2013 <<http://www.undp.ru/documents/nhdr2011eng.pdf>>.

²⁷⁶ *Ibid.*

²⁷⁷ *Ibid.*, p. 7.

²⁷⁸ *Ibid.*, p. 8.

²⁷⁹ A.A. AUZAN, V.L. TAMBOVTSEV, “The Role of Institutions in Modernisation”, in “National Human Development Report for the Russian Federation, Modernisation and Human Development”, pp. 33-44. 2 May 2013 <<http://www.undp.ru/documents/nhdr2011eng.pdf>>.

²⁸⁰ *Ibid.*, p. 40.

²⁸¹ T.M. MALEVA, “The Russian Labour Market: Efficient Employment or Limiting Unemployment?”, in “National Human Development Report for the Russian Federation, Modernisation and Human Development”, pp. 69-71. 2 May 2013 <<http://www.undp.ru/documents/nhdr2011eng.pdf>>.

able to subvert the current political order²⁸², as the mass protests for free elections have already begun to demonstrate in December 2011. The Russian middle class' economic needs, social expectations and call for an overall implementation of the democratic structure «are already too high to tolerate stagnation or a retreat to lower standards²⁸³» asserts Maleva in the report. «The negotiating positions of the middle class are not strong, but the government will have to find an accommodation with it. The question is what price government and the middle class are ready to pay in order to achieve modernisation²⁸⁴».

3.2.1.4. Promoting gender equality and women's empowerment.

As it is argued by Baskakova in the above mentioned 2010 National Human Development Report²⁸⁵, the main problem addressed by the Millennium Development Goal number three (MDG 3) in its original formulation, concerning women's empowerment in education as the fundamental condition to achieve gender equality, is not entirely consistent with women's condition in contemporary Russia²⁸⁶. Nonetheless, gender asymmetry continues to permeate several aspects of the Federation's social life, producing negative consequences for both Russian women and men. This circumstance, therefore, urged UNDP Russia to formulate extra targets within the main core of MDG 3, which would be more appropriate to the Russian context, such as the abolition of discrimination in employment, the development of effective mechanisms to prevent and eradicate violence against women, and the increase in life expectancy among men²⁸⁷ (see Table 3).

As regards the Russian government policy towards women's situation, Baskakova claims that the progressive loosening of the national mechanisms which had been

²⁸² S.GIUSTI, "Natura, peso e ruolo della classe media in Russia". *ISPI Analysis* No.119 – June 2012, p. 7. 9 Nov. 2012 <http://www.ispionline.it/sites/default/files/pubblicazioni/analysis_119_2012.pdf>.

²⁸³ T.M. MALEVA, "The Russian Labour Market: Efficient Employment or Limiting Unemployment?", in "National Human Development Report for the Russian Federation, Modernisation and Human Development", p. 71. 2 May 2013 <<http://www.undp.ru/documents/nhdr2011eng.pdf>>.

²⁸⁴ *Ibid.*, p. 71.

²⁸⁵ M.E.BASKAKOVA, "Promoting Gender Equality and empowerment of women", in "National Human Development Report for the Russian Federation, Millennium Development Goals in Russia: Looking into the Future", pp. 48-62. 2 May 2013 <<http://www.un.org/ru/publications/pdfs/national%20human%20development%20report%20in%20the%20russian%20federation%202010.pdf>>.

²⁸⁶ *Ibid.*, p. 48.

²⁸⁷ *Ibid.*, p. 48

established after Russia's commitment to the Beijing Platform for Action (BPA)²⁸⁸ for the advancement of women in Russia has held back the implementation of MDG 3 in the Russian Federation²⁸⁹. In fact, as a consequence of several reorganisations of certain subdivisions of government executive departments, the gender issues have been integrated into broader government policies, and this lack of focus on the gender-related problems have contributed to reduce the efficiency of social policies and the Government commitment to such issues as «eradicating gender discrimination, overcoming gender role stereotypes in society, observing the constitutional principles of equal rights and opportunities for men and women, etc.²⁹⁰»

In this regard, since profuse efforts have been undertaken for years by the Committee on the Elimination of Discrimination against Women (CEDAW) and the United Nations Office of the High Commissioner for Human Rights (OHCHR) – especially since the adoption of the Framework for Cooperation in 2007 – in combating violence against women, it is particularly interesting to examine the data reported by the 2010 National Human Development Report and the conclusions which are drawn. According to the report, in fact, violence against women remains a problem of great topicality today in the Russian Federation. Unfortunately, numbers and statistics related to sex crimes (rape and sexual assault), which are the most common kinds of violence against women, can hardly help to make a clear analysis of the situation, since sex crimes, as noted by Baskakova, usually tend to remain hidden, «firstly, because victims often do not seek police help, and secondly, because law enforcement bodies are not disposed to press charges for such crimes²⁹¹». Uneven numbers about sex crimes, for examples, can be observed in Figure 11, which records data from 2003 to 2010, registering an initial increase in reported crimes, which is followed by a decrease.

²⁸⁸ The Beijing Declaration and Platform of Action were adopted at the Fourth UN World Conference on Women (Beijing, 1995). More information is available at: <<http://www.un.org/womenwatch/daw/beijing/index.html>>, consulted on 02/05/2013.

²⁸⁹ M.E.BASKAKOVA, "Promoting Gender Equality and empowerment of women", in "National Human Development Report for the Russian Federation, Millennium Development Goals in Russia: Looking into the Future", p. 49. 2 May 2013 <<http://www.un.org/ru/publications/pdfs/national%20human%20development%20report%20in%20the%20russian%20federation%202010.pdf>>.

²⁹⁰ *Ibid.*, p. 48.

²⁹¹ *Ibid.*, p. 54.

2003	2004	2005	2006	2007	2008	2009
8.085	8.795	9.222	8.871	7.038	6.208	5.398

Table 4. Number of reported sexual crimes in the Russian Federation per year (UNDP 2010).

Furthermore, domestic violence represents another topical and even more hidden problem for Russian women²⁹² (see Paragraph 2.2.1.4.). However, although acknowledging that the problem of sexual crimes is aggravated by the lack of affordable data and statistics, the 2010 report does not highlight the adoption of any significant national programmes of action or legislative measures undertaken in recent years, showing one again that the promotion of women’s empowerment and gender equality is not conceived as a priority by the Russian authorities. This, as highlighted by the report, is proved by three main points. First, the amount of specialised organisations providing support to victims of sexual violence (including domestic violence) has increasingly dropped, as a consequence of the lack of support by the Government. Second, whereas the number of government entities assisting victims has increased, the service offered is still absolutely inadequate with respect to the amount of the population and the geographical extension of the Russian Federation. And finally, as concerns the legislation protecting women from violence, the federal law “On the foundations of social and legal protection from domestic violence” has been in draft form since 1995, without any further development²⁹³.

Despite the persisting obstacles to the improvement of governmental commitment to women’s empowerment, some important initiatives have been undertaken by the United Nations Agencies acting in the Russian Federation since the launch of the Framework for Cooperation in 2007. In particular, the United Nations Theme Group on Gender (GTG) in the Russian Federation (see Paragraph 2.2.4.) have played a role of support to all the United Nations Agencies’ contributions in this field, grounding on international documents like the Millennium Development Goals (MDGs), the

²⁹² *Ibid.*, p. 54.

²⁹³ *Ibid.* p. 55.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Beijing Platform for Action (BPA).

One of the most significant initiatives promoted by the United Nations GTG in Russia in the period from 2008 to 2011 has been the publication of the study “Monitoring Women’s Rights in the Russian Federation: A Thousand of Women’s Stories”, prepared in collaboration with the Russian Institute of Social and Gender Policy on the basis of Russian women’s interviews and offering a broad picture of women’s social status and gender issues in the Russian Federation, through featuring various aspects of Russian women’s life, such as employment, healthcare, education, family²⁹⁴. The GTG presented this publication on several occasions, in particular during the roundtable “Women’s Stories in Today’s Russia: Realities and Prospects” held in Saint-Petersburg in 2009 on the occasion of the International Women’s Day. During the roundtable, which took place at Saint-Petersburg State University, Natalya Grigorieva, the publication’s lead author, explained that the main purpose of this initiative was to monitor the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in the Russian Federation, and to raise the society and Government’s awareness about the gender-related problems which deeply affect the Russian society²⁹⁵.

Another important achievement in promoting gender equality for the United Nations Agencies in the Russian Federation was the submission of a consolidated country report to CEDAW in 2009²⁹⁶. This has been considered as a remarkable step forward in the promotion of women’s empowerment, since for the first time the United Nations presence in the country presented its official position about the gender-related issues in the Russian Federation, reviewing achievements and negative aspects which still needed to be improved. The report, in particular, highlighted the necessity to establish a national plan of action and effective mechanisms aimed at preventing violence against women. In fact, greater governmental commitment to address gender-related problems has already been required by the United Nations in 2009, and the

²⁹⁴ UN GTG Background information. 2 May 2013 <<http://www.unrussia.ru/en/taxonomy/term/8>>.

²⁹⁵ UNDP News, Roundtable “Women’s Stories in Today’s Russia: Realities and Prospects”. 2 May 2013 <<http://www.undp.ru/index.php?iso=RU&lid=1&cmd=news&id=562>>.

²⁹⁶ “Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. Combined sixth and seventh periodic reports of States parties Russian Federation” CEDAW/C/USR/7. United Nations Committee on the Elimination of Discrimination against Women 9 Mar. 2009. 2 May 2013 <<http://www.refworld.org/cgi-bin/tehis/vtx/rwmain?docid=4a1fa06c2>>.

United Nations GTG, particularly, suggested the creation of a platform for discussion of gender policies, which would gather the contributions of the United Nations, the Government, and other non-governmental entities to eradicate the violence against women and promote gender equality²⁹⁷.

Finally, it is worthwhile to mention another interesting initiative promoted in November 2009 by the United Nations GTG in collaboration with the Commission on Gender and Demographic Policies of the Russian Federation's Public Chamber, the roundtable dedicated to the annual campaign "16 Days of Activism Against Gender Violence"²⁹⁸. The event represented also the occasion to celebrate the thirtieth anniversary of CEDAW activity, with the participation of State officials, academic experts and members of local and international NGOs. During the presentation of the overview of the GTG anti-violence campaign and the report on CEDAW implementation in Russia, the major problem areas have been analysed by the participants, who highlighted the growing records of cases of domestic violence, whose eradication has been identified as a major challenge. OHCHR National Programme Officer Olga Salova, in particular, through presenting the 2009 CEDAW report observations, underlined that the situation has not changed since 2002, when the previous report was published. This, according to her, is due primarily to the lack of a national gender strategy and State structures offering assistance to victims of gender-related violence²⁹⁹.

3.2.1.5. Children's rights. Improving juvenile justice and the rights of children affected by armed conflict.

As it was illustrated in Paragraph 2.2.1.5., the main objectives submitted by OHCHR within the "Framework for Cooperation with the Russian Federation" in the field of children's rights promotion concerned primarily the sphere of juvenile justice and protection of the rights of children affected by armed conflict. It may be worthwhile, therefore, to examine which steps forwards have been done since the launch of the Framework in 2007, and to discuss, on the other hand, the persisting challenges which

²⁹⁷ UN GTG Background information. 2 May 2013 <<http://www.unrussia.ru/en/taxonomy/term/8>>.

²⁹⁸ *Ibid.*

²⁹⁹ Press Centre of the Civic Chamber of the Russian Federation, "Ženščina meždju vlastju i obščestvom" 25 Nov. 2009. 2 May 2013 <<http://www.oprf.ru/ru/press/news/2009/newsitem/2655?PHPSESSID=472spb6c8hf0ldkcol0vk53st5>>.

the Russian Government should address in promoting the improvement of children's rights in these two main areas of intervention.

In his already mentioned 2009 report, the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, pointed out that several pilot projects have been conducted throughout the Russian Federation in recent years, in order to suggest and experiment useful elements of a juvenile justice system³⁰⁰. In this regard, one of the leading international project in the area of juvenile justice in the Russian Federation has been the Canada-Russia project "Improving Services for Youth at Risk in the Russian Federation" (YAR Project)³⁰¹, which was founded by the Canadian International Development Agency (CIDA) and managed by the Association of Universities and Colleges of Canada (AUCC), in collaboration with Russian local partnerships. The starting point of YAR Project has been the consideration of the magnitude of the problem of youth at risk in the Russian Federation³⁰². The complex aftermaths of the post-Soviet transformations, in fact, deeply affected Russian young people: the spread of unemployment, poverty, alcoholism and drug addition, for instance, were among the main causes of the overall increment of crime rates in the years which followed the collapse of the Soviet Union. Although the Russian Federation's economic and social conditions have substantially grown since then, the problems of youth at risk have not been completely solved, with an increasing number of minors addicted to tobacco, alcohol, and drugs. Moreover, according to the authors of YAR Project, «by 2006, it was estimated that the number of children deprived of parental care in Russia had reached over 731,000, with an additional six million of the country's approximately 29 million children said to be living in harsh social and economic conditions³⁰³». Through examining this critical situation, the purposes of YAR Project, thus, have been developing a number of preventative measures and rehabilitative programmes dedicated to Russian young people at risk, improving their social integration, creating new services and enhancing the quality of the already

³⁰⁰ "Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development. Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy. Addendum. Mission to the Russian Federation" A/HRC/11/41/Add.2. United Nations Human Rights Council 23 Mar. 2009. 22 Apr. 2013 <http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.41.Add.2_en.pdf>.

³⁰¹ "Juvenile Justice in Russia: Models, Design, and the Road Ahead". Canadian International Development Agency (CIDA), Ottawa, 2009. 3 May 2013 <<http://www.iicrd.org/system/files/Juvenile%20Justice%20Models%20Part%20I.pdf>>.

³⁰² *Ibid.*, p. 5.

³⁰³ *Ibid.*, p. 5.

existing programmes of assistance³⁰⁴. Youth justice models and best practices that had proved successful in Canada, therefore, have been adapted to the Russian system through the launch of six pilot projects in the regions of Bryansk, Chuvashia, Moscow Oblast, the Southwest District of Moscow, Rostov Oblast and Stavropol. These projects, which focused on the five areas of prevention, case management, courts, correction and post-custody, reflected the right-based and a youth-centred approach through which the issue of reforming the Russian juvenile justice system have been addressed³⁰⁵.

Therefore, YAR Project started off with the establishment of a Juvenile Justice Workgroup in April 2009 and the institution of the Association of Juvenile Judges in June 2009, with the support of the Public Chamber of the Russian Federation. According to the authors of YAR Project, the keys to the success of this initiative have been the close interconnection of the five main capacity-building areas³⁰⁶ and the horizontal exchange among the six pilot regions³⁰⁷. The regional initiatives, indeed, have begun to gather general consensus, and by attracting the interest of policymakers, who saw significant opportunities to extend them at federal level, they opened the way to greater challenges. In fact, «the results achieved within the pilot projects», claimed the authors of YAR Project, «are being used by the Russian partners to demonstrate how these approaches and mechanisms are responsive to the Russian context and to advocate for legislative, policy, and budgetary amendments at the federal-level necessary for the roll-out of a national system of juvenile justice³⁰⁸».

In recent years, the promotion of children's rights by international organisations and local actors has significantly developed throughout the Russian territory. UNICEF, in particular, in accordance with the recommendations of the 2005 report of the Committee on the Rights of the Child³⁰⁹, has increased its commitment in promoting and coordinating several initiatives which dedicate particular attention to the critical situation of the rights of children affected by the armed conflicts in Northern Caucasus.

³⁰⁴ *Ibid.*, p. 3.

³⁰⁵ *Ibid.*, p. 5.

³⁰⁶ *Ibid.*, p. 29.

³⁰⁷ *Ibid.*, p. 14.

³⁰⁸ *Ibid.*, p. 9.

³⁰⁹ "Consideration of Reports submitted by States Parties under Article 44 of the Convention. Concluding Observations: Russian Federation" CRC/C/RUS/CO/3. United Nations Committee on the Rights of the Child 23 Nov. 2005. 22 Apr. 2013 <[http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0c13abf7078d9bc1c12570ee0058fef8/\\$FILE/G0545104.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/0c13abf7078d9bc1c12570ee0058fef8/$FILE/G0545104.pdf)>.

One of these initiatives has been the launch of the UNICEF Psychosocial Rehabilitation Programme in the North Caucasus in 2005. A survey conducted by UNICEF in 2006 in the territories affected by the Chechen conflicts registered the grave consequences that the recent wars provoked on Chechen children: among them, in fact, 73 per cent had experienced traumatising events, 62 per cent often recollected war, and 59 per cent often had immediate reaction when hearing sudden noise³¹⁰. Moreover, 80 per cent of Chechen children at the time of the survey were in need of psychological assistance, but 92 per cent of Chechen schools lacked qualified psychological assistance services³¹¹.



Figure 15. The “Binonte” family rehabilitation centre in Beslan, Chechnya.

³¹⁰ United Nations Office in the Russian Federation, E. KHARITONOVA, “Children of Chechnya: to Heal Psychological Scars”. *UN in Russia* No.1(50), Jan. – Feb. 2007, p. 11. 22 Apr. 2013 <<http://www.unrussia.ru/en/documents/bulletin>>.

³¹¹ United Nations Office in the Russian Federation, A. MUCHNIK, “To Make Children Laugh. Psychosocial Help in Chechnya”. *UN in Russia* No. 1(62), Jan. – Feb. 2009, p. 10. 3 May 2013 <http://www.unrussia.ru/sites/default/files/docs/eng/OON62_eng_01-02-2009.pdf>.

In order to help Chechen children to overcome their psychological injuries, therefore, in 2005 UNICEF opened 14 rehabilitation centres in seven districts of the Chechen Republic, such as the family rehabilitation centre “Binonte” in Beslan. Following the example of the UNICEF recovery programme, which engaged psychotherapists from all over the Russian Federation, in 2008 an Expert Council on Psychosocial Assistance was established in Chechnya to continue the initiatives undertaken by UNICEF. The Expert Council on Psychosocial Assistance developed a programme for 2008-2012, which received the support of the local Government and specialists³¹².

3.2.2. Working on the issue of equality.

The promotion of equality and tolerance is one of the thematic areas of the Framework for Cooperation in which the joint initiatives of the United Nations Agencies and the Russian Federation reached important achievements, as highlighted by the 2011 Report of OHCHR³¹³. In particular, the establishment of the Russian component of the OHCHR Indigenous Fellowship Programme and its enhancement thanks to the collaboration with People’s Friendship University of Moscow and the Russian Association of Indigenous Peoples (RAIPON) can be considered fundamental steps forward in promoting the rights of the indigenous peoples living in the Russian territory. On the contrary, the launch of the Framework has not comported significant changes in the overall situation concerning racial discrimination yet. As underlined in the 2013 observations of the Committee on the Elimination of Racial Discrimination, in fact, increasingly acute manifestations of xenophobia and racist violence have reached alarming levels throughout the country, and this significantly hampers the governmental and non-governmental efforts to combat racial discrimination. Finally, both positive and negative aspects characterise the fight against the discrimination of persons with disabilities, since the ratification of international legislative measures and the launch of several United Nations initiatives seem to represent important achievements, but, on the other hand, there is still much work to be done at federal

³¹² United Nations Office in the Russian Federation, E. KHARITONOVA, “Children of Chechnya: to Heal Psychological Scars”. UN in Russia No.1(50), Jan. – Feb. 2007, p. 12. 22 Apr. 2013 <<http://www.unrussia.ru/en/documents/bulletin>>.

³¹³ “OHCHR in the field: Europe and Central Asia. OHCHR Report of 2011”, p. 346. OHCHR Publications 2011. 9 Apr. 2013 <http://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report2011_web/allegati/24_Europe.pdf>.

level to make the possibilities of persons with disabilities truly unlimited.

3.2.2.1. The Moscow component of the OHCHR Indigenous Fellowship Programme.

In its 2011 Concluding Observations on the Russian Federation³¹⁴, the Committee on Economic, Social and Cultural Rights underlines and praises the importance of certain measures undertaken by the Russian authorities to promote the enhancement of the indigenous peoples' rights throughout the country. Among these measures, in particular, the Committee acknowledges the adoption of a policy framework in February 2009, aimed at improving the sustainable development of the Northern, Siberian, and Far-Eastern small indigenous communities of the Russian Federation³¹⁵, along with the institution of the Ministry of Regional Development in September 2004, responsible for the improvement of the policies and the initiatives dedicated to ethnic minorities³¹⁶.

Nonetheless, although taking note of the Russian Government's efforts, the Committee expresses its concerns over the lack of effectiveness of these measures: the action plan for 2009-2011 and the federal programme concerning the indigenous peoples' economic and social development until 2011, in fact, did not produce any concrete results, and the situation is further aggravated by the possible consequences of the recent changes to the federal Land, Forest and Water Codes, which may «deprive indigenous peoples of the right to their ancestral lands, fauna and biological as well as aquatic resources, on which they rely for their traditional economic activities, through granting of licenses to private companies for development of projects such as the extraction of subsoil resources³¹⁷».

For this reason, the Committee recommends first of all that the Russian authorities include the indigenous peoples' right to their traditional access to natural resources into the Land, Forest and Water Codes³¹⁸. Second, the Committee urges that indigenous communities' informed consent be sought before granting licenses to private

³¹⁴ "Consideration of reports submitted by States parties under Articles 16 and 17 of the Covenant. Concluding Observations of the Committee on Economic, Social and Cultural Rights on the Russian Federation" E/C.12/RUS/CO/5. United Nations Committee on Economic, Social and Cultural Rights 20 May 2011. 2 May 2013 <<http://www.ohchr.org/EN/Countries/ENACARRegion/Pages/RUIndex.aspx>>.

³¹⁵ *Ibid.*, par. 3iii.

³¹⁶ *Ibid.*, par. 3ii.

³¹⁷ *Ibid.*, par. 7.

³¹⁸ *Ibid.*, par. 7a.

companies which aim at establishing economic activities on the territories traditionally occupied by indigenous peoples³¹⁹, and that the possibly affected communities be provided with adequate compensation³²⁰. Third, the Russian Federation is asked to effectively implement the target programmes for the development of the indigenous communities living on its territory³²¹, and to revise by the next periodic report the draft of the Law on Territories of Traditional Nature Use of Indigenous Numerically Small Peoples of the North, Siberia and the Far East of the Russian Federation³²². And finally, the Committee recommends that the Russian Federation ratify ILO Convention No. 169 on the Indigenous and Tribal Peoples in Independent Countries³²³.

However, despite the several improvements which are still required to the Russian Federation for the enhancement of its indigenous communities' rights, important achievements have been fulfilled in recent years, especially within the OHCHR "Framework for Cooperation with the Russian Federation". The most successful results, in fact, have been the establishment and the improvement of the Russian component of the Indigenous Fellowship Programme (see Paragraph 2.2.2.2.), which was launched by OHCHR in the context of the first International Decade of the World's Indigenous People (1995-2004)³²⁴. In 2005 the Russian speaking component of the Indigenous Fellowship Programme was introduced as a pilot project, and since then it has increasingly developed achieving significant improvements, as it is acknowledged in the 2011 Report of the OHCHR³²⁵.

The enhancement of the project has been possible first of all thanks to the cooperation with the Russian Association of Indigenous Peoples of the North (RAIPON) and the Centre for Support of Indigenous Peoples of the North / Russian Indigenous Training Centre (CSIPN/RITC). Afterward, since 2008 the Russian speaking component

³¹⁹ *Ibid.*, par. 7b.

³²⁰ *Ibid.*, par. 7c.

³²¹ *Ibid.*, par. 7d.

³²² *Ibid.*, par. 7e.

³²³ "Convention concerning Indigenous and Tribal Peoples in Independent Countries" C169. ILO 1 Jan. 1989. 13 May 2013 <http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C169>.

³²⁴ The OHCHR Indigenous Fellowship Programme. 13 May 2013 <<http://www.ohchr.org/EN/Issues/IPeoples/Pages/Fellowship.aspx>>.

³²⁵ "OHCHR in the field: Europe and Central Asia. OHCHR Report of 2011", p. 346. OHCHR Publications 2011. 9 Apr. 2013 <http://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report_2011_web/allegati/24_Europe.pdf>.

of the Programme has been implemented through identifying in the Peoples' Friendship University of Russia the ideal academic partner, which could support the OHCHR initiatives and provide active participation in the Programme³²⁶.

The Indigenous Fellowship Programme is an information network conceived by OHCHR as an interactive instrument to raise the indigenous peoples' awareness about their fundamental rights. For this reason, eight Fellows from Russia's diverse indigenous communities are selected each year to form the Moscow component of the Programme, in order that they can be introduced to the United Nations system and improve their knowledge about the international and national mechanisms of protection of their rights³²⁷.

The first session of the Programme takes place in Moscow, and it consists of a four-week introductory training, during which the Fellows become acquainted with the United Nations Agencies' work and procedures dealing with human rights in general and, more specifically, indigenous peoples' rights. Supplementary activities may include briefings by Government institutions, the introduction to the work of the United Nations Country Team (UNCT) and that of civil society organisations. Subsequently, the second session of the Programme takes place in Geneva, and it consists of a four-week complementary training, including the presentation of the work of the Human Rights Council and Treaty Bodies, the study of specific human rights issues, and the visit to some United Nations Agencies and non-governmental international organisations³²⁸. This comprehensive training programme aims at providing the Fellows with practical knowledge about human rights protection mechanisms, so that they may be improve their capacity to respond to their communities' needs.

In its 2011 Report on the Russian Federation, OHCHR welcomed all these recent achievements, and recommended their further improvement during the second International Decade of the World's Indigenous People, which has been proclaimed by

³²⁶ The OHCHR Indigenous Fellowship Programme. 13 May 2013 <<http://www.ohchr.org/EN/Issues/IPeoples/Pages/IFP.aspx#russian>>.

³²⁷ "OHCHR in the field: Europe and Central Asia. OHCHR Report of 2011", p. 346. OHCHR Publications 2011. 9 Apr. 2013 <http://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report_2011_web/allegati/24_Europe.pdf>.

³²⁸ The OHCHR Indigenous Fellowship Programme. 13 May 2013 <<http://www.ohchr.org/EN/Issues/IPeoples/Pages/IFP.aspx#russian>>.

the United Nations General Assembly for the period 2005-2014³²⁹.



Figure 16. The United Nations Democracy Fund Deputy Head Annika Savill visiting Kamchatka Territory in May 2012.

3.2.2.2. Countering racial discrimination.

In its 2013 Concluding Observations on the twentieth to twenty second periodic

³²⁹“UN General Assembly resolution No. 59/174, Draft Programme of Action for the Second International Decade of the World’s Indigenous People” A/RES/59/174. United Nations General Assembly 24 Feb. 2005. 13 May 2013 <http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/59/174&referer=http://www.un.org/depts/dhl/resguide/r59.htm&Lang=E>.

reports of the Russian Federation³³⁰, the Committee on the Elimination of Racial Discrimination highlights that the manifestations of xenophobia have reached intolerable levels throughout the country, and the growing number of cases of racist violence registered in the Russian Federation in recent years seriously hamper the positive outcomes of the initiatives undertaken by the Russian authorities to combat racial discrimination.

Among the positive measures which have been adopted since August 2008, when the last report submitted by the Russian Government was reviewed, the Committee welcomes the endeavours of the Russian Federation to strengthen its legal framework towards a greater and more effective protection of human rights, giving effect, in particular, to the provisions of the Convention on the Elimination of All Forms of Racial Discrimination³³¹. In this regard, the Committee praises firstly the adoption of the Federal Law No. 182-FZ³³² on 12 November 2012, amending the 2002 Federal Law on Citizenship of the Russian Federation in the sense of a simplification of the process of acquiring citizenship³³³, and the entry into force on 1 March 2012 of the Federal Law No. 3-FZ³³⁴ on Police, «which stipulates, *inter alia*, that the police shall “protect the rights, freedoms and legal interests of a persona and a citizen regardless of gender, race, ethnicity, language and origin”³³⁵». Secondly, the Committee welcomes the ratification or accession to important international and regional instruments, such as the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in September 2008³³⁶; the European Social Charter in

³³⁰ “Concluding Observations on the twentieth to twenty second periodic reports of the Russian Federation” CERD/C/RUS/CO/20-22. United Nations Committee on the Elimination of Racial Discrimination 1 Mar. 2013. 13 May 2013 <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-RUS-CO-20-22_en.pdf>.

³³¹ “International Convention on the Elimination of All Forms of Racial Discrimination”, New York, 7 Mar. 1966. United Nations Treaties. 13 May 2013 <http://treaties.un.org/Pages/ViewDetails.aspx?mtdsg_no=IV-2&chapter=4&lang=en>.

³³² “Federal Law No. 182-FZ” of 12 Nov. 2012. 13 May 2013 <<http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=137643;div=LAW;dst=100028>>.

³³³ “Concluding Observations on the twentieth to twenty second periodic reports of the Russian Federation” CERD/C/RUS/CO/20-22, par. 4a. United Nations Committee on the Elimination of Racial Discrimination 1 Mar. 2013. 13 May 2013 <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-RUS-CO-20-22_en.pdf>.

³³⁴ “Federal Law No. 3-FZ” of 7 Feb. 2011. 13 May 2013 <<http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=144697>>.

³³⁵ “Concluding Observations on the twentieth to twenty second periodic reports of the Russian Federation” CERD/C/RUS/CO/20-22, par. 4b. United Nations Committee on the Elimination of Racial Discrimination 1 Mar. 2013. 13 May 2013 <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-RUS-CO-20-22_en.pdf>.

³³⁶ *Ibid.*, par. 5a.

October 2009³³⁷; the Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms (within the framework of the European Convention on Human Rights) in February 2010³³⁸; the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children in August 2012³³⁹; and the Convention on the Rights of Persons with Disabilities in September 2012³⁴⁰. Thirdly, the Committee positively values the institution in 2011 of an Interdepartmental Working Group on inter-ethnic relations, formed by members of fifteen federal Government bodies, the Federation Council and the State Duma, and chaired by the Deputy Prime Minister³⁴¹.

Furthermore, the Committees analyses the issues of concern about racial discrimination, stating a number of recommendations to combat racially-motivated violence, discourses and social inequality. The starting point for the promotion of effective measures against racial discrimination, according to the Committee, is the formulation of a clear definition of direct and indirect forms of racial discrimination³⁴², in accordance with Article 1, Paragraph 1 of the Convention on the Elimination of All Forms of Racial Discrimination³⁴³. Along with this first, necessary step towards the development of a comprehensive anti-discrimination legislation, moreover, the Committee calls for the establishment of «a mechanism for systematic data collection, based on the principle of self-identification, to assess the socio-economic status of different ethnic groups in the State party, including in areas such as education, employment and housing³⁴⁴», in order to overcome the problem of the lack of disaggregated data in the official reports submitted by the Russian Federation, an issue

³³⁷ *Ibid.*, par. 5b.

³³⁸ *Ibid.*, par. 5c.

³³⁹ *Ibid.*, par. 5d.

³⁴⁰ *Ibid.*, par. 5e.

³⁴¹ *Ibid.*, par. 6a.

³⁴² *Ibid.*, par. 7.

³⁴³ “International Convention on the Elimination of All Forms of Racial Discrimination”, New York, 7 Mar. 1966. United Nations Treaties. 13 May 2013 <http://treaties.un.org/Pages/ViewDetails.aspx?mtdsg_no=IV-2&chapter=4&lang=en>.

³⁴⁴ “Concluding Observations on the twentieth to twenty second periodic reports of the Russian Federation” CERD/C/RUS/CO/20-22, par. 8. United Nations Committee on the Elimination of Racial Discrimination 1 Mar. 2013. 13 May 2013 <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-RUS-CO-20-22_en.pdf>.

which had already been the object of a previous Committee's recommendation³⁴⁵. The Committee, then, examines the issues of racially-motivated crimes and racist hate speech. According to the Committee, although the Russian authorities have effectively implemented the fight against extremist organisations and manifestations – as demonstrated by the decline of the correlative phenomena in 2011, «instances of racially-motivated violence and murders have reportedly risen in 2012, particularly among young people, targeting persons originating from Central Asia, the Caucasus, Asia and Africa, as well as Roma and ethnic minorities of Muslim or Jewish faith³⁴⁶». In the same way, an increment in racist and xenophobic attitudes has been widely shown throughout the streets of the Russian cities, leading in several cases to the death or injures of members of ethnic minorities³⁴⁷. After receiving reports of these alarming trends, therefore, the Committee recommends that the Russian authorities «systematically, firmly and unequivocally condemn all acts of intolerance, racism and xenophobia³⁴⁸», and strengthen the intervention of the police, prosecutors and the judiciary, in order that they promptly investigate and punish racially-motivated crimes. In relation to this, on the other hand, the Committee expresses its concern over the disproportionately harsh repression and the frequently unlawful conduct of the police and law enforcement officials against members of ethnic minorities, including the reported cases of violence by the so-called “Cossack patrols”, voluntary organisations that began to appear in 2012 in various regions of the Federation, carrying out unofficial paramilitary law enforcement functions. The Committee, hence, urges that the Russian Government implement the Law on Police with the indication of appropriate legal measures against law enforcement officials who are responsible for unlawful conduct³⁴⁹, and ensure that «the functions of maintaining law and order are undertaken by professionally trained law enforcement officials only, and that any interference of individuals' rights by Cossack organizations are appropriately

³⁴⁵ “Consideration of Reports Submitted by States Parties under Article 9 of the Convention. Concluding observations of the Committee on the Elimination of Racial Discrimination” CERD/C/RUS/CO/19, par. 10. United Nations Committee on the Elimination of Racial Discrimination 20 Aug. 2008. 13 May 2013 <<http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD.C.RUS.CO.19.pdf>>.

³⁴⁶ “Concluding Observations on the twentieth to twenty second periodic reports of the Russian Federation” CERD/C/RUS/CO/20-22, par. 11a. United Nations Committee on the Elimination of Racial Discrimination 1 Mar. 2013. 13 May 2013 <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-RUS-CO-20-22_en.pdf>.

³⁴⁷ *Ibid.*, par. 11b.

³⁴⁸ *Ibid.*, par. 11.

³⁴⁹ *Ibid.*, par. 14a.

sanctioned³⁵⁰. The Committee, moreover, is deeply concerned about the alarming diffusion of racist hate speech, since racist and xenophobic statements have reportedly become increasingly frequent not only in extremist groups' manifestations, but also in politicians' public discourses and rhetoric as well as in the media, which contribute to disseminate negative stereotypes and racially-based prejudices³⁵¹. The Committee, thus, urges that the Russian Government take immediate action to adequately sanction politicians and media professionals who disseminate incitement to racial discrimination and fuel intolerance against the ethnic minorities living in the Russian Federation³⁵². Finally, the Committee concludes its report by adding supplementary observations, including the recommendation that the Russian Federation give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance³⁵³, and that it consider ratifying certain international human rights treaties enshrining principles that are closely related to the fight against racial discrimination, such as the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the 1954 Convention on the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, and the ILO Convention No. 189 on Decent Work for Domestic Workers³⁵⁴.

3.2.2.3. Beyond the barriers. The rights of persons with disabilities.

With regard to the protection of the rights of persons with disabilities, one of the priority targets set by the Framework for Cooperation has been recently fulfilled, with the ratification by the Russian Federation of the Convention on the Rights of Persons with Disabilities³⁵⁵ on 25 September 2012. OHCHR, in fact, through the Framework for Cooperation established a process of guidance and technical advice aiming at the implementation of the national legislation in defence of the rights of persons with disabilities, including the adoption of international measures related to this issue. The results of this process, however, are just partially positive, since the Russian

³⁵⁰ *Ibid.*, par. 14c.

³⁵¹ *Ibid.*, par. 12.

³⁵² *Ibid.*, par. 12a-c.

³⁵³ *Ibid.*, par. 23.

³⁵⁴ *Ibid.*, par. 22.

³⁵⁵ "Convention on the Rights of Persons with Disabilities", New York, 13 Dec. 2006. United Nations Treaties. 26 Apr. 2013 <http://treaties.un.org/doc/source/RecentTexts/IV_15_english.pdf>.

Federation has not ratified the Convention's Optional Protocol yet.

Another important initiative pertains the promotion of the rights of children with disabilities. In February 2008, in fact, as part of the UNICEF project "Inclusive Education for Children with Special Needs" mainstream education classes in Ingushetia and Dagestan were opened for the first time to children with disabilities³⁵⁶. The project, which is implemented by the ministries of education of the North Caucasus republics, aims at integrating disabled children in regular secondary education classes, in order to promote social integration and the fundamental right of every children to education. UNICEF and the ministries of education dedicated a training programme, publications and methodological literature to the issue, in order to make teachers and parents acquainted with the issue of inclusive education, and significant work was undertaken also to ensure adequate physical access to the pilot schools.



Figure 17. UNICEF project "Inclusive Education for Children with Special Needs" in North Caucasus schools.

In the immediate future, UNICEF plans extend this project to other classes in the

³⁵⁶ United Nations Office in the Russian Federation, "Disabled Kids: Making their Possibilities Unlimited". *UN in Russia* No.2(57), Mar. – Apr. 2008, p. 15. 13 May 2013 <http://www.unrussia.ru/sites/default/files/docs/eng/OON57_eng_03-04-2008.pdf>.

republics of Chechnya, North Ossetia and Kabardino-Balkaria. The issue of inclusive education and social integration, however, is not limited to the North Caucasus context, but it is widespread throughout the country. Therefore, the “Inclusive Education for Children with Special Needs” project in North Caucasus will serve as a successful model for similar initiatives which UNICEF is already programming to open in other regions of the Russian Federation³⁵⁷.

3.2.2.4. Implementing the national response to HIV/AIDS epidemic.

Having witnessed an explosive increase in HIV incidence during the 1990s, the Russian Federation has been facing the HIV/AIDS epidemic since 1996-1997, when the virus began to alarmingly spread among injection drug users³⁵⁸.

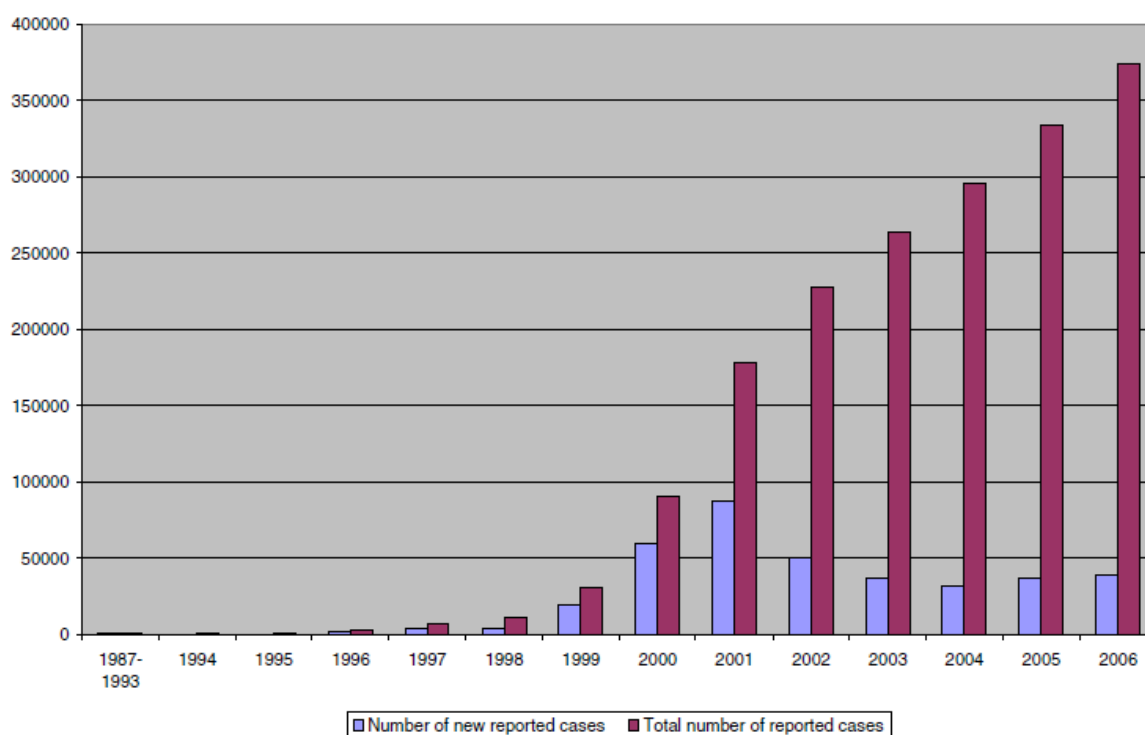


Figure 18. HIV Incidence and Prevalence in the Russian Federation, 1987-2006 (CSIS 2007).

³⁵⁷ *Ibid.*, p. 15.

³⁵⁸ J. TWIGG, “HIV/AIDS in Russia. Commitment, Resources, Momentum, Challenges. A Report of the Task Force on HIV/AIDS”. Center for Strategic and International Studies (CSIS), Washington, 2007, p. 1. 13 Feb. 2013 <http://csis.org/files/media/csis/pubs/071016_russiahiv aids.pdf>.

Analysing the situation of the HIV/AIDS epidemic in the Russian Federation as of 2007 in a report of the Center for Strategic and International Studies (CSIS), Twigg claims that «the post-Soviet explosion in injection drug use has stemmed from an array of factors: the opening of borders, putting Russia along several widely used drug trafficking routes; high unemployment and other sources of social alienation and anomie among young people; a sharp decrease in financing of state health care and educational institutions; and the inexpensiveness and ready availability of drugs³⁵⁹». As a consequence, the amount of officially registered cases of HIV in the country was of 390,365 as of August 2007³⁶⁰, taking into consideration, however, that significant controversy surround the difference between the number of officially registered and unregistered cases³⁶¹: as estimated by the Joint United Nations Programme on HIV/AIDS (UNAIDS), in fact, the number of people living with HIV in the Russian Federation currently ranges from 730.000 to 1.300.000³⁶².

Along with the elaboration of a national plan to combat HIV/AIDS, within the OHCHR Framework for Cooperation the Russian Federation had engaged in a programme of extensive collaboration with the UNAIDS Office in Moscow, in order to improve the human rights aspects related to HIV/AIDS and addressing stigma and discrimination. Among the initiatives which has been recently undertaken, the Globus Project (see Paragraph 2.2.2.4.) led to the achievement of important results³⁶³. Overall, as part of the Globus Project, in 2005 about 4500 specialists subscribed to approximately 400 seminars and training programmes, 79 regional grants were distributed to Russian State bodies and 75 to non-governmental organisations, about 3 million dollars have been invested in purchasing and distributing medical equipment in the Globus structures, and more than 15.000 clients received medical and preventive services³⁶⁴. The Globus Project, in fact, aimed at stimulating an effective national response to the HIV/AIDS epidemic through launching a number of initiatives between 2004 and 2009 in the following regions of the Russian Federation: Buryatiya,

³⁵⁹ *Ibid.*, p. 5.

³⁶⁰ *Ibid.*, p. 1.

³⁶¹ *Ibid.*, p. 2.

³⁶² UNAIDS in the Russian Federation, 13 May 2013 <<http://www.unaids.org/en/regionscountries/countries/russianfederation/>>.

³⁶³ Globus Project Newsletter No. 1(3) 2006. 26 Apr. 2013 <<http://www.ohi.ru/files/eng3.pdf>>.

³⁶⁴ *Ibid.*, p. 2.

Krasnoyarsk, Nizhniy Novgorod, Orenburg, Pskov, St. Petersburg, Tatarstan, Tomsk, Tver and Vologda. One of these initiatives has been a campaign of HIV prevention in schools, carried out by the NGO Open Health Institute (OHI), which consisted of seminars and lessons held by employees of AIDS centres and education authorities in secondary schools in the capitals of the ten Globus regions. Among the positive results of this campaign, 506 schools received manuals about new methods of HIV prevention through the education system, and more than 200 people, including students and teachers, underwent training³⁶⁵. Another initiative supported by Globus has been the AFEW's Prevention of Mother-to-Child Transmission of HIV (PMTCT) project, which aimed at disseminating necessary information among HIV-positive women, in order to give them the opportunity to give birth to a healthy child³⁶⁶.

Since 1997 UNAIDS has been developing its activities in Moscow, and in recent years, after the establishment of the Framework for Cooperation, its presence on the Russian territory has continued to increase, with the establishment in 2007 of the new Joint United Nations Programme on HIV/AIDS, aimed at strengthening the United Nations collaboration with national partners engaged in the promotion of human rights aspects related to HIV/AIDS. The fundamental step towards the creation of an effective collaboration in the area of HIV/AIDS response in the Russian Federation was the adoption of the "Joint Programme of Support for 2009-2010³⁶⁷". Through developing the Joint Programme of Supports, UNAIDS tried to coordinate all contributions from the Russian Government – taking into consideration its National Priority Project on Health and the Federal Target Programme on Socially Significant Diseases – as well as the other Russian and international partners. The Joint Programme of Support, therefore, is based on national priorities and has been conceived in accordance with the peculiarities of the HIV epidemic in the Russian Federation. The programme of collaboration for 2009-2010 clustered around three main targets: «coordination of efforts of governmental and non-governmental organizations»; «expansion of prevention programmes for youth, injective drug users, sex workers, men having sex with men»; and «strategic information development, as

³⁶⁵ *Ibid.*, p. 5-7.

³⁶⁶ *Ibid.*, p. 8-9.

³⁶⁷ "Joint Programme of Support for 2009-2010". UNAIDS Russia, 13 May 2013 <<http://www.unrussia.ru/en/agencies/joint-united-nations-programme-hiv-aids-unaids>>.

well as harmonization of HIV monitoring and evaluation system³⁶⁸». A successful initiative promoted by UNAIDS within the framework of the Joint Programme of Support has been the development of the project “Complex Strategies of Response to HIV/AIDS Among Youth in Russian Federation³⁶⁹”. Moreover, another important step forward in implementing the national response to HIV/AIDS has been the accession of the Russian Federation in 2005 to the UNAIDS international programme “Three Ones”, through the initiative promoted by UNAIDS and the Russian Government “Coordination in Action: Applying the Three Ones Principles in the Russian Federation”. The “Three Ones” are three main principles formulated by UNAIDS in order that they may guide the programmes and efforts to improve the coordination among the different stakeholders acting on the territory to promote response to HIV/AIDS epidemic, and they are: «one AIDS Action Framework that provides the basis for coordinating the work of all partners»; «one National AIDS Coordinating Authority with a broad-based multi-sectorial mandate»; and «one country-level Monitoring and Evaluation System³⁷⁰». The initiative “Coordination in Action”, held in partnership with the Ministry of Health of the Russian Federation, the Federal Services and research institutes, has been carrying out through providing Governmental bodies and civil society with policy development and capacity building in the sphere of HIV/AIDS prevention and in elaborating effective programmes of response³⁷¹.

3.2.3. The priority of human rights education and information.

In the 2011 Report of OHCHR, the enhancement of human rights education and dissemination of information related to the several fields of the United Nations intervention in the promotion of human rights in the Russian Federation is presented among the most successful achievements fulfilled within the Framework for Cooperation³⁷². The establishment of specialised educational networks and training programmes dedicated to human rights professionals, in fact, has always been one of the OHCHR priorities, and the launch of the Joint Human Rights Master’s Programme in

³⁶⁸ *Ibid.*

³⁶⁹ *Ibid.*

³⁷⁰ “The “Three Ones” in Action: where we are and where we go from here”, UNAIDS Publications, Geneva, 2007. 13 May 2013 <http://data.unaids.org/publications/irc-pub06/jc935-3onesinaction_en.pdf>.

³⁷¹ *Ibid.*, p. 26.

³⁷² “OHCHR in the field: Europe and Central Asia. OHCHR Report of 2011”, p. 346. OHCHR Publications 2011. 9 Apr. 2013 <http://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report_2011_web/allegati/24_Europe.pdf>.

2009, for instance, represented a very important step forward in this direction. The activities of the OHCHR presence in Moscow devoted to the promotion of human rights throughout the country have considerably improved in recent years, too. Since the adoption of the Framework for Cooperation, in fact, OHCHR has organised and supported several initiatives aiming at implementing the availability of human rights information in the Russian language and in every region of the country, working in close collaboration with Russian governmental bodies and regional institutions.

3.2.3.1. Education. The Joint Human Rights Master's Programme and the Moscow Summer School on Human Rights.

The history of the Joint Human Rights Master's Programme in Moscow began in 2008, when OHCHR experts, representatives of Russian universities and the General Secretary of the European Inter-University Centre for Human Rights and Democratisation of Venice (EIUC) organised a roundtable and a working group for the establishment of a pilot course³⁷³. In this phase, the contribution of EIUC experts has been particularly important, offering guidance and support in the preparatory process. In 2009, then, a Consortium of three Russian universities – the Peoples' Friendship University of Russia (PFUR), the Russian State University for the Humanities (RGGU), and the Moscow State Institute of International Relations (MGIMO) – signed a cooperation agreement with EIUC. Finally, in September 2009 the pilot phase of the Joint Human Rights Master's Programme was launched, with each of the three academic partners offering a different specialisation: in particular, at PFUR the specialisation in "International Protection of Human Rights", at RGGU the specialisation in "Social and Cultural Dimension of Policy: The Political Anthropology, Culture, Ethics", and at MGIMO the specialisation in "International Law and EU Law, International Protection of Human Rights"³⁷⁴. During the year 2009, moreover, the first comprehensive bibliography of Russian human rights literature has been prepared, thanks to the extensive collaboration among the Russian and European academic institutions.

³⁷³ "2008-2010 Activities of OHCHR in Russia". OHCHR Publications, 13 May 2013 <<http://www.unrussia.ru/en/agencies/office-united-nations-high-commissioner-human-rights-ohchr>>.

³⁷⁴ "Master's Programme in Human Rights in the Russian Federation. Report 2009-2010", p. 3. OHCHR, PFUR, MGIMO, RGGU, EIUC, 13 May 2013 <http://rma-hr.org/RS/RES_8fcc40f7f70cb9233f5f37f480e38f10.pdf>.



Figure 19. The launch of the Moscow Summer School on Human Rights in 2011.

In 2010 important steps forward have contributed to consolidate and improve the Joint Master's Programme. First, on 5 March 2010 the Inter-University Resource Center for Human Rights Master's Studies was inaugurated at Peoples' Friendship University of Russia. The establishment of a human rights resource centre has been conceived as an opportunity for project implementation and development of curriculum. Since then, indeed, practical activities, seminars, workshops and meetings with OHCHR representatives have been regularly held in the centre. Furthermore, along with maintaining the distinction in specialisations for each university, the coordinators of the university-partners agreed about drafting an implementation study plan common to the three universities, to be developed in the academic year 2009-2010³⁷⁵. On 1 June 2010, moreover, a renewed version of the Consortium Agreement was signed, involving two additional leading universities of the Commonwealth of Independent

³⁷⁵ *Ibid.*, p. 6.

States (CIS) – Donetsk National University, in Ukraine, and the Eurasian National University named after L.N. Gumilev, in Kazakhstan³⁷⁶. In 2010 the collaboration of the Russian Universities with the European Inter-University Center for Human Rights and Democratisation could be strengthened as well. As a result of the Cooperation Agreement with EIUC, in fact, in July 2010 fourteen students from the three leading Russian universities underwent an internship in EIUC Summer School in Venice, and in the same period six professors had the opportunity to visit the Venice EIUC Academy. Finally, in August 2010 a review meeting on the pilot phase of the Master’s Programme was held in Moscow, during which EIUC and university representatives positively evaluated the first year of the programme, discussing the results achieved and the improvements to be adopted in future³⁷⁷.

Relying on the positive results of the pilot phase of the Joint Human Rights Master’s Programme, in 2011 the Consortium of the three leading universities of Moscow in cooperation with OHCHR launched the Moscow Summer School on Human Rights, based on the model of EIUC Summer School on Human Rights.³⁷⁸ The Summer School, which took place from 20 to 25 June 2011, was conceived to reach a wider public, bringing together students, graduate, practitioners and professors from all over the world, in order to spread and improve the awareness on human rights and to promote public discussion about their implementation³⁷⁹. The main targets of the Summer Schools, in fact, consist of «raising awareness on human rights issues», «networking graduate students, doctorates, practitioners and professors from all over the world», «developing the participants’ ideas into projects and pitching them³⁸⁰». In 2011 the Summer School was attended by approximately forty participants from different countries, and it has been positively reviewed by OHCHR in its 2011 Report on the Russian Federation, so that it is expected to become an annual event which will contribute to strengthen the Russian civil society’s efforts in the promotion of human rights awareness.

³⁷⁶ *Ibid.*, p. 7.

³⁷⁷ “2008-2010 Activities of OHCHR in Russia”. OHCHR Publications, 13 May 2013 <<http://www.unrussia.ru/en/agencies/office-united-nations-high-commissioner-human-rights-ohchr>>.

³⁷⁸ Moscow Summer School on Human Rights. 13 May 2013 <www.rma-hr.org>.

³⁷⁹ “OHCHR in the field: Europe and Central Asia. OHCHR Report of 2011”, p. 346. OHCHR Publications 2011. 9 Apr. 2013 <http://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report_2011_web/allegati/24_Europe.pdf>.

³⁸⁰ Moscow Summer School on Human Rights. 13 May 2013 <www.rma-hr.org>.

3.2.3.2. Information. Promoting the dissemination of United Nations information in the Russian Federation.

The 2007 Framework for Cooperation considered the improvement of the system of dissemination of human rights information as a fundamental step to be reached in the immediate future to the benefit of the Russian Federation’s civil society. For this reason, several initiatives aiming to disseminate human rights sources throughout the country have been developed in recent years by the OHCHR presence in Moscow.

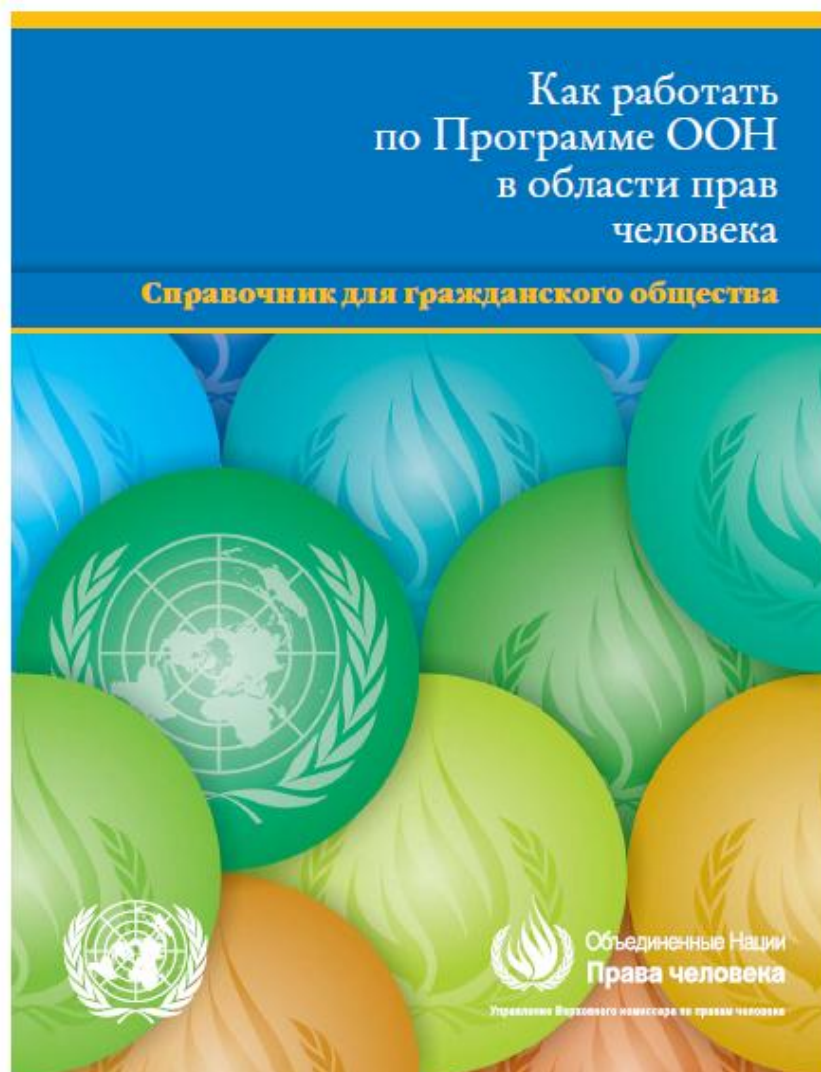


Figure 20. Russian edition cover of the OHCHR publication “Working with the United Nations Human Rights Programme. A Handbook for Civil Society”.

Among these, the translation into Russian and the publication of the OHCHR Handbook for Civil Society “Working with the United Nations Human Rights Programme” in 2009 must be mentioned, as an important instrument for the promotion of the cooperation with local stakeholders and the dissemination of general knowledge about United Nations human rights bodies and mechanisms among the Russian public³⁸¹. The Handbook is conceived as a useful manual explaining the functioning of the United Nations work in the field of human rights, and exploring the many ways through which civil society can contribute to the promotion of human rights in their everyday activities. The Handbook contains general information about the mandate, the role and the activities of OHCHR, its publications and resources, the fellowship and training programmes organised by the United Nations in the sphere of human rights, and technical information about the work of the human rights Treaty Bodies, the Human Rights Council and the Universal Periodic Review. Finally, it includes indications for the civil society actors about how to submit complaints on alleged violations of human rights and how to receive fund and grants from OHCHR, presenting also best practice examples of civil society cooperation with OHCHR³⁸².

Other significant initiatives pertain the increasingly live presence of the United Nations entities acting in the Russian Federation at the Moscow International Book Fair, an annual event which attracts thousands of visitors from all over Russia. In 2009 the United Nations presented for the first time OHCHR material and other human rights publications at the XXII edition of the Book Fair, in collaboration with the Center for Civic Education and Human Rights in Perm³⁸³. Furthermore, in 2010 a special edition of a CD-Rom containing all major United Nations human rights instruments and OHCHR publications translated into Russian was presented to the Russian public during the XXIII Moscow International Book Fair. The idea of creating this multimedia resource is related to the United Nations intention of reaching a broader audience and to inform it on the several opportunities of collaboration with OHCHR in promoting

³⁸¹ “2008-2010 Activities of OHCHR in Russia”. OHCHR Publications, 13 May 2013 <<http://www.unrussia.ru/en/agencies/office-united-nations-high-commissioner-human-rights-ohchr>>.

³⁸² “Working with the United Nations Human Rights Programme. A Handbook for Civil Society”. OHCHR Publications, New York and Geneva, 2008. 29 Apr. 2013 <http://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf>.

³⁸³ “2008-2010 Activities of OHCHR in Russia”. OHCHR Publications, 13 May 2013 <<http://www.unrussia.ru/en/agencies/office-united-nations-high-commissioner-human-rights-ohchr>>.

human rights protection in the Russian Federation. The CD-Rom has been distributed also to several libraries of the Russian regions where is more difficult to have access to the internet, in order that the dissemination of this important tool was largely available to all civil society organisations working in every district of the vast Russian territory³⁸⁴.



Figure 21. The United Nations stand at the XXIII Moscow International Book Fair.

During the 2010 edition of the Moscow International Book Fair, along with launching the CD-Rom and presenting several human rights publications, OHCHR organised with the Council of Europe a discussion entitled “Human rights education and promotion”, which was attended by representatives of international organisations, academic institutions and Russian human rights societies³⁸⁵. The discussion saw the

³⁸⁴ *Ibid.*

³⁸⁵ “Taking the human rights message to the Russian Public”. *OHCHR News*, 22 Oct. 2010. 12 Feb. 2013 <<http://www.ohchr.org/EN/NewsEvents/Pages/BookFairMoscow.aspx>>.

intervention of several human rights defenders, including the Russian human rights activist Lyudmila Alekseeva, chairwoman of the influential human rights non-governmental organisation Moscow Helsinki Group and a veteran member of the Soviet dissident movement. The discussion offered also the occasion to present the Human Rights Master's Programme, which was experiencing at that time its pilot phase.

3.2.4. The OHCHR Moscow role of guidance in articulating human rights dimensions and actors in the Russian Federation.

Since the launch of the Framework for Cooperation in 2007, the OHCHR presence in Moscow has reinforced its role of coordination and support to the several United Nations activities aiming at improving the protection and promotion of human rights in the Russian context. The 2011 Report of OHCHR on the Russian Federation, in fact, highlighted among its concluding remarks that the contribution of the Human Rights Adviser to individual United Nations Agencies has rapidly developed since his formal establishment in Moscow in 2008, providing *ad-hoc* technical advice on international human rights mechanisms and standards. The United Nations Agencies and the civil society organisations acting on the Russian territory, moreover, have benefitted from the role of guidance of the OHCHR presence in Moscow in the coordination of important international initiatives about the various fields of human rights promotion³⁸⁶.

These activities include, for instance, the organisation of joint awareness raising events, promoted by OHCHR in collaboration with other United Nations Agencies and Theme Groups or European Union's partners. One of the most successful annual events supported by OHCHR presence in the Russian Federation is the "Stalker International Human Rights Film Festival", dedicated to the celebration of the Human Rights Day³⁸⁷. "Stalker" Festival, established in 1995 and organised by the Russian Federation Ministry of Culture, the United Nations, the European Union and several civil society organisations, is regularly held in Moscow and in some Russian regions. The Festival traditionally opens on 10 December, when the International Human Rights Day is

³⁸⁶ "OHCHR in the field: Europe and Central Asia. OHCHR Report of 2011", p. 346. [OHCHR Publications 2011. 9 Apr. 2013 <http://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report_2011_web/allegati/24_Europe.pdf>](http://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report_2011_web/allegati/24_Europe.pdf).

³⁸⁷ *Ibid.*

celebrated worldwide in remembrance of the adoption of the United Nations Universal Declaration of Human Rights. The purpose of this event, in fact, is to raise the Russian society's legal consciousness on human rights through the cinema, awarding the Russian film-makers' best films of the year about human rights³⁸⁸.



Figure 22. The roundtable at the Central House of Journalists during the XVIII International Human Rights Film Festival “Stalker”.

Every year the United Nations presence in Moscow, coordinated by OHCHR, participates in the programme of “Stalker” Festival through actively contributing to the organisation of collateral events. The XVII edition of the Festival, for instance, became the occasion for OHCHR to organise a UN-focused day³⁸⁹, while on 11 December 2012

³⁸⁸ “XVI International Human Rights Film Festival *Stalker*”. Delegation of the European Union to Russia 6 Dec. 2010. 13 May 2013 <http://eeas.europa.eu/delegations/russia/press_corner/all_news/news/2010/20101206_02_en.htm>.

³⁸⁹ “OHCHR in the field: Europe and Central Asia. OHCHR Report of 2011”, p. 346. OHCHR Publications 2011. 9 Apr. 2013 <http://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report_2011_web/allegati/24_Europe.pdf>.

during the XVIII edition a roundtable of journalists, judiciary members and civil society representatives was held at the Moscow Central House of Journalists to discuss the situation of human rights protection in the Russian Federation³⁹⁰.

On 25 November 2011 the Moscow Central House of Journalists had already hosted another important event organised by OHCHR – the roundtable “in the Russian Federation”. The roundtable, which was supported by the Union of Journalists of Russia, UN Women Moscow, UN Gender Theme Group and the National Centre to Counter Violence “Anna”, took place within the framework of the United Nations annual campaign “16 Days of Activism against Gender Violence³⁹¹”. The campaign, which has been developing since 1991 all over the world, aims at «raising awareness about gender-based violence as a human rights issue at the local, national, regional and international levels»; «strengthening local work around violence against women»; «establishing a clear link between local and international work to end violence against women»; «providing a forum in which organisers can develop and share new and effective strategies»; «demonstrating the solidarity of women around the world organising against violence against women»; and «creating tools to pressure governments to implement promises made to eliminate violence against women³⁹²».

The development and the implementation of this kind of initiatives highlight the endeavour of the OHCHR presence in Moscow to strengthen its commitment to promote awareness-raising events to consolidate its collaboration with local stakeholders, and to entrench worldwide campaigns within the Russian context, through bringing together civil society and international organisations to reach common objectives. The conclusions of 2011 Report of the High Commissioner for Human Rights, indeed, emphasise the development of OHCHR role of guidance and coordination of human rights actors in the Russian Federation as one of the most important achievements of the Framework for Cooperation, as a significant step forward towards a further stabilisation of the United Nations presence and activity in

³⁹⁰ United Nations Office in the Russian Federation, “Prazdnik prav čeloveka v Central’nom Dome Žurnalista – znamenatel’noe sobytie v žisni graždanskogo občestva”. OON v Rossii No.1(86), Jan. – Feb. 2013), p. 12. 13 May 2013 <http://www.unrussia.ru/sites/default/files/for%20websiteoon_86_rus_screen.pdf>.

³⁹¹ UN Theme Groups in the Russian Federation, “The UN Gender Theme Group”. 13 May 2013 <<http://www.unrussia.ru/en/taxonomy/term/8>>.

³⁹² “16 Days of Activism against Gender Violence”. OHCHR News and events, 13 May 2013 <http://www2.ohchr.org/English/events/16_days/index.htm#1>.

the Russian Federation, and finally as a fundamental premise for reaching even more challenging goals.

CONCLUSIONS

The purpose of the present study has been to offer a thorough analysis of the various aspects of the Russian Federation's current international commitment in the field of human rights protection and promotion, through highlighting on the one hand the positive results of its increasing collaboration with the international community in general and with the United Nations in particular, and on the other the persisting challenges that still ought to be addressed by the Russian State bodies and the civil society engaged in human rights improvement.

The shaping of the Russian Federation's position within the international community in the aftermath of the dissolution of the Soviet Union has been presented in the first chapter, by describing the gradual opening of the Russian domestic legal order to the international law system and the country's renewed collaboration with the other international subjects, with a special focus on the growing commitment of the Federation to join the common human rights instruments adopted by the international community. An in-depth analysis of the present day situation of human rights protection in the Russian Federation, then, has been further developed in the second and third chapters of this work, in which particular attention has been devoted to the examination of the launch and the progress of the Russian Federation's recent engagement in a programme of extensive collaboration with the United Nations Office of the High Commissioner for Human Rights (OHCHR).

In carrying out this research, therefore, the consideration of OHCHR and other United Nations Agencies publications has been fundamental. The "Framework for Cooperation with the Russian Federation for the 2007 and beyond"³⁹³, and the 2011 Report of OHCHR on the Russian Federation³⁹⁴, in fact, have been widely consulted in the phase of data retrieval, as the two key documents dealing with the Russian Federation's human rights commitment and engagement with the United Nations. In particular, the references to the Framework for Cooperation have concerned the presentation of the main human rights areas of intervention of the project of

³⁹³ "Framework for Cooperation with the Russian Federation for 2007 and beyond", pp.1-3. [OHCHR Publications](http://www.unrussia.ru/sites/default/files/doc/ohchr_Cooperation_Framework.pdf) 9 Apr. 2013 <http://www.unrussia.ru/sites/default/files/doc/ohchr_Cooperation_Framework.pdf>.

³⁹⁴ "OHCHR in the field: Europe and Central Asia. OHCHR Report of 2011", p. 345. [OHCHR Publications](http://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report_2011_web/allegati/24_Europe.pdf) 2011. 9 Apr. 2013 <http://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report_2011_web/allegati/24_Europe.pdf>.

collaboration between the Russian Federation and OHCHR launched in 2007, while the 2011 Report has been an important source to throw light on the achievements and the deficiencies of such project. The conclusions drawn by the United Nations High Commissioner for Human Rights in 2011, moreover, largely correspond to other United Nations officers' reports, whose consultation has proved extremely constructive in highlighting both the positive and the negative aspects of the current state of human rights protection in the Russian Federation, such as the comments and recommendations of the United Nations Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on violence against women, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

Nonetheless, in order to convey an overview as objective as possible, United Nations information has been crosschecked by comparing them with the sources made available by other international organisations and stakeholders acting in the Russian territory, including the rulings of the European interlocutors (such as the resolutions of the European Parliament, and the decisions and judgements of the European Court of Human Rights), the reports of Amnesty International, and the information provided by Russian human rights societies (like the Human Rights Institute, Memorial, and the Centre of Development of Democracy and Human Rights).

Relying on these equally valuable reference sources, therefore, it is now possible to draw overall conclusions to this study, by maintaining that although the Russian Federation seemed at first to have neglected the importance of an effective rule of law system and full-scale democratic development, insisting almost exclusively on the necessity of economic recovery and political reform in the post-Soviet period, its gradual opening to the international law system and its growing participation in the legal, political and economic activities of the international community have increasingly urged the country to improve its human rights commitment, taking the chance to enhance the collaboration with international interlocutors.

Therefore, along with its increasingly strong presence in the international community as one of the BRIC emerging economies, the Russian Federation has progressively become more active in engaging with international programmes of

cooperation aimed at the improvement human rights protection within the country's territory and in its foreign policy relations. As it has been sustained in this study, the Framework for Cooperation signed in 2007 by the Russian Government and the United Nations Office of the High Commissioner for Human Rights may be considered one of the most significant cooperation programmes in the field of human rights promotion that have been undertaken by the Russian Federation in recent years.

The results of the projects of intervention which have been launched in accordance with the Framework for Cooperation and which have been reviewed by the United Nations High Commissioner for Human Rights in the OHCHR Report of 2011, show that important steps forward have been made along the path of the implementation of human rights protection, but also that certain human rights fields of intervention have not experienced any consistent improvement, in accordance with the similar outcomes presented by the country reports of other international interlocutors and the local civil society. As it has been highlighted in this study, in particular, the two main persisting challenges that the Russian authorities have not managed to address yet are the issue of the improvement of civil rights, and the question of the enhancement of the Russian rule of law system.

With regard to civil rights, the major challenge of contemporary Russia seems to be greater protection and promotion of the right to freedom of expression and freedom of assembly, whose premises lie on the population's need for political participation. According to Goncharenko, in fact,

In the last decades it was suitable for common Russians to reject politics as such. Political apathy affected them after a long period of forced political participation typical of totalitarianism, besides the two revolutions that had opened and closed the century. The demand for stability, both political and economical, was the crucial imperative of previous Putin's and Medvedev's presidencies. They matched this goal on the wave of favourable barrel's world price. However, now the political demand of the people has changed to some extent. Years of political stability and economic wealth fostered the growth of the middle class. Young creative people with "innate absence of fear" stood up from the phlegmatic mass of apolitical majority. [...] They demand for more transparency, for political turnover and for respect for the law. The evolving political consciousness of these people pushes them to the action³⁹⁵.

³⁹⁵ M. GONCHARENKO, "The virtual freedom of Russia. Has the uncensored Internet anything to do with the recent protests in Russia?", p. 4. *ISPI analysis* No. 120 – June 2012. 9 Nov. 2012 <http://www.ispionline.it/sites/default/files/pubblicazioni/analysis_120_2012.doc_pdf>.

The strength of the Russian citizens' call for greater political participation and respect for the law has been widely demonstrated by the mass character of the protest rallies of 2011 and 2012, to which the Russian authorities have reacted with the utmost harshness. Therefore, some questions, that are still without answer, arise from the consideration of the current situation of civil and political rights in the Russian Federation. Which direction will take and to what extent will continue the repression of the rights to freedom of expression and peaceful assembly? Will the Russian middle class manage to offer an effective impulse to the political renovation of the country? And, furthermore, is the Russian middle class likely to act in defence of its own interests and merge all the dissent movements in order to establish a real political alternative to the current Government forces³⁹⁶?

The juridical area of the rule of law, moreover, appears as particularly representative of the controversial reality of human rights protection in the Russian Federation, since important achievements have been fulfilled by the joint action of OHCHR, the Russian State bodies and the civil society in the creation of international networks and training programmes on human rights for the judiciary and in supporting the education of human rights experts, but on the other hand widespread corruption and lack of transparency continue to affect to a great extent the Russian judicial system, which is at present suffering from deep inadequacy with respect to the democratic and right-based ambitions of the Russian Federation. As it has been discussed in this study, the ill-health conditions of justice in the Russian Federation has been criticised on several occasions also by the European Court of Human Rights, which has been overloaded by the Russian citizens' applications since 1996, when the Russian Federation joined the Council of Europe³⁹⁷. Since 2004, moreover, the Russian Federation began to lose a significant number of high-profile cases in the Court. As it is summarised by Bowring, in fact:

In May 2004, in "Gusinskiy v. Russia" the Court held that Russia had acted in bad faith in using the criminal justice system to force a commercial deal, by arresting the TV magnate. In July 2004, in "Ilaşcu and Others v. Moldova and Russia" the majority of the Grand Chamber of the Court found that Russia

³⁹⁶ S.GIUSTI, "Natura, peso e ruolo della classe media in Russia". *ISPI Analysis* No.119 – June 2012, p.3. 9 Nov. 2012 <http://www.ispionline.it/sites/default/files/publicazioni/analysis_119_2012.pdf>.

³⁹⁷ W.E. POMERANZ, "Uneasy Partners: Russia and the European Court of Human Rights". 19 No. 3 *Human Rights Brief* (2012), p. 19. 11 Apr. 2013 <<http://www.wcl.american.edu/hrbrief/19/3pomeranz.pdf>>.

rendered support to Transnistria, which broke away from Moldova, amounting to “effective control”. The first six Chechen applicants against Russia won their applications to Strasbourg in February 2005. In April 2005 in “Shamayev and 12 others v. Russia and Georgia”, the Court condemned Russia for deliberately refusing to cooperate with the Court despite diplomatic assurances; and in October 2002 the Court had given “interim measures” indicating to Georgia that Chechens who had fled to Georgia should not extradited to Russia pending the Court's consideration.

In 2006, the European Court of Human Rights delivered 102 judgments against the Russian Federation. The Court received 10.569 new applications (the highest from any one of the Council of Europe's 47 member states). At the beginning of 2007, there were 19.300 cases against Russia pending before the Court. This represented no less than 21,5 per cent of the total of cases from all of the 47 states which are now members of the Council of Europe³⁹⁸.

The huge amount of the cases against Russia currently pending before the European Court of Human Rights, moreover, is further aggravated by an observation of the Committee on Legal Affairs and Human Rights (CLAHR) of the Parliamentary Assembly of the Council of Europe (PACE), according to which «after the prompt reactions to the first European Court's judgments, the execution process has slowed down in the adoption of further legislative and other reforms to solve important structural problems³⁹⁹». In other words, the Russian Federation noncompliance with the measures imposed by the Court's judgements contributed to progressively freeze the relations between the two. According to Bowring, in fact, «such a frosty relation between Russia and the Court is simply not sustainable, since what is at stake is the very authority, and the integrity, of the Strasbourg enforcement mechanism⁴⁰⁰».

Therefore, through analysing the persistence of these critical insufficiencies which affect the overall state of protection of human rights in the Russian Federation, a fundamental question arise: by shaping its new identity within the international community, is the Russian Federation showing a true human rights commitment and will to cope with its unanimously recognised democratic deficit, or is it merely focusing on the potential attractiveness of its growing economy to establish solid relations with its international interlocutors? Providing a satisfactory answer to this question, which

³⁹⁸ B. BOWRING, “Russia and Human Rights: Incompatible Opposites?”. 1 No. 2 *Göttingen Journal of International Law* (2009), pp. 49-50. 11 Apr. 2013 < http://www.srji.org/files/Bill%20Bowring_2008.pdf>.

³⁹⁹ *Ibid.*, p. 50.

⁴⁰⁰ *Ibid.*, p. 50.

is at the core of the research conducted in the present study, is not simple. Nonetheless, it can be argued that since its foundation in 1991, the Russian Federation have been making giant strides towards the improvement of its rule of law system, the establishment of multi-party democracy and the protection of individual human rights⁴⁰¹. Moreover, the constant renewal of the cooperation between OHCHR and the Russian authorities, the regular update of the programmes launched by the Framework for Cooperation and the progress acknowledged by the 2011 Report testify for the vitality and dynamism of an international project of cooperation which, far from being concluded, is developing towards a more democratic and human rights based position of the Russian Federation in the international community. However, on the other hand, the country's most recent past bears witness to a deep-rooted tradition of political authoritarianism and humanitarian disasters which cannot be ignored in examining the present-day situation of human rights protection in the country, and which include the sudden suspension of the Constitutional Court in 1993 since it judged President Yeltsin's taking over at the White House unconstitutional; the two Chechen Wars of 1994 and 1999, which led to humanitarian emergency in Northern Caucasus and to the already mentioned significant number of severe judgements against the Russian Federation in the European Court of Human Rights⁴⁰²; the assassination of Anna Politkovskaya and Natalya Estemirova, as well as the other numerous cases of politically motivated violence against journalists and human rights activists; and, finally, the imprisonment of Mikhail Kodorkovsky and the controversial verdict on Yukos trial.

In conclusion, therefore, it can be maintained that the Russian Federation is still on the way towards a full implementation of human rights protection and the development of an effective strategy of enhancement of its rule of law system. An example of the ongoing character of Russia's programmes of human rights improvement is represented by the country's collaboration with the United Nations Office of the High Commissioner for Human Rights. The 2011 Report of OHCHR, in fact, do not represent an account of complete attainment of all the targets embraced by the Framework for the Cooperation. It indicates, instead, the path towards the achievement of new and even more challenging objectives, with particular reference to

⁴⁰¹ *Ibid.*, p. 34.

⁴⁰² *Ibid.*, p. 34.

the juridical area of the rule of law, which represents an essential segment of human rights protection. As it has been demonstrated by the 2011 outcomes of this project of cooperation with the United Nations, thus, the country's recent history of collaboration with international interlocutors on the protection and promotion of human rights is marked by both the country's will to engage in programmes of improvement and its frequent noncompliance with international obligations. With the majority of the latest rule of law reforms still in development, the Russian Federation appears today as a reality which is rapidly changing under several perspectives. A reality that lacks a solid tradition of judicial effectiveness and human rights protection, and that bears in mind a long history of violence and human rights violations, but with strong democratic aspirations emerging especially through the outstanding and courageous voice of the local civil society and non-governmental organisations which work for the improvement of the Russian citizens' fundamental rights. It may be right the vividness of Russia's «bloody past» recalled by the human rights defender Sergey Kovalev receiving the European Parliament Sakharov Prize for Freedom of Thought the driving force towards the consolidation of the connection between rights consciousness and historical memory, as well as towards the marking of a decisive turning point in the human rights commitment of the Russian Federation and its international accountability.

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INDEX OF FIGURES

Figure 1. Boris Yeltsin on 29 May 1990.

In L'Europeo No.12 – Dec. 2011, p. 56.

Figure 2. The United Nations logo and the flag of the Russian Federation.

In The Voice of Russia 17 May 2013. 19 May 2013 <http://english.ruvr.ru/2013_05_17/Putin-and-Ban-Ki-Moon-discuss-sanctions-on-Syria/>.

Figure 3. The UN High Commissioner for Human Rights Louise Arbour in Northern Caucasus.

In UN in Russia No. 1(44) Jan. – Feb. 2006, Cover Page. 14 Apr. 2013 <http://www.unrussia.ru/sites/default/files/docs/eng/OON44_eng_01-02-2006.pdf>.

Figure 4. Mikhail Gorbachev shows a copy of the Russian edition of Anna Politkovskaya's posthumous publication of articles *Za chto?*.

In L'Europeo No.12 – Dec. 2011, p. 114.

Figure 5. Mikhail Khodorkovsky's picture held by a protester.

In L'Europeo No.12 – Dec. 2011, p. 109.

Figure 6. The aftermath of military operations in Chechnya.

In East No. 43 – July 2012, p. 35.

Figure 7. Chechen child.

In UN in Russia No. 1(50) Jan. – Feb. 2007, p. 11. 22 Apr. 2013 <<http://www.unrussia.ru/en/documents/bulletin>>.

Figure 8. Prevalence of HIV in the Russian Federation as of December 2003 (WHO, 2005).

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Figure 9. UN Secretary General Ban Ki-moon visiting the RIA Novosti international press centre in Moscow.

In RIA Novosti 19 May 2013. 22 May 2013 <http://en.rian.ru/agency_news/20130519/181231240/UN-Secretary-General-Ban-Ki-moon-Visits-RIA-Novosti.html>.

Figure 10. The Supreme Court of the Russian Federation.

In Another Moscow. 26 Apr. 2013 <http://anothercity.ucoz.ru/index/the_supreme_court_of_the_russian_federation/0-90>.

Figure 11. The Bolotnaya Square opposition rally of 10 December 2011.

In Livejournal 10 Dec. 2011. 2 May 2013 <<http://raskalov-vit.livejournal.com/122111.html>>.

Figure 12. Arrests related to the participation in the protest rallies from 4 December 2011 to 31 December 2012 (OVD-Info, 2013).

In Open Democracy Russia 22 Feb. 2013. 2 May 2013 <<http://www.opendemocracy.net/od-russia/grigory-okhotin/arrest-and-custody-russian-style>>.

Figure 13. President Barroso and Prime Minister Medvedev at the Moscow meeting of 22 March 2013 between the European Commission and the Russian Government.

In EU Delegation to Russia – Flickr. 2 May 2013 <<http://www.flickr.com/photos/euinrussia/8581910275/>>.

Figure 14. G20 Development Working Group meeting.

In G20 Website, 26 May 2013 <<http://www.g20.org/photo/20130516/781342413.html>>.

Figure 15. The “Binonte” family rehabilitation centre in Beslan, Chechnya.

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Figure 16. The United Nations Democracy Fund Deputy Head Annika Savill visiting Kamchatka Territory in May 2012.

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Figure 17. UNICEF project “Inclusive Education for Children with Special Needs” in North Caucasus schools.

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Figure 18. HIV Incidence and Prevalence in the Russian Federation, 1987-2006 (CSIS 2007).

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Figure 19. The launch of the Moscow Summer School on Human Rights in 2011.

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Figure 20. Russian edition cover of the OHCHR publication “Working with the United Nations Human Rights Programme. A Handbook For Civil Society”.

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Figure 21. The United Nations stand at the XXIII Moscow International Book Fair.

In UNIC Website. 13 May 2013 <http://www.unic.ru/news_inf/viewer.php?uid=107>.

Figure 22. The roundtable at the Central House of Journalists during the XVIII International Human Rights Film Festival “Stalker”.

In Vesti 10 Dec. 2012. 13 May 2013 <http://www.vesti.ru/doc.html?id=979475#photo_wrap>.

INDEX OF TABLES

Table 1. The core international human rights instruments to which the Russian Federation is party.

Adapted from “Ratification of International Human Rights Treaties – The Russian Federation”, University of Minnesota, Human Rights Library, 11 Apr. 2013 <<http://www1.umn.edu/humanrts/research/ratification-russia.html>>, and from United Nations Treaty Collection, 11 Apr. 2013 <<http://treaties.un.org/>>.

Table 2. The core European human rights instruments to which the Russian Federation is party.

Adapted from “Ratification of International Human Rights Treaties – The Russian Federation”, University of Minnesota, Human Rights Library, 11 Apr. 2013 <<http://www1.umn.edu/humanrts/research/ratification-russia.html>>, and from Council of Europe Treaty Office, 11 Apr. 2013 <<http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?PO=Rus&MA=999&SI=2&CM=3&CL=ENG>>.

Table 3. UN Millennium Development Goals adapted for Russia (UNDP 2010).

Adapted from the 2010 “National Human Development Report in the Russian Federation, Millennium Development Goals in Russia: Looking into the Future”, p. 13. UNDP 2 May 2013 <<http://www.un.org/ru/publications/pdfs/national%20human%20development%20report%20in%20the%20russian%20federation%202010.pdf>>.

Table 4. Number of reported sexual crimes in the Russian Federation per year (UNDP 2010).

Adapted from the 2010 “National Human Development Report in the Russian Federation, Millennium Development Goals in Russia: Looking into the Future”, p. 54.

UNDP 2 May 2013 <<http://www.un.org/ru/publications/pdfs/national%20human%20development%20report%20in%20the%20russian%20federation%202010.pdf>>.