

The Russian Federation

Igor Bartsits, Oleg Zaytsev & Kira Sazonova*

1. Introduction¹

The year 2018 has become a significant landmark for the entire legal community of the Russian Federation. Two important documents celebrate their anniversaries. First, December 12, 2018, marks the 25th anniversary of the 1993 Constitution of the Russian Federation, which establishes the primacy of international law in Part 4 of Article 15 and provides the fundamental rights and freedoms in detail (Articles 17-64).² Second, 2018 marks the 20th anniversary of the Russian Federation's accession to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, which provides Russian citizens with access to the European Court of Human Rights (ECHR).

2. Russian Institutions for the Protection of Human Rights

2.1. *The Presidential Council for the Development of Civil Society and Human Rights*

September 26, 2018, marked the 25th anniversary of the establishment of the Commission on Human Rights under the President of the Russian Federation, which was the predecessor of the Council. For this anniversary, The Presidential Council for the Development of Civil Society and Human Rights has prepared a manuscript, 'Human Rights Council: The Art of the Impossible'.³

In March 2018, the group of the Council participated in the monitoring of the elections of the President of the Russian Federation. As a result, a consolidated report was published, which included a description of the problems found during the campaign, cases for conflict prevention and resolution and some recommendations. The observers also monitored the elections on September 9, 2018, after which the State Duma Committee on International Affairs held special meetings and consultations with foreign electoral experts from the European states.

* Igor Bartsits is the Director of IPACS RANEPА, Doctor of Law, Professor, Honoured Lawyer of the Russian Federation. Oleg Zaytsev is the Dean of the School of Law, Doctor of Law, IPACS RANEPА. Kira Sazonova is the Assistant Professor, Ph.D. in International Law, Ph.D. in Politics, IPACS RANEPА.

1 This review covers the period 2017-2018.

2 The 1993 Constitution of the Russian Federation, available in English at: www.constitution.ru/en/10003000-01.htm (last accessed 8 December 2018).

3 The Presidential Council for the Development of Civil Society and Human Rights. 'Human Rights Council: The Art of the Impossible', 2018, available at: <http://president-sovet.ru/projects/books/read/8/> (last accessed 8 December 2018).

2.2. *The Supreme Court Activity in the Sphere of Human Rights*

On May 22, 2018, the Plenum of the Supreme Court of the Russian Federation adopted a resolution clarifying the rules for the consideration of labour disputes when citizens work for individuals or individual entrepreneurs.⁴ In accordance with this decision, an employee can complain to the Court or to the Prosecutor's office, even without a formal employment contract. An employee can file a claim both at the place of his residence and at the place of his former work or at the place where his employer lives. The employee chooses where it is more convenient for him to sue. The e-mail correspondence, testimony, audio and video files can prove that the person worked for the individual entrepreneur. In disputes about wages and compensations, the Court decided to take average tariffs in the region.

On September 10, 2018, the Supreme Court of the Russian Federation also adopted a resolution, according to which doctors and officials from the medical field are forced to help patients to execute documents that are necessary to get medical help.⁵ Every Russian citizen who suffers from severe illness can be provided with state assistance, including free medications. But often it is extremely difficult to get it, especially if the medications are expensive and rare. Registration of documents for obtaining such medications at the expense of the federal budget is usually an insurmountable obstacle for patients and their relatives. The Supreme Court stressed that the patient, owing to the lack of special knowledge, often cannot correctly provide the completeness and accuracy of the documents required for the prescription of the medication. Therefore, officials should not impose responsibility on the patient but should prepare all the necessary documents themselves.

This resolution will help all patients who are unable to get access to the medications only for formal reasons. Now patients or their relatives can refer to the instruction of the Supreme Court of the Russian Federation to exclude a formal approach to the consideration of such cases. The Court gives such explanations for the judges and for the regional courts that will not be able to ignore the explanations of the Supreme Court.

2.3. *Interaction with the European Court of Human Rights*

In the last twenty years, the ECHR has awarded €1.95 billion for complaints from the Russian Federation. The researchers from the civil organization 'Public Verdict' provide such data.⁶ During this period the Court has registered 148,700 complaints against the Russian authorities, most of which (136,600) were declared inadmissible. Most often, the Court stated that Russia had violated the

4 Resolution of the Plenum of the Supreme Court of the Russian Federation No. 15 'On the Application by the Courts of the Legislation Governing the Work of Employees Working for Employers-individuals and Employers-small businesses, which are Classified as Microenterprises'. 2018, available at: www.supcourt.ru/documents/own/26841/ (last accessed on 8 December 2018).

5 The Supreme Court of the Russian Federation, No. 57-KG 18-13. 10 September 2018, Moscow, available at: www.vsrfr.ru/stor_pdf.php?id=1696796 (last accessed 8 December 2018).

6 NGO 'Public Verdict', '20 years of Russia in the European Court of Human Rights', 2018, available at: <https://echr.police-barometer.ru> (last accessed 8 December 2018).

applicant's right to a fair trial, the provisions of the article on the prohibition of torture and inhuman treatment, and the right to liberty and security of the person.

The decisions of the ECHR have resulted in many positive changes in national law related to the conditions of detention of prisoners. In particular, sanitary standards were changed, and several programmes aimed at the reconstruction of old isolators were launched.

During 2018 there was intensive cooperation between the Russian Federation and the ECHR. In July 2018 the Court awarded 641,000 euros of compensation for 111 complaints from Russia. Decisions on 114 complaints were published on the Court's website on June 14.⁷ For three of the applicants, the ECHR compensation was not awarded.

Most of the complaints concerned violations of the rights of the detainees and prisoners. The ECHR found a violation by the Russian authorities of Articles 3 and 6 on the prohibition of torture and on the right to a fair trial of the 1950 European Convention on Human Rights. In particular, the Court considered the conditions of transportation of the Russian prisoners and conditions of detention inadequate. The Strasbourg court also awarded €15,000 to applicants whose complaints concerned the conditions of detention of prisoners with disabilities.

3. Rights of Women

Russia is a party to the 1979 Convention on the Elimination of all Forms of Discrimination against Women. Moreover, Article 19 of the Constitution of the Russian Federation fully ensures the implementation of equal rights, freedoms and duties for both genders. Gender equality is broadly understood as a system that establishes access to rights and opportunities without dependence on the gender of the individual. The practice of the other states shows that without additional measures and legislation, the gender equality specified in the Constitution will be provided only *de jure*.

According to the Gender Equity Index, full equality between men and women has not been achieved in any modern state.⁸ In 2017, Russia was ranked 71 out of 144. The same year, the Prime Minister of the Russian Federation, Dmitry Medvedev, signed the National Strategy of Action for Women 2017-2022.⁹

3.1. Access to Certain Professions

Regardless of rights and freedoms proclaimed in the 1993 Constitution of the Russian Federation, there is a list of so-called prohibited professions that are still

7 European Court of Human Rights, 14 June 2018, available at: [https://hudoc.echr.coe.int/eng#{"languageisocode":\["ENG"\],"respondent":\["RUS"\],"kpdata":\["2018-06-14T00:00:00Z","2018-06-14T00:00:00Z"\]}](https://hudoc.echr.coe.int/eng#{) (last accessed 8 December 2018).

8 World Economic Forum (WEF), 'The Gender Equity Index 2017', available at: <http://reports.weforum.org/global-gender-gap-report-2017/> (last accessed 8 December 2018).

9 National Strategy for Action for Women 2017-2022, available at: <http://eawfpress.ru/about/organizatsiyam/strategia2017.php> (last accessed 8 December 2018).

not available for women. The list of professions prohibited for women in Russia includes 456 occupations from thirty-eight industries that are considered to be too 'difficult', 'dangerous' or 'harmful' to women's health, in particular their reproductive functions.¹⁰ This forbidden list had been originally adopted in the USSR in 1974 and confirmed by the Russian government in 2000. The list prohibits women from getting jobs as drivers of electric trains, locomotives, diesel trains, boatswains, sailors, skippers and skipper assistants, carpenters, truck drivers or professional divers. Exceptions to the rules are allowed only if the employer has established safe working conditions for women.

The situation was challenged in 2012 when the so-called Medvedeva case happened. Svetlana Medvedeva, a graduate of the technical school in the specialty of technician-skipper, had been seeking an opportunity to become the captain of the river vessel for five years. She applied for the position of the captain of the ship in Samara Passenger Company but, despite the initial consent of the company, did not get a job with the reference to current labour legislation.

Medvedeva saw this restriction as a discriminatory one. She first challenged the denial of employment through the courts, seeking to force the company to establish the required 'safe working conditions'. However, her claim was dismissed. Then in May 2013, Medvedeva registered a complaint with the UN Committee on the Elimination of Discrimination against Women (CEDAW), in which she stated that her rights had been violated and she had been denied employment because of her gender. In February 2017 the CEDAW Committee took the decision in favour of Svetlana Medvedeva and called on the Russian authorities to provide her with appropriate compensation, as well as to facilitate her access to professional activities for which she is qualified.¹¹ In July 2017, the Russian Supreme Court finally decided that her case should be retried. Russian Minister of Labour and Social Defence Maxim Topilin has promised to revise the current list of the prohibited professions for women in the near future.¹² According to him, the list of professions should be changed as many technological processes are now automated with modern equipment. Amnesty International declared that this case may become really important in the fight against sexism in current Russian labour legislation.¹³

The change in the list of restricted professions will expand women's employment opportunities and ensure fair working conditions. The average difference

10 The Order of the Government of the Russian Federation No. 162 of February 25, 2000 'On the approval of the list of heavy jobs and jobs with harmful or dangerous working conditions where the use of women's labor is prohibited'.

11 UN OHCHR, 'Russia's List of Banned Jobs for Women Violated Woman's Rights, Needs Amending', Geneva, 15 March 2016, available at: www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=17226&LangID=E (last accessed 8 December 2018).

12 Data from the speech of Maxim Topilin, the Minister of Labour and Social Defence of Russia, the Second Eurasian Women's Forum, 21 October 2018, available at: www.vedomosti.ru/economics/news/2018/09/21/781612-topilin (last accessed 8 December 2018).

13 Amnesty International, 'Russia: Aspiring Female Ship's Captain to Challenge Sexist Labor Laws in Court', 31 August 2017, available at: www.amnesty.org/en/latest/news/2017/08/russia-aspiring-female-ships-captain-to-challenge-sexist-labor-laws-in-court/ (last accessed 8 December 2018).

between the salaries of men and women in Russia is 28.3%,¹⁴ as against 36.8% seventeen years ago.¹⁵

3.2. *Involvement in Political Governance*

Improvement of the situation in respect of gender equality, both in Russia and all over the world, is impossible without an increase in the number of women involved in politics. The political system in the modern world cannot develop dynamically and effectively without sufficient representation of different segments of the population. According to the results of the elections to the State Duma of the Russian Federation of the 7th convocation, the representation of women in the lower house of Russian parliament is 15.8% of the total number of deputies. Out of 450 parliamentarians of the 7th convocation, only sixty-seven are women. The Federation Council has 17% of women, with Valentina Matvienko as a Speaker.

Meanwhile, the number of women in public administration has increased in recent years. Four women were governors, and eight were heads of regional legislative assemblies. Moreover, the number of women with diplomatic ranks is growing.

4. Rights of Children

According to the data, on January 1, 2018, there were about thirty million children in Russia, which is roughly the fifth of the total population of the country. According to Article 7 of the Constitution of the Russian Federation, “state support is ensured to the family, maternity, paternity, and childhood.”¹⁶ Article 54 of the Family Code establishes the right of the child to live in the family and ensures access to education.¹⁷

The main act on the rights of the child in Russia is the Federal Law No. 24 of July 24, 1998.¹⁸ In April 2018, Russian President Vladimir Putin signed the amendments to this Federal Law, aimed at improving the safety of children in recreation and health-improving organizations and the quality of services provided by these organizations.¹⁹

Moreover, Russia is a party to the 1989 Convention on the Rights of Children. According to the document, Russia has a special institution of the Commis-

14 Data from the speech of Maxim Topilin, the Minister of Labour and Social Defence of Russia, the Second Eurasian Women’s Forum, 21 October 2018, available at: www.kommersant.ru/doc/3749309 (last accessed 8 December 2018).

15 *Ibid.*

16 The 1993 Constitution of the Russian Federation, available in English at: www.constitution.ru/en/10003000-01.htm (last accessed 8 December 2018).

17 The Family Code of the Russian Federation No. 223-FZ, 29 December 1995.

18 Federal Law of the Russian Federation No. 124-FZ of 24 July 1998, ‘On the Basic Guarantees of the Rights of the Child in the Russian Federation’.

19 Federal Law No. 85-FZ of 18 April 2018, ‘On the amendments to the Federal Law on Basic Guarantees of the rights of the Child in the Russian Federation’, available at: kremlin.ru/acts/bank/42949 (last accessed 8 December 2018).

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sioner for the Rights of Children. At the moment, Anna Kuznetsova is engaged in this activity. In 2018 the Commissioner for the Rights of Children, together with the patriotic public movement 'Unarmy', started the implementation of the federal project 'Unarmy. Mentoring', aimed at the social integration of homeless children and adolescents with deviant behaviour.²⁰

5. Rights of Persons with Disabilities

Russia has ratified the 2006 UN Convention on the Rights of Persons with Disabilities, but without its optional Protocol. This means that the text of the Convention is higher than any national law, but in case of violation of their rights, a disabled person may refer to this document only within the state. A disabled person cannot apply to the Committee on Violation of the Rights of Persons with Disabilities, which monitors compliance with the Convention, because of the non-ratified optional Protocol.

In Russia, there is a State programme 'Accessible Environment for 2011-2020', aimed at improving the infrastructure and adapting the service sector for disabled persons.²¹ Moreover, they have the right to get free medications and various medical devices. In 2018 the list of free medications established by the Government included 646 medicaments.

6. Rights of Compatriots

State policy towards the compatriots abroad is one of the priorities of the foreign and domestic policy of the Russian Federation. After the collapse of the USSR, twenty-five million Russian compatriots remained abroad. Moreover, by that time, about ten million compatriots from several waves of emigration in foreign countries had already been living abroad. Today, the largest Russian communities are located in neighbouring countries of the former USSR, and also in Germany, the USA, France and Israel. Nowadays, the total number of compatriots living abroad is about 20% of the Russian population, making it possible to consider the Russians to be the largest 'divided people' in the world.

The state policy of the Russian Federation concerning the compatriots is based on the principles of partnership and cooperation, as well as on the need to ensure civil, political, social, economic, cultural and other rights and freedoms of compatriots, and also to provide their legitimate interests in the states of their residence in accordance with generally recognized principles and norms of international law. The objective of the state policy of the Russian Federation is to provide conditions under which the compatriots could live as equal citizens in foreign countries or could return to the Russian Federation.

20 The 2018 Federal Project 'Unarmy. Mentoring', available at: deti.gov.ru/files/7107a131843a5786303cca6b4918a1ef.pdf (last accessed 8 December 2018).

21 State Program of the Russian Federation 'Accessible environment' for 2011-2020, available at: <https://rosmintrud.ru/ministry/programms/3/0> (last accessed 8 December 2018).

The main directions of the state policy of the Russian Federation in relation to compatriots are determined by the President of the Russian Federation in accordance with the Constitution of the Russian Federation and the Federal Law 'On the State Policy of the Russian Federation Concerning Compatriots Abroad'.²² The Governmental Commission for Compatriots Abroad is the institution that ensures coordinated actions of the executive authorities. The Chairman of the Commission is Sergey Lavrov, the Minister of Foreign Affairs of the Russian Federation. There is also a specialized department within the Ministry of Foreign Affairs that works with compatriots.

For foreign compatriots wishing to return to Russia, there is a State programme to assist in voluntary resettlement in the Russian Federation. Since 2007, about 800,000 people have moved to Russia under this programme.²³

On June 21-22, 2018, the VII Regional Conference of Russian Compatriots of Neighbouring Countries on 'The Road of Unity and Cooperation' was held on the shores of the Lake Issyk-Kul in Kyrgyzstan.

On October 31, 2018, Moscow hosted the VI World Congress of Russian Compatriots Living Abroad. More than 400 delegates, from ninety-seven countries,²⁴ attended it.

The situation with compatriots in the Baltic countries is the most problematic. For example, Latvia is home to 1.67 million people, 222,800 of whom are 'non-citizens' and 56,400 are citizens of other countries (including 42,200 citizens of Russia). Of the population, 62.1% are Latvian-speaking and 37.2% are Russian-speaking (in Riga, the percentage is 56.8). At the same time, 90% of Russian speakers also speak Latvian.²⁵

There are serious violations of human rights against the Russian-speaking population. The 'non-citizens' (mainly, former citizens of the USSR who have not received Latvian citizenship) still do not have the right to vote for local deputies; the number of Russian schools has been decreasing; prejudiced statements about Russians usually remain unnoticed and mostly unpunished. Since the end of 2017, the situation in Latvia has become worse, because of the ban on education in the Russian language, which means the violation of international legal norms and recommendations of the UN, the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE).

22 Federal Law of the Russian Federation No. 99-FZ of 24 May 1999 'On the State Policy of the Russian Federation concerning Compatriots Abroad'.

23 IA 'RIA', 'About 800 thousand people returned to Russia under the resettlement program', 17 October 2018, available at: <https://ria.ru/society/20181017/1530817659.html> (last accessed 8 December 2018).

24 Fund 'Russian World', 'World Congress of compatriots opens in Moscow', available at: <https://ruskiymir.ru/en/news/248003/> (last accessed 8 December 2018).

25 Data provided by the Foundation for Support and Protection of the Rights of Compatriots Living Abroad, available at: <http://pravfond.ru/?module=articles&action=view&id=2499> (last accessed 8 December 2018).

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In 2018, the Report of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities, documenting all these violations, was published on the website of the Council of Europe.²⁶

There is also a growing concern about the development of the situation in Ukraine, where Russian-speaking people also are in the difficult, often threatening situation. The persecution and repression of Russian-speaking activists continue, as well as inclusion in so-called black lists, the pressure on the children in schools and payments for refusal to participate in the movement to protect the rights of Russians.

7. Rights and Freedoms in Media

On September 20, 2018, the Plenum of the Supreme Court decided to clarify the judicial practice in cases concerning extremist crimes.²⁷ The Court recommended that the context of publications should be taken into account and recalled that the right to share information is a constitutional right of Russian citizens. Judges were advised to analyse deeply the context of publications and to punish only the authors of the publications with a clear criminal intent.

In October 2018, Russian President Vladimir Putin introduced a proposition to the State Duma to partially decriminalize Article 282 of the Criminal Code devoted to extremism, drawing sharp criticism from civil society. According to the proposition, the criminal punishment in some cases should be replaced by fines. The President also proposed not to prosecute for a single act that does not pose a serious threat to the security of the state.

8. Actions against Torture and Cruel Treatment

Russia is a party to the 1987 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and provides regular reports to the Committee against Torture.

On July 25-26, 2018, the 6th periodic report of the Russian Federation on the implementation of international obligations under the Convention was discussed at the 64th session of the Committee against Torture in Geneva. The procedure assumes that the alternative reports by international and national human rights organizations are also sent to the Committee. In 2018 the Committee received thirteen alternative reports on the situation in Russia, including the reports from Human Rights Watch, the report from the NGOs 'Public Verdict', 'Civil Assistance' and others.

26 Advisory Committee on the Framework Convention for the Protection of National Minorities. Third Opinion on Latvia, 23 February 2018, available at: <https://rm.coe.int/3rd-op-latvia-en/16808d891d> (last accessed 8 December 2018).

27 Federal Law 'On the amendments to Article 282 of the Criminal Code of the Russian Federation', 3 October 2018, available at: [http://asozd2c.duma.gov.ru/addwork/scans.nsf/ID/B11E78D336CE9A774325831B00257F05/\\$FILE/558345-7_03102018_558345-7.PDF?OpenElement](http://asozd2c.duma.gov.ru/addwork/scans.nsf/ID/B11E78D336CE9A774325831B00257F05/$FILE/558345-7_03102018_558345-7.PDF?OpenElement) (last accessed 8 December 2018).

The Russian delegation was asked to comment on issues related to the observance of the rights of the detainees, the pressure on prisoners who spoke about their tortures, the conditions of detention in the colonies and pre-trial detention centres and the provision of medical care in prisons. A special discussion was dedicated to the absence of a separate article on torture in the Russian Criminal Code. As a consequence, there are no statistics on sentences for torture. The experts of the Committee also drew attention to the actions of the police during street operations and meetings. It may be noted that the issues of police officers exceeding their powers during street operations are a very frequent occurrence in many states.

The representative of Russia, Michael Galperin, the Deputy Minister of Justice of the Russian Federation, noted that there are massive inspections now in all Russian colonies.²⁸ The availability of video recording equipment during interrogations will also be checked. In addition, it was noted that within the framework of the reform of the Ministry of Internal Affairs, a new modern system of evaluation has been developed: the work of the police is now evaluated not only on the basis of statistical data alone but also on that of public opinion and expert assessments. It was noted that Russia is preparing special conditions in prisons for people with disabilities. The Russian delegation noted that the legislation of the Russian Federation ensures that persons detained on suspicion of committing a crime have the right to get qualified legal assistance, the right to notify relatives about their detention and the right to be informed of the substance of suspicion.²⁹ On the issue of conditions in pre-trial detention centres and colonies, the Russian authorities answered that they seek to humanize conditions of detention and respect the rights of prisoners.

Another topic that has been discussed in the Committee since the first sessions with the participation of Russia is the extradition of foreigners at the request of other states. The Committee advises the Russian authorities to prohibit the extradition of people to countries where they may be tortured.

9. Conferences Devoted to Human Rights

Various important human rights events were carried out by civil society and authorities during 2017-2018 in the Russian Federation.

On December 5, 2017, Tatyana Moskalkova, the Commissioner for Human Rights in the Russian Federation, held an international scientific conference on the subject 'Problems of human rights protection in the Eurasian space: Exchange of best practices of ombudsmen', in Moscow.

This was followed by a conference, in March 22, 2018, on 'Human rights: legal protection against discrimination' in Naberezhnye Chelny.

28 Russia reported to the UN on the implementation of the Convention against Torture, 25 July 2018, available at: <https://news.un.org/ru/story/2018/07/1334932> (last accessed 8 December 2018).

29 *Ibid.*

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On September 17, 2018, the Commissioner for Human Rights in the Russian Federation held an international scientific conference on 'Human rights as an indicator of the modern development of the state' in Saratov.

On November 20, 2018, the final conference of the international research competition 'Human rights through the eyes of the Russian students' took place at MGIMO University in Moscow. The competition was dedicated to the 70th anniversary of the Universal Declaration of Human Rights.

On December 5, 2018, the Russian Academy of National Economy and Public Administration (RANEPA), in cooperation with the Association of lawyers of the Russian Federation, held an international scientific conference on 'The 1993 Constitution: challenge to Russia and the image of the future' with sections 'The Constitutional ideas and their realization in modern Russia' and 'Human rights – international standards and constitutional regulation'.