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**UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES**

BACKGROUND PAPER

ON

REFUGEES AND ASYLUM SEEKERS FROM

The Russian Federation

UNHCR
CENTRE FOR DOCUMENTATION AND RESEARCH
GENEVA, NOVEMBER 2000

THIS INFORMATION PAPER WAS PREPARED IN THE COUNTRY RESEARCH AND ANALYSIS UNIT OF UNHCR'S CENTRE FOR DOCUMENTATION AND RESEARCH ON THE BASIS OF PUBLICLY AVAILABLE INFORMATION, ANALYSIS AND COMMENT, IN COLLABORATION WITH THE UNHCR STATISTICAL UNIT. ALL SOURCES ARE CITED. THIS PAPER IS NOT, AND DOES NOT, PURPORT TO BE, FULLY EXHAUSTIVE WITH REGARD TO CONDITIONS IN THE COUNTRY SURVEYED, OR CONCLUSIVE AS TO THE MERITS OF ANY PARTICULAR CLAIM TO REFUGEE STATUS OR ASYLUM.

ISSN 1020-8410

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List of Acronyms

AI	Amnesty International
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CERD	International Convention on the Elimination of all forms of Racial Discrimination
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CIS	Commonwealth of Independent States
CoE	Council of Europe
CPT	European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CRC	Convention on the Rights of the Child
ECHR	(European) Convention for the Protection of Human Rights and Fundamental Freedoms
EU	European Union
EIU	Economist Intelligence Unit
FDPs	Formerly deported persons
FMS	Federal Migration Service
FSB	Federal Security Service
HRW	Human Rights Watch
ICRC	International Committee of the Red Cross
IDPs	Internally displaced persons
ILO	International Labour Organization
IOM	International Organization for Migration
IRPs	Involuntarily relocating persons
KPRF	Communist Party of the Russian Federation
LDPR	Liberal Democratic Party of Russia
MOI	Ministry of Internal Affairs
NGO	Non-governmental organization
OSCE	Organization for Security and Co-operation in Europe
OSCE/ODIHR	OSCE Office for Democratic Institutions and Human Rights
RSFSR	Russian Soviet Federative Socialist Republic
UN	United Nations
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
USDOS	United States Department of State
USSR	Union of Soviet Socialist Republics
WFP	World Food Programme
WGAD	United Nations Working Group on Arbitrary Detention

1 Introduction

The Russian Federation, the former Russian Soviet Federative Socialist Republic (RSFSR), covers an area of 17,075,400 m². It stretches from the Baltic Sea to the Northern Pacific, bordering Finland, Belarus and Ukraine in the West, and Kazakhstan, China and Mongolia in the South.¹ The Russian Federation has a population of 145.9 million.² The largest cities are Moscow and St. Petersburg.

The current Constitution of the Russian Federation (also known as Russia), entered into force on 12 December 1993, following its approval by a majority of participants in a nation-wide plebiscite.³ It established the Russian Federation as a “democratic federal rule-of-law state with the republican form of government” (Article 1). The Federation consists of 89 “republics, territories, regions, federal cities, an autonomous region and autonomous areas”, which are “equal subjects” of the Russian Federation.⁴

State power in the Russian Federation is exercised by the President of the Russian Federation and the government, the Federal Assembly (Federation Council and State Duma), and the courts of the Russian Federation.⁵ The President is elected for a four-year-term and can be re-elected for one additional term. As the head of state and commander of the armed forces, the President has a broad range of powers including the ability to appoint the Chairman (Prime Minister) of the Russian Federation. The President also has the power to issue decrees and executive orders insofar as these do not contravene the articles of the Constitution.⁶

The Federal Assembly – the Russian Parliament – is the “supreme representative and legislative body of the Russian Federation”.⁷ The Federal Assembly is comprised of two chambers: the Federation Council (the “Upper House”) and the State Duma (the “Lower House”). Each “subject” of the Russian Federation has two deputies in the Federation Council; there are currently 178 deputies in the Federation Council. The Federation Council approves decrees introduced by the President, calls presidential elections and possesses the power to impeach the President.⁸ The State Duma consists of 450 deputies who are elected for four-year terms. Among others, the State Duma approves the President’s choice of Chairman, and can bring charges against the President for impeachment.⁹ The main political parties are the Communist Party of the Russian Federation (KPRF), which is headed by Mr. Gennady Zyuganov and has 157 seats in

¹ See Annex I for a map of the Russian Federation.

² Economist Intelligence Unit (EIU), *Country Profile 2000 – Russia*, London, 2000, p. 3 (estimate as of 1 January 2000). See Paragraph 4.1 for more on various ethnic minorities in the Russian Federation.

³ Europa Publications Limited, *The Europa World Year Book 1999*, Vol. II, 40th edition, London, 1999, p. 2982.

⁴ Article 5(1) of the Constitution of the Russian Federation. The full text of the Russian Constitution can be found in UNHCR/CDR’s Refworld 2000.

⁵ Article 11 of the Constitution of the Russian Federation.

⁶ See Chapter Four of the Constitution of the Russian Federation (Articles 80-93) for all the articles on the President of the Federation.

⁷ Article 94 of the Constitution of the Russian Federation.

⁸ The jurisdiction of the Federation Council is contained in Article 102 of the Constitution of the Russian Federation.

⁹ See Article 103 of the Constitution of the Russian Federation.

the parliament,¹⁰ and the Liberal Democratic Party of Russia (LDPR), headed by Mr. Vladimir Zhirinovskiy, with parliamentary 51 seats.¹¹ The December 1995 parliamentary election produced an opposition-dominated State Duma, in which the Communist Party and its allies commanded a near-majority.¹²

As the legislative and executive branches of State power in the Russian Federation, the judiciary branch is independent according to the Constitution.¹³ Judges are to be “independent and (...) obey only the Constitution of the Russian Federation and the federal law”, cannot be replaced, and possess immunity. Powers cannot be terminated or suspended “except under procedures and on grounds established by federal law”.¹⁴ Indeed, the judiciary, although seriously impaired by a lack of resources and corruption, has shown “signs of limited independence”.¹⁵

2 Major Developments in the Russian Federation Since 1991

2.1 Political Developments

On 31 December 1991, the Soviet Union formally ceased to exist.¹⁶ The dissolution of the Union of Soviet Socialist Republics (USSR) unleashed massive population movements in the countries that subsequently formed the new Commonwealth of Independent States (CIS).¹⁷ The CIS originally grouped 11 of the former constituent republics of the Union (except Georgia) in a loose alliance.¹⁸ On 22 October 1993, Georgia’s President Shevardnadze signed a decree formally approving Georgia’s membership of the CIS, insisting that CIS membership was “the last chance to save the country”.¹⁹

Boris Yeltsin became the first elected President of the Russian Soviet Federative Socialist Republic (RSFSR). He had been elected as President on 12 June 1991, some six months before the formal end of the Soviet Union and the formal establishment of the Russian Federation (Russia).²⁰ In the early years of his presidency, President Yeltsin implemented a number of economic and political reforms, including the adoption of the new Constitution of 1993 which guaranteed broad powers for the President and diminished the role of the legislature. The Parliament sought to increase its power throughout Yeltsin’s presidency. The State Duma attempted to impeach the President on several occasions.

¹⁰ The Communist Party’s website can be found at <http://www.kprf.ru/> (Russian only).

¹¹ The Liberal Democratic Party’s website can be found at <http://www.ldpr.ru/> (Russian only).

¹² EIU, *Country Profile 2000 – Russia*, 2000, p. 9.

¹³ Article 10 of the Constitution of the Russian Federation.

¹⁴ Articles 120-122 of the Constitution of the Russian Federation.

¹⁵ U.S. Department of State (USDOS), *1999 Country Reports on Human Rights Practices – Russia*, 25 February 2000.

¹⁶ Shirin Akiner, *Central Asia: A Survey of the Region and the Five Republics*, WriteNet Paper No. 22, February 2000, p. 14.

¹⁷ United Nations High Commissioner for Refugees (UNHCR), *State of the World’s Refugees*, Oxford: Oxford University Press, November 2000, p. 1185.

¹⁸ Keesing’s, *Record of World Events*, Vol. 37, December 1991 – Soviet Union/CIS: End of Soviet Union – Formation of CIS – Resignation of Gorbachev.

¹⁹ Keesing’s, *Record of World Events*, Vol. 39, October 1993 – Georgia: Decree approving CIS membership.

²⁰ Keesing’s, *Record of World Events*, Vol. 37, June 1991 – Soviet Union: Russian Presidential elections, and Vol. 42, August 1996 – Russia: Inauguration of Yeltsin as President.

In 1993, when President Yeltsin suspended the legislature, Duma deputies barricaded themselves inside the Parliament, prompting President Yeltsin to order a bombardment of the building by Russian army tanks.²¹

Despite his diminishing popularity, as a result of both the deterioration of the economy and rumours about his physical health, as well as Russia's involvement in Chechnya, President Yeltsin was re-elected on 3 July 1996, after two rounds of voting.²² He was sworn in on 9 August as President of the Russian Federation.²³

In 1998, as the economic situation in Russia worsened, President Yeltsin dismissed three Prime Ministers causing a cabinet reshuffle on each occasion.²⁴ Firstly, President Yeltsin dismissed Prime Minister Victor Chernomydrin in March and appointed Mr. Sergei Kiriyenko as Chairman. Following, in August, Prime Minister Kiriyenko was fired, and President Yeltsin appointed Mr. Chernomydrin once again. The latter's appointment was protested by the State Duma deputies, because of his economic reforms. Following a stand-off between the State Duma and the President, Mr. Yevgeni Primakov was appointed Chairman.²⁵

The beginning of 1999 started with reports about the deterioration of President Yeltsin's health.²⁶ He relinquished much of his power to Prime Minister Yevgeny Primakov. On 12 May 1999, President Yeltsin ordered the dismissal of the government headed by Prime Minister Primakov, citing his "failure to resolve the economic crisis".²⁷ In the same decree, he appointed Mr. Sergei Stepashin, hitherto Minister of Internal Affairs, as acting Prime Minister. The move made Mr. Primakov, who had been appointed in September 1998, the third Prime Minister to have been dismissed by President Yeltsin in the space of 14 months.²⁸ A complicating factor was the debate over five charges of impeachment against President Yeltsin, which was due to open in the State Duma on 13 May 1999. The Duma was ultimately unsuccessful in their attempts to impeach President Yeltsin, because deputies failed to muster the necessary votes.²⁹

President Yeltsin dismissed his fourth government in 17 months on 9 August 1999 and nominated Mr. Vladimir Putin, the head of the Federal Security Service (FSB) and Secretary of the Security Council, as both Russia's Prime Minister-designate and as his preferred successor as Russian President.³⁰

²¹ Europa Publications Limited, *The Europa World Year Book 1999*, 1999, p. 2965.

²² EIU, *Country Profile 2000 – Russia*, 2000, p. 6. The Russian Federation has a two-ballot system for electing the president. If no candidate wins a majority in the first round, a second round is needed. President Yeltsin won the first round in 1996 with 35.3 per cent. See: Michael McFaul, Putin in Power, *Current History*, October 2000, p. 307.

²³ Keesing's, *Record of World Events*, Vol. 42, August 1996 – Russia: Inauguration of Yeltsin as President.

²⁴ There were also reports that Russia began to default on its foreign debt, and allegations arose that Russia had misused funds of the International Monetary Fund (IMF).

²⁵ EIU, *Country Profile 2000 – Russia*, 2000, p. 6.

²⁶ Keesing's, *Record of World Events*, Vol. 45, January 1999 – Russia: Deterioration in President's health – Prime Minister's response.

²⁷ Europa Publications Limited, *The Europa World Year Book 1999*, 1999, p. 2969.

²⁸ Keesing's, *Record of World Events*, Vol. 45, May 1999 – Russia: Dismissal of government – Failure of attempt to impeach President.

²⁹ *Ibid.*

³⁰ *Ibid.*, Vol. 45, August 1999 – Russia: Dismissal of government – Appointment of President's preferred successor.

Due to retire at the end of his second and last term in June 2000, President Yeltsin resigned early on 31 December 1999, mainly because of his ill-health since 1996. Prime Minister Putin became acting President, pending elections to be held within three months.³¹

Vladimir Putin was elected President of the Russian Federation on 26 March 2000. Immediately after the election took place, reports of possible election fraud emerged.³² Following his formal inauguration on 7 May 2000 at a ceremony at the Kremlin, President Putin relinquished the post of Prime Minister which, as acting President, he had filled himself. He formed a new government, which was completed by 22 May, headed by former First Deputy Prime Minister Mikhail Kasyanov.³³

President Putin worked hard on strengthening his position, and by September 2000, his position looked “almost unassailable”.³⁴ In October 2000, he visited France, who then held the presidency of the European Union (EU). During the sixth EU-Russia summit meeting, both parties vowed to step up their “strategic dialogue” on security, defence and economic ties.³⁵

2.2 CIS Conference Process 1996-2000

In the meantime, the dissolution of the Soviet Union had caused massive population movements in the CIS countries. When the Soviet Union broke up, the total number of people who were living outside their ‘home’ republics or autonomous regions is estimated to have been somewhere between 54 and 65 million, or one-fifth of the total population. Of these, 34 million were Russians, Ukrainians and Belarusians living in other republics.³⁶

As a result of inter-ethnic disputes, unresolved conflicts, lethal environments and the erection of new national boundaries, many people moved, sought to repatriate or were uprooted. The Russian Federation was faced with many Russian citizens or would-be citizens who were arriving from the former Soviet republics. They were referred to as “forced migrants”, although other CIS countries considered that term to be politically judgemental.³⁷ Several CIS agreements were signed on the issues of migrants and displaced persons, but they did not enter into practice, mainly because of enduring tensions. A neutral framework with regard to displacement and migration problems was needed. In December 1993, the United Nations General Assembly adopted a resolution, sponsored by the Russian Federation, on the convening of a conference for the

³¹ *Ibid.*, Vol. 45, December 1999 – Russia: Resignation of President Yeltsin.

³² Pavel Felgenhauer, Miracles, or Election Fraud?, *The Moscow Times*, 30 March 2000. In September 2000, the Moscow Times published the results of a six-month investigation into the presidential elections, which included charges of widespread vote fraud; as referred to in: *Jamestown Foundation Monitor*, 9 November 2000. See “Special Report – Election Fraud” of the Moscow Times at <http://www.themoscowtimes.com/indexes/90.html>.

³³ Keesing’s, *Record of World Events*, Vol. 46, May 2000 – Russia: Formation of a new government.

³⁴ EIU, *Country Report 2000 – Russia*, London, September 2000, p. 7.

³⁵ Russia and EU Vow “Strategic Dialogue”; But Chechnya Intrudes on Putin Agenda, *International Herald Tribune*, 31 October 2000.

³⁶ UNHCR, Forced to move by war or circumstance, *Displacement in the Commonwealth of Independent States*, May 1996.

³⁷ UNHCR, *State of the World’s Refugees*, November 2000, p. 199.

“comprehensive consideration and review of the problems of refugees, returnees, displaced persons and migrants”.³⁸

One year later, in December 1994, a new General Assembly resolution was adopted, calling upon the United Nations High Commissioner for Refugees to organize a regional conference to address the problems of “refugees, displaced persons, other forms of involuntary displacement and returnees” in the CIS countries and neighbouring states.³⁹ UNHCR, the International Organization for Migration (IOM) and the Organization for Security and Co-operation in Europe (OSCE/ODIHR) agreed to organize it jointly.

The Conference was held on 30-31 May 1996. Participants included the CIS countries themselves, neighbouring and other countries concerned with the impact of displacement problems on regional and international stability, and international non-governmental organizations active or interested in the region.

The Declaration of Principles and a Programme of Action, which was adopted by the participants at the Conference, indicated that “[t]he social and economic instability of the transition period that the CIS countries are experiencing and the manifestation, in some of these countries, of violence, of disregard for human rights and humanitarian law, of ecological disasters, as well as of difficulties for certain groups to integrate, have become the main causes of unregulated migration and involuntary population movements, affecting millions of people. Such massive and unmanaged population movements may undermine political and economic transformation in the CIS countries and could have far-reaching implications for international security and stability.”⁴⁰ The Programme of Action agreed that, instead of using the term “forced migrant”, the various categories of people involved would be referred to in the neutral term “involuntary relocating persons” (IRPs).⁴¹

In the context of the follow-up process, UNHCR and its partners, in particular the High Commissioner on National Minorities of the OSCE and the Council of Europe, also sought to address political sensitive issues such as statelessness and the system of residence permits (“propiska”⁴²) which restricts the freedom of movement and choice of residence.⁴³

A Steering Group, composed of representatives of participating states and international organizations, was established to reconvene after the Conference to monitor the follow-up process. It met once a year from 1996 to 2000, to review progress reports submitted by the Follow-up Unit. Non-governmental organizations were invited to participate as

³⁸ United Nations General Assembly, Resolution 48/113, *Convening of a United Nations conference for the comprehensive consideration and review of the problems of refugees, returnees, displaced persons and migrants*, 20 December 1993, para. 1.

³⁹ United Nations General Assembly, Resolution 49/173, *Comprehensive consideration and review of the problems of refugees, returnees, displaced persons and related migratory movements*, 23 December 1994, para. 2.

⁴⁰ *Regional Conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the Commonwealth of Independent States and relevant neighbouring States*, Geneva, 30-31 May 1996, CISCONF/1996/5, 11 June 1996, para. 1.

⁴¹ It concerned refugees, internally displaced persons (IDPs), repatriates and formerly deported peoples (FDPs), as well as ecological, labour and transit migrants. See: UNHCR, *State of the World's Refugees*, November 2000, p. 201.

⁴² See for more on “propiska”: Chapter 4, paragraph 4.6

⁴³ UNHCR, *State of the World's Refugees*, November 2000, p. 202.

observers and to submit independent reports.⁴⁴ On 13-14 July 2000, the Steering Group met at its fifth and last session to review the achievements of the CIS Conference process in the implementation of the Programme of Action, areas necessitating further attention, and to take a decision on the future activities.⁴⁵ A set of recommendations⁴⁶ was adopted for future action, moving the process to a more advanced level of cooperation in the search for concrete solutions.⁴⁷

2.3 Regional Backgrounds

Regional Framework

As stated before, the Russian Federation is a federal state consisting of constituent entities, 89 in total.⁴⁸ Although the Federation consists of “republics, territories, regions, federal cities, an autonomous region and autonomous areas”, all are equal subjects of the Russian Federation. The Constitution and the federal laws shall have supremacy throughout the entire territory of the Federation. In practice, however, conflicts between federal laws and the laws and regulations of the subjects of the Federation can have far reaching consequences for the functioning of the rule of law, including the application and respect of principles embodied in international instruments ratified by Russia, for two main reasons. Firstly, because those subjects which are in a position of political and/or economical strength vis-à-vis the central government, do not always feel obliged to comply with the federal law, even in instances when the Constitutional Court expressly declared regional laws and rules unconstitutional. Secondly, the functioning of the principle of dual subordination of local governments’ civil servants, which requires that the latter be under the hierarchical authority of both their federal ministry and the local executive, tends to give predominance to the local bodies. It results that civil servants from local law enforcement agencies will in practice apply local normative acts, even if those are in violation of federal laws.

Each of the regions used to have a presidential representative, alongside a locally elected governor. In his first weeks of power, President Putin began a campaign to reduce the autonomy of these regional governors. He issued a decree on 13 May 2000 forming seven federal districts.⁴⁹ The districts would be headed by presidential envoys (or representatives) who supervise local regions’ compliance with Russian federal

⁴⁴ *Regional Conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the Commonwealth of Independent States and relevant neighbouring States, Geneva, 30-31 May 1996*, CISCONF/1996/5, 11 June 1996, para. 147.

⁴⁵ *Report of the Fifth Meeting of the Steering Group in the Follow-Up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees In the Countries of the Commonwealth of Independent States and Relevant Neighboring States (Geneva, 13-14 July 2000)*, CISCONF/2000/SG5/4, 27 July 2000.

⁴⁶ *Report and Recommendations for the CIS Conference Steering Group Meeting (Geneva, 13-14 July 2000)*, CISCONF/2000/SG5/3, 14 July 2000.

⁴⁷ In order to keep interested parties aware of progress made in the implementation of the CISCONF Programme of Action and other events related to involuntary displacement in the region, UNHCR, IOM and OSCE/ODIHR produced “CISCONF News”, a quarterly newsletter which appeared three times a year in English and Russian. Back issues of the newsletter can be found on UNHCR’s website: <http://www.unhcr.ch/refworld/refworld/unhcr/cis/menu.htm>.

⁴⁸ Article 65 of the Constitution enumerates all “subjects” of the Federation.

⁴⁹ These largely correspond to Russia’s military districts. See: Keesing’s, *Record of World Events*, Vol. 46, May 2000 – Russia: Moves to curtail powers of regional governors.

legislation, and would be funded by Moscow, thereby bypassing the power of the regional governors.⁵⁰ Other amendments that President Putin proposed were adopted by the State Duma. They included a proposal that the Federation Council be composed of representatives elected from regional legislatures and that the regional governors lose their seats, a proposal allowing the President to dismiss regional governors, and one allowing governors to remove elected officials subordinate to them.

The Situation in the Northern Caucasus, Including Chechnya

Since the demise of the Soviet system, the Northern Caucasus has emerged as the most volatile region in the Russian Federation.⁵¹ The area is rife with territorial and border disputes involving many of the more than 60 distinct national, ethnic and religious groups.⁵² The Caucasus has experienced some major conflicts, creating more than 2 million refugees and internally displaced persons. While most of the conflicts are relatively quiescent, none of them appears close to finding a lasting solution.⁵³

Chechens are the largest autochthonous nation of the Northern Caucasus, and are ethnically close to the Ingush.⁵⁴ Almost as soon as Chechnya was adjoined to Russia in the late eighteenth century, Chechens started to rebel against Russian central authorities; its history is an almost uninterrupted chain of revolts and wars. Chechen-Ingushetiya was the first autonomous republic to challenge Moscow.⁵⁵

Following a *coup d'état* in August 1991, Chechnya proclaimed its independence in November 1991, and separated from the three Ingush areas of Chechen-Ingushetiya.⁵⁶ Presidential and parliamentary elections on 27 October brought Dzhokdar Dudayev, a former Soviet Air Force General, to power, defeating nine other candidates, although there were allegations of malpractice.⁵⁷ The central government realized it was losing control, but a decree issued by President Yeltsin on 8 November declaring a state of emergency in Chechen Ingushetia, was overturned.⁵⁸ Negotiations started to withdraw Russian soldiers from Chechnya, and by June 1992 the last Russian army units had withdrawn.

General Dudayev declared martial law in Chechnya in November 1992, and disbanded the Chechen Parliament in April 1993, introducing direct presidential rule.⁵⁹ In January

⁵⁰ The seven envoys, which were named on 18 May, include only two civilians, the rest being senior officials from the military or security services. See: Keesing's, *Record of World Events*, Vol. 46, May 2000 – Russia: Moves to curtail powers of regional governors.

⁵¹ See Annex II for a map of the Northern Caucasus.

⁵² Minority Rights Group, *The World Directory of Minorities*, London: 1997, p. 302.

⁵³ UNHCR, Conflicts in the Caucasus, *Displacement in the Commonwealth of Independent States*, May 1996. The following publication summarizes the major armed conflicts that have elicited humanitarian action in the Caucasus: Greg Hansen, *Humanitarian Action in the Caucasus: A Guide for Practitioners*, Humanitarianism and War Project & Local Capacities for Peace Project, Occasional Paper No. 32, 1998 (in particular p. 12-25).

⁵⁴ Minority Rights Group, *The World Directory of Minorities*, London: 1997, p. 302.

⁵⁵ *Ibid.*, p. 296.

⁵⁶ *Ibid.* The Ingush areas of Chechen-Ingushetiya decided, by referendum of 1 December 1991, to establish an Ingush Republic as part of the Russian Federation. On 4 June 1992, the Russian Parliament passed legislation creating this separate Ingush republic; see: *ibid.*, p. 302.

⁵⁷ Keesing's, *Record of World Events*, Vol. 37, November 1991 – Soviet Union: The republics; Chechen Ingushetia crisis.

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*, Vol. 39, April 1993 – Russia: Developments in regions.

1994, in an attempt to unify the people, the name of Chechnya was changed to the “Chechen Republic of Ichkeria”.⁶⁰ Continuing confrontation between General Dudayev and the opposition occurred throughout 1994, finally resulting in the opposition groups storming Grozny, Chechnya’s capital, on 26 November. On 11 December 1994, Russian troops entered Chechnya, starting of military hostilities which lasted until 1996.⁶¹

The conflict destroyed most of Chechnya’s industry and social structure. Thousands were believed to be killed or wounded. General Dudayev’s standing rose with the beginning of military hostilities. Particularly severe carnage in January 1995 left the Russian troops more or less in control over Grozny. A group led by Shamil Basayev, the defence commander of Grozny, took between 1,000 and 1,500 people hostage in Budennovsk (in the Stavropol region, about 200 km north of Chechnya).⁶² In June 1995, negotiations started in the framework of the OSCE, and though they did not lead to a political solution, large-scale hostilities were avoided for a six-month-period.

On 22 April 1996, General Dudayev was killed, “reportedly hit by a rocket fired from the air as he stood in an open field speaking on a satellite telephone”.⁶³ A cease-fire agreement between the acting President of Chechnya and President Yeltsin was reached on 27 May 1996.⁶⁴ The agreement was seen as a significant boost to President Yeltsin's presidential election campaign. However, after his re-election on 3 July, hostilities started again. He signed a decree recognizing the establishment of new authorities in Chechnya on 14 July 1996. Hostilities broke out in Grozny on 6 August 1996,⁶⁵ when Chechen troops entered the city and seized control. On 30 August 1996, in Khasavyurt in Dagestan, the parties signed a “Joint Statement” on the principles of conflict resolution.⁶⁶ On the basis of this agreement, the last federal troops were withdrawn from Chechnya, by the end of December 1996.⁶⁷

Aslan Maskhadov, former chief-of-staff of the Chechen army and Prime Minister in the interim government, who negotiated the Khasavyurt agreement on behalf of the Chechens, easily won the elections in Chechnya in January 1997.⁶⁸ However, he did not manage to create stability and dismantle military groups in the regions. In addition, because of severe poverty and the destroyed social infrastructure, crime became

⁶⁰ Ichkeria was the name of a region in the mountains, traditionally a symbol of freedom, bravery and unity. See: D. Curran, F. Hill and E. Kostitsyna, *The Search for Peace in Chechnya. A Sourcebook 1994-1996*, Harvard University, John F. Kennedy School of Government, March 1997, p. 8.

⁶¹ Keesing’s, *Record of World Events*, Vol. 40, December 1994 – Russia: Russian military offensive against Chechnya.

⁶² *Ibid.*, Vol. 41, June 1995 – Russia: Chechen hostage crisis.

⁶³ *Ibid.*, Vol. 42, April 1996 – Russia: Death of Dudayev.

⁶⁴ *Ibid.*, Vol. 42, May 1996 – Russia: Signing of Chechen ceasefire agreement.

⁶⁵ International Committee of the Red Cross (ICRC), *Update 96/02 on ICRC activities in Chechnya / Northern Caucasus*, 14 August 1996.

⁶⁶ The agreement had the status of “postponed decision”; the signing of a final agreement “on the basis of mutual relations” between Russia and Chechnya was postponed until December 2001. See: Keesing’s, *Record of World Events*, Vol. 42, August 1996 – Russia: Ceasefire – Start of military withdrawal from Grozny, and *ibid*, Vol. 42, August 1996 – Russia: Lebed-Maskhadov agreement.

⁶⁷ Europa Publications Limited, *The Europa World Year Book, Vol. II*, 40th Edition, London: 1999, p. 2966-2967.

⁶⁸ Keesing’s, *Record of World Events*, Vol. 43, January 1997 – Russia: Elections in Chechnya.

a serious social problem. On 15 December 1998, the Chechen Parliament declared a 30-day state of emergency, in response to mounting crime.⁶⁹

On 3 February 1999, President Maskhadov issued a decree proclaiming Shari'a law in Chechnya. By doing so, he tried to get control over Islamic extremists. Chechen rebels invaded the republic of Dagestan in August 1999. The region, home to 32 ethnic groups,⁷⁰ is strategically important to Russia as it borders the Caspian Sea and is on the Azerbaijan-Russia oil pipeline route. The Russian army fought hard against the rebels, and enjoyed the support of the majority of the population in Dagestan, most of whom were hostile to both Islamic extremists and Chechens.⁷¹

The rebels from Chechnya followed up earlier incursions by capturing three mountain villages on the Chechnya-Dagestan border on 7 August, and taking at least four more villages shortly afterwards. The rebels numbered over 1,000 and were led by Commander Basayev and another prominent Chechen leader, Amir Khattab. On 10 August 1999, the rebel leaders declared the Chechen republic to be an independent Islamic state.⁷²

Prime Minister Putin indicated on 13 August 1999 that Russian forces had begun retaliating on 12 August, and promised to subdue the uprising within two weeks. The Russian effort was placed under the control of the Defence Ministry rather than the Interior Ministry. Bombing sorties against the rebel-held villages at first appeared to have little effect, raising fears of a second long war in the Caucasus. On 25 August, however, Russian forces claimed to have quelled the rebel action, having captured the strategic villages of Tando and Rakhata on the previous day. The admitted casualty figures included 59 dead and 210 wounded on the Russian side, and 37 dead and 68 wounded amongst the rebels. Both sides claimed to have killed over 1,000 of the enemy.⁷³

In announcing his withdrawal from Dagestan, Commander Basayev warned that he would switch to "military-political methods" of fighting, a reference which was widely taken as a threat to stage future terrorist attacks. Following Russian threats to bomb rebel bases within the territory, President Maskhadov declared a one-month state of emergency in Chechnya on 16 August 1999.⁷⁴ Prime Minister Putin visited the region on 27 August 1999. On the same day, the Russian government approved 100 million roubles in reconstruction aid for Dagestan and 12 million roubles to assist displaced persons.⁷⁵

⁶⁹ United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, *List of States which have proclaimed or continued a state of emergency*, E/CN.4/Sub.2/1999/31, 5 July 1999.

⁷⁰ Dagestan is one of the most ethnically complex areas of the former Soviet Union. See: Minority Rights Group, *The World Directory of Minorities*, London: 1997, p. 304.

⁷¹ Keesing's, *Record of World Events*, Vol. 45, August 1999 – Russia: Unrest in Dagestan.

⁷² *Ibid.*

⁷³ *Ibid.*

⁷⁴ ITAR-TASS News Agency, 16 August 1999 (in Russian); as quoted by: BBC Monitoring Online, *Chechnya announces further emergency measures*.

⁷⁵ Keesing's, *Record of World Events*, Vol. 45, August 1999 – Russia: Unrest in Dagestan.

In September 1999, a spate of bomb explosions killed at least 292 people within a two-week period. Russian authorities blamed the bombs on “militants” from Chechnya.⁷⁶ Prime Minister Putin openly questioned whether the Khasavyurt agreement had been a “mistake”.⁷⁷ The bomb explosions prompted Russia to bomb Chechnya, thus triggering a full-scale war and spelling the end of the “wait-and-see” policy pursued by Moscow over the past three years. In October 1999, the military activities in Chechnya escalated.⁷⁸

The international community became increasingly critical of Russia’s actions in the republic. Reports suggested that an increasingly desperate refugee situation was developing in the region, with an estimated 187,000 people – representing more than one-tenth of Chechnya’s population – trying to flee from the fighting, mostly into the neighbouring republic of Ingushetia whose own population before the conflict stood at 340,000.⁷⁹ The United Nations Special Representative on internally displaced persons indicated that “over the past few months, more than 250,000 persons [had] been forcibly displaced as a result of the conflict in Chechnya”.⁸⁰ Russia maintained that the events in Chechnya were an internal affair.⁸¹ The escalation of Russia’s military intervention in Chechnya contributed to the increase of the popularity of Prime Minister Putin, who “soared on the strength of his hard line on Chechnya”.⁸²

After his election as President of the Russian Federation in March 2000, President Putin announced that Russia would withdraw some of its troops from Chechnya in compliance with limits imposed by the Conventional Forces in Europe Treaty (CFE). On 8 June 2000, he imposed “temporary” direct presidential rule on Chechnya. The head of administration in Chechnya was to be appointed by the Russian President and supervised by the plenipotentiary presidential representative in the North Caucasus (now Southern) federal district. On 12 June, Mr. Mufti Akhmed Kadyrov was nominated to the post. Mr. Kadyrov, a Muslim cleric, had supported Chechen independence in the 1994-1996 conflict, but supported the later military intervention in Chechnya in September 1999, because he disagreed with the pro-Muslim policies of Chechen President Maskhadov.⁸³

⁷⁶ BBC News, World – Europe: *Russia’s bombs: Who is to blame?*, 30 September 1999.

⁷⁷ Russia TV, 19 September 1999 (in Russian); as quoted by: BBC Monitoring Online, *Russian premier on situation with Chechnya, Dagestan*.

⁷⁸ Anna Matveeva., *The North Caucasus: Analysis of Current Issues*, WriteNet Paper No. 17, December 1999, p. 5.

⁷⁹ Keesing’s, *Record of World Events*, Vol. 45, October 1999 – Russia: Renewed attack on Chechnya.

⁸⁰ *Representative of the Secretary-General on Internally Displaced Persons Calls on the Russian Authorities to Observe the Guiding Principles on Internal Displacement*, HR/99/121, Press Release 20 December 1999.

⁸¹ Keesing’s, *Record of World Events*, Vol. 45, October 1999 – Russia: Renewed attack on Chechnya.

⁸² CNN, *Putin visits Chechen operation*, 20 October 1999. See for more on Putin’s high popularity: Patrick E. Tyler, *Kremlin Chief Is Motivated to Succeed but, Russians Ask, Succeed at What*, *International Herald Tribune*, 25 August 2000.

⁸³ Keesing’s, *Record of World Events*, Vol. 45, June 2000 – Russia: Imposition of presidential rule in Chechnya.

With the imposition of direct rule, Russia's policy towards Chechnya appeared to have shifted towards a tacit admission that its military was unable to eliminate the rebel fighters who were taking a constant toll on Russian forces through ambushes, car bombs and booby traps. In a statement on 6 June 2000, the commander of Russian troops in the North Caucasus, Colonel-General Gennady Troshev, said that negotiations with Kadyrov should begin, and in an interview on 25 June, after meeting with Mr. Kadyrov, he declared that "the war in Chechnya as such is over". However, he qualified this view by declaring that "the mopping up operations" against "terrorists, bandits" were continuing.⁸⁴

On 8 August 2000, the Moscow Times reported that a senior Chechen guerrilla had surrendered and that the Kremlin "heralded" the move as "a sign that the rebels were tiring of the 11-month-old war".⁸⁵ The military in Chechnya were quoted as saying that Ibrahim Khultygov, security chief in the Chechen government under President Maskhadov after the 1994-1996 hostilities, was one of the most influential rebel leaders.

During the sixth EU-Russia summit meeting in October 2000 in France, a "carefully worded statement" on the situation in Chechnya said "any solution had to respect Russian territorial integrity and condemned 'all forms of terrorism'".⁸⁶ At a news conference, President Putin indicated that he was ready to extend "political dialogue to 'all forces in Chechnya' but ruled out any contact with 'people up to their elbows in blood'".⁸⁷

The United Nations High Commissioner for Refugees expressed hope, in October 2000, that conditions in Chechnya would sufficiently improve next year to allow some 160,000 refugees to start returning home.⁸⁸ Most of the refugees have been sheltering in Ingushetia; around 90,000 refugees had already returned to Chechnya.

3 Legal Framework

3.1 International Legal Framework

The Soviet Union was an original member to the United Nations. By letter of 24 September 1991, President Yeltsin informed the United Nations Secretary-General that the Russian Federation would continue the membership of the Soviet Union in the Security Council and all other United Nations organs, with the support of the 11 members of the Commonwealth of Independent States (CIS). The Russian Federation joined the Council of Europe as of 28 February 1996, when the war in Chechnya was still on-going.

⁸⁴ Keesing's, *Record of World Events*, Vol. 45, June 2000 – Russia: Imposition of presidential rule in Chechnya.

⁸⁵ Military: Senior Rebel Gives Up in Chechnya, *The Moscow Times*, 8 August 2000.

⁸⁶ Russia and EU Vow "Strategic Dialogue"; But Chechnya Intrudes on Putin Agenda, *International Herald Tribune*, 31 October 2000.

⁸⁷ *Ibid.*

⁸⁸ Russia: Ogata hopes Chechens will return, *Refugees Daily*, 25 October 2000.

The Russian Federation is a state party to all the major international human rights instruments, including:

Convention	Date of ratification or accession (a); date of entry into force
United Nations	
Convention Relating to the Status of Refugees (1951)	2 February 1993 (a)
Protocol to the Convention Relating to the Status of Refugees (1967)	2 February 1993 (a)
Convention on the Prevention and Punishment of the Crime of Genocide (1948)	3 May 1954
International Convention on the Elimination of All Forms of Racial Discrimination (1965)	4 February 1969; 3 March 1969
International Covenant on Civil and Political Rights (1966)	16 October 1973; 3 March 1976
Optional Protocol of the International Covenant on Civil and Political Rights (1966)	1 October 1991 (a); 1 January 1992
International Covenant on Economic, Social and Cultural Rights (1966)	16 October 1973; 3 January 1976
Convention Against all Forms of Discrimination Against Women (1979)	23 January 1981; 3 September 1981
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)	3 March 1987; 26 June 1987
Convention on the Rights of the Child (1989)	16 August 1990; 15 September 1990
Council of Europe	
European Convention on Human Rights and Fundamental Freedoms (1950)	5 May 1998; 5 May 1998
Protocol to the European Convention on Human Rights and Fundamental Freedoms	5 May 1998; 5 May 1998
Protocol No. 4 to the European Convention on Human Rights and Fundamental Freedoms	5 May 1998; 5 May 1998
Protocol No. 5 to the European Convention on Human Rights and Fundamental Freedoms	5 May 1998; 5 May 1998
Protocol No. 7 to the European Convention on Human Rights and Fundamental Freedoms	5 May 1998; 11 November 1998
Protocol No. 11 to the European Convention on Human Rights and Fundamental Freedoms	5 May 1998; 11 November 1998
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)	5 May 1998; 1 September 1998
Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	5 May 1998; not yet entered into force
Protocol No. 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	5 May 1998; not yet entered into force
Framework Convention on National Minorities (1995)	21 August 1998; 1 December 1998

Sources: UNHCR/CDR's RefWorld 2000, www.unhchr.ch, www.coe.int

As a state party to the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), the Russian Federation has recognized the competence of the United Nations Human Rights Committee to receive complaints from individuals claiming to be victims of violations of the rights set forth in the Covenant. It has recognized the same competence with regard to the Committee monitoring the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), on the basis of Article 14 of that Convention, and regarding the Committee monitoring the Convention Against Torture (CAT), on the basis of Article 22 CAT.⁸⁹ Finally, the Russian Federation also recognized the state complaints procedures under the ICCPR (Article 41) and under the CAT (Article 21).

However, the Russian Federation is not a state party to the following United Nations instruments:

- Convention Relating to the Status of Stateless Persons (1954)
- Convention on the Reduction of Statelessness (1961)
- Second Optional Protocol of the International Covenant on Civil and Political Rights Aiming at the Abolition of the Death Penalty (1989)

The Russian Federation has signed but not yet ratified Protocol No. 6 to the European Convention on Human Rights (ECHR) concerning the abolition of the death penalty, on 16 April 1997, and the European Convention on Nationality, on 6 November 1997. It also signed, on 14 September 2000, the revised European Social Charter.⁹⁰ The Russian Federation did not sign the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999), nor the Optional Protocols to the Convention on the Rights of the Child of 2000 on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography.

3.2 National Legal Framework

Regarding the national framework concerning human rights, the Russian Constitution in Article 15 recognizes the “commonly recognized principles and norms of the international law and the international treaties of the Russian Federation” as a “component part of its legal system”. Furthermore, “[i]f an international treaty of the Russian Federation stipulates other rules than those stipulated by the law, the rules of the international treaty shall apply.”⁹¹

Chapter Two of the Constitution, which deals with the “rights and liberties of man and citizen”, stipulates that the “basic rights and liberties in conformity with the commonly recognized principles and norms of the international law shall be recognized and guaranteed in the Russian Federation and under this Constitution”.⁹² The Constitution guarantees basic rights such as the right to life (Article 20), the right to freedom and personal inviolability (Article 22), the rights to freedom of movement (Article 27), freedom of conscience (Article 28) and freedom of thought and speech (Article 29), and the right to association (Article 30).

⁸⁹ Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination also applies to “groups of individuals”. Under the Convention against Torture, the Committee may receive communications “from or on behalf of individuals”, claiming to be victims.

⁹⁰ The Charter has not entered into force yet.

⁹¹ Article 15(4) of the Constitution of the Russian Federation.

⁹² Article 82(1) of the Constitution of the Russian Federation.

Article 19(2) of the Constitution details the equality of rights and liberties, stating that “[t]he State shall guarantee the equality of rights and liberties regardless of sex, race, nationality, language, origin, property or employment status, residence, attitude to religion, convictions, membership of public associations or any other circumstance. Any restrictions on the rights of citizens on social, racial, national, linguistic or religious grounds shall be forbidden.”

“State protection for human rights and liberties in the Russian Federation shall be guaranteed”, according to Article 45 of the Constitution. Human rights may be restricted by federal law “only to the extent required for the protection of the fundamentals of the constitutional system, morality, health, rights and lawful interests of other persons, for ensuring the defense of the country and the security of the state” (Article 55(3)). Article 56 deals with the human rights situation during the declaration of a state of emergency.

According to Article 80(2) of the Constitution, the President is the “guarantor of the Constitution of the Russian Federation, and of human and civil rights and freedoms”. At the inauguration, the President will take an oath “to respect and protect the rights and freedoms of man and citizen” and “to observe and protect the Constitution of the Russian Federation”.⁹³

4 Review of the Human Rights Situation

4.1 General Respect for Human Rights

The United Nations High Commissioner for Human Rights, Mary Robinson, visited the Russian Federation in June 1999.⁹⁴ During March and April 2000, she visited Chechnya and spoke with Russian officials in Moscow, urging the government to establish an independent national commission of inquiry.⁹⁵ The High Commissioner for Human Rights expressed concern at allegations of mass killings, summary executions, rape, torture and pillage which had been reportedly committed by the “Russian military, militia and Ministry of Interior forces” in Chechnya. The High Commissioner stated that “the scale of serious allegations of gross human rights violations warrants international attention and concern”.⁹⁶

In response to the High Commissioner for Human Rights’ statements, a representative from the Russian Federation to the Commission on Human Rights stated, in April 2000, that the Russian Federation’s actions in Chechnya were part of an anti-terrorist campaign aimed at restoring law and order and safeguarding human rights in the region. The representative accused the Chechen “terrorists and bandits of kidnappings, rapes, cutting peoples’ heads off and ruthlessly killed people”.⁹⁷

⁹³ Article 15(4) of the Constitution of the Russian Federation.

⁹⁴ United Nations High Commissioner Human Rights, Press Release, *High Commissioner for Human Rights Ends Visit to Russian Federation, Calls Talks “Constructive”*, HR/99/55, 18 June 1999.

⁹⁵ United Nations High Commissioner Human Rights, Press Release, *High Commissioner for Human Rights Urges Russian Inquiry Commission*, 4 April 2000.

⁹⁶ The High Commissioner reported on her visit during the 56th session of the United Nations Commission on Human Rights in April 2000. See: United Nations High Commissioner for Human Rights, Statement to the Commission on Human Rights, *Situation of Human Rights in Chechnya in the Russian Federation*, 5 April 2000.

⁹⁷ United Nations Commission on Human Rights, Press Release, *Federation to Investigate Allegations of Human Rights Abuses in Chechnya*, 5 April 2000.

The Commission on Human Rights adopted a resolution on 25 April 2000 on the situation of human rights in the republic of Chechnya, in which the Commission expressed its concern at reports of disproportionate and indiscriminate use of Russian military force, “serious crimes and abuses committed by Chechen fighters”, and use of so called “filtration” camps.⁹⁸ The resolution welcomed the Russian Federation’s cooperation with the Council of Europe’s Commissioner for Human Rights and its agreement with the International Committee of the Red Cross on free access to Russian detention camps, but called on all parties to halt hostilities and begin a political dialogue.⁹⁹

Amnesty International, in its Annual Report on the Russian Federation for 2000, claimed that Russian forces had directly targeted civilians throughout Russia’s military intervention in Chechnya. Russian forces were accused of attacking hospitals, medical personal and vehicles marked with the Red Cross emblem and also killing civilians through indiscriminate bombing. Amnesty International stated that Russian forces were also arbitrarily detaining Chechens in “filtration” camps. Chechen armed groups were accused of preventing people from leaving their villages, using civilians as “human shields”, attacking villages and killing prisoners of war. Chechens in other parts of the Russian Federation reportedly faced discrimination and arbitrary detention.¹⁰⁰

Amnesty International claimed that torture was used by law enforcement officers in the Russian Federation, that ill-treatment of military recruits was widespread, and that conditions in detention centres amounted to torture. A number of politically motivated killings, including the killings of journalists, were also reported.¹⁰¹

In its World Report 2000, Human Rights Watch stated that Russian forces in Chechnya had used indiscriminate bombardments, which had resulted in the death of civilians. Human Rights Watch reported on evidence of discrimination against ethnic Chechens throughout the Russian Federation, the Russian government’s restriction of the media, conditions in detention facilities and use of torture by authorities.¹⁰²

The Council of Europe has been following human rights developments in the republic of Chechnya very closely. “The serious situation in Chechnya, the alleged large-scale human rights violations by Russian armed forces as reported by several governmental and non-governmental organizations, the lack of information provided by the Russian Federation, the recent membership of the Russian Federation of the Council of Europe and its recent accession to the Convention” prompted the Secretary-General of the Council to request the Russian Federation “to furnish, in the light of the case-law of the European Court of Human Rights, explanations concerning the manner in which the Convention is currently being implemented in Chechnya, and the risks of violation which may result therefrom.”¹⁰³ In the opinion of the Russian authorities, the operation

⁹⁸ United Nations Commission on Human Rights, Resolution 2000/58, *Situation of Human Rights in the Republic of Chechnya of the Russian Federation*, 12 April 2000, preamble. The Russian Federation voted against the resolution and does not accept its terms.

⁹⁹ *Ibid.*, preamble and para. 2.

¹⁰⁰ Amnesty International, *Annual Report 2000: Russian Federation*, 2000, p. 199-202.

¹⁰¹ *Ibid.*, p. 201.

¹⁰² Human Rights Watch, *World Report 2000: Russian Federation*, December 1999, p. 286-293.

¹⁰³ By letter of 13 December 1999. See: Council of Europe, *Consolidated report containing an analysis of the correspondence between the Secretary General of the Council of Europe and the Russian*

in Chechnya took place in the context of “exceptional circumstances which necessitated a departure from the normal application of the Convention”.¹⁰⁴ The authorities recognize that some acts committed or measures taken by the federal forces in Chechnya “raise problems with regard to respect for human rights”.¹⁰⁵ The replies by the government were not considered as “satisfactory” (suggesting “a manifest ignorance, not only of the European case-law but also of the very essence of the right to life”), and the Secretary-General transmitted his report to the Committee of Ministers and to the Parliamentary Assembly for further action.¹⁰⁶

On 24 October 2000, the United Nations High Commissioner for Human Rights reported before the Third Committee of the General Assembly on the most recent developments concerning the implementation of this resolution.¹⁰⁷ The Russian authorities had taken three separate initiatives. The Special Representative for the protection of the human rights and freedoms of the citizens in the Chechen republic sent out two reports on his activities to the High Commissioner for Human Rights; his Office had received many complaints and examined them. The Office had been working closely with experts of the Council of Europe. Secondly, a National Public Commission on the investigation of violations of rights and observance of human rights in the Chechen republic had been established. A third body examining the situation is a special Commission of the State Duma, which held hearings in September 2000 on, *inter alia*, the observance of human rights in Chechnya. However, none of these bodies has direct investigatory or prosecution powers.¹⁰⁸

4.2 Right to Life, Personal Security and Physical Integrity

Extrajudicial, Summary or Arbitrary Executions

In his 1998 report to the United Nations Commission on Human Rights covering the period between November 1996 and October 1997, the Special Rapporteur on extrajudicial, summary and arbitrary executions reported on replies from the Russian government with regard to several communications sent during 1996.¹⁰⁹ Regarding three incidents involving almost 500 deaths, reportedly resulting from “indiscriminate and disproportionate attacks by Russian armed forces”, the government informed the Special Rapporteur that these were a “tragic consequence of military operations”.¹¹⁰ In 1999, the Special Rapporteur sent one urgent appeal to the government concerning the situation in Chechnya and one allegation of violation of the right to life. She also issued a press release in December 1999 concerning the situation in Chechnya.¹¹¹

Federation under Article 52 of the European Convention on Human Rights, SG/Inf(2000)24, 26 June 2000, para. 9-10.

¹⁰⁴ SG/Inf (2000)24, para. 17.

¹⁰⁵ *Ibid.*, para. 22.

¹⁰⁶ *Ibid.*, para. 24 and 27.

¹⁰⁷ Statement by the United Nations High Commissioner for Human Rights before the Third Committee of the General Assembly at its 33rd meeting, 24 October 2000.

¹⁰⁸ *Ibid.*

¹⁰⁹ United Nations Commission on Human Rights, *Extrajudicial, summary or arbitrary executions. Report of the Special Rapporteur, Mr. Bacre Waly Ndiaye, submitted pursuant to Commission on Human Rights resolution 1997/61. Addendum: Country situations*, E/CN.4/1998/68/Add.1, 19 December 1997, para. 343.

¹¹⁰ *Ibid.*, para. 347.

¹¹¹ United Nations Commission on Human Rights, *Extrajudicial, summary or arbitrary executions. Report of the Special Rapporteur, Ms. Asma Jahanhir, submitted pursuant to Commission on Human*

In the same report of 1998, the Special Rapporteur expressed distress at “allegations of public executions which allegedly took place in the Chechen Republic of the Russian Federation following the adoption of a new Criminal Code reintroducing Shari’a law into the judicial practice of the Chechen Republic”.¹¹² Amnesty International reported that executions continued to be carried out in Chechnya under the provisions of the Chechen Shari’a Criminal Code.¹¹³ In June 1999, President Maskhadov revealed that 11 persons were executed during the first half of the year. According to reports, two more were executed after having been sentenced to death by the Supreme Shari’a Court.¹¹⁴

In the night of 16-17 December 1996, six delegates of the International Committee of the Red Cross (ICRC) were murdered in the republic of Chechnya by a group of unidentified gunmen.¹¹⁵ The Special Rapporteur expressed that he was “appalled at the deliberate killing of humanitarian workers”.¹¹⁶ Immediately, pending an improvement in security conditions, the ICRC suspended part of its operation, though a number of activities continued to be carried on.¹¹⁷ It suspended its operations in Chechnya again for security reasons in November 1999, but extended its activities to the territory in March 2000.¹¹⁸

In June 2000, 12 pro-Russian Chechens were killed as a result of death sentences handed down by Chechen fighters. Two of them were reportedly beheaded and their heads were impaled on pickets to serve as an example to local people.¹¹⁹

In a report issued in June 2000,¹²⁰ Human Rights Watch alleged that Russian troops had “unquestionably” committed atrocities that amount to war crimes in Aldi, a suburb of Grozny on 5 February, killing at least sixty people. The report claimed that the soldiers had “engaged in an orgy of killing, arson, and rape”.¹²¹ In two other 2000 reports, Human Rights Watch dealt in detail with specific cases of summary executions by Russian soldiers in November-December 1999 and between late December 1999 and mid-January 2000.¹²²

Rights resolution 1999/35. Addendum: Summary of cases transmitted to Governments and replies received, E/CN.4/2000/3/Add.1, 2 February 2000, para. 383-384.

¹¹² *Ibid.*, para. 351.

¹¹³ Amnesty International, *Annual Report 2000: Russian Federation*, 2000, p. 202.

¹¹⁴ *Ibid.*

¹¹⁵ ICRC, *Update No. 97/01 on ICRC activities in the Russian Federation/Northern Caucasus*, 10 January 1997.

¹¹⁶ E/CN.4/1998/68/Add.1, 19 December 1997, para. 351.

¹¹⁷ All programmes requiring the presence of expatriates were suspended in the Republics of Chechnya, Dagestan and Ingushetia. See: ICRC, *Update No. 97/01 on ICRC activities in the Russian Federation/Northern Caucasus*, 10 January 1997.

¹¹⁸ ICRC, *Emergency action of the Red Cross and Red Crescent Movement (Russian Red Cross, International Federation) for victims of the Chechen conflict*, 2 September 2000.

¹¹⁹ Agence France Presse (AFP), Maskhadov Warns Chechen Election Candidates as Attacks Continue, *Russia Today*, 18 August 2000.

¹²⁰ Human Rights Watch, *February 5: A day of slaughter in Novye Aldi*, Vol. 12, No. 9 (D), June 2000 (in particular p. 13-27).

¹²¹ *Ibid.*, p. 13.

¹²² Human Rights Watch, “No happiness remains”. *Civilian killings, pillage, and rape in Alkhan-Yurt, Chechnya*, Vol. 12, No. 5 (D), April 2000, and Human Rights Watch, *Civilian killings in Staropromyslovski District of Grozny*, Vol. 12, No. 2 (D), February 2000.

Death Penalty

According to Article 20(2) of the Russian Constitution, capital punishment “may, until its abolition, be instituted by the federal law as exceptional punishment for especially grave crimes against life, with the accused having the right to have his case considered in a law court by jury”. Information submitted by the Russian government to the United Nations states that the death penalty does not apply to women, minors or men aged 65 or over at the time of sentencing.¹²³

The Russian Federation is yet to abolish the death penalty, although it has taken steps to limit the practice. On 16 May 1996, the President of the Russian Federation issued Decree No. 724, entitled “The gradual reduction in the application of the death penalty in connection with Russia’s entry into the Council of Europe”. When the new Criminal Code entered into force in January 1997, the number of crimes providing for the death penalty in the Russian Federation was reduced from 27 to 5, and a bill providing for a moratorium on the application of the death penalty was considered by the State Duma (27 December 1996).¹²⁴

On 16 April 1997, the Russian Federation signed Protocol No. 6 to the European Convention on Human Rights concerning the abolition of the death penalty. It has not yet ratified the Protocol, although new members of the Council of Europe are required to sign the Protocol within one year, and ratify it within three years of joining the organization. New members are also required to place an immediate moratorium on (the application and implementation of the death penalty as well as the carrying out of) executions.

In 1999, the Russian Constitutional Court prohibited all courts from passing death sentences on the grounds that all those facing the death penalty should be able to exercise their constitutional right to be tried before a jury. Defendants had a limited ability to access a trial by jury, since jury trials are only available in nine of the Federation’s 89 regions.¹²⁵ The ruling constituted the *de facto* abolition of the death penalty. However, the authorities failed to fully abolish the death penalty. In June 1999, President Yeltsin commuted the sentences of the remainder of Russia’s death-row prisoners – more than 700 individuals.¹²⁶

¹²³ United Nations Commission on Human Rights, *Question of the death penalty. Report of the Secretary-General submitted pursuant to Commission resolution 1997/12*, Annex: *Information received from states. Russia*, E/CN.4/1998/82, 16 January 1998, para. 1.

¹²⁴ *Ibid.*, para. 12 and Annex, para. 8. The five crimes are homicide with aggravating circumstances, attempt on the life of a State or public figure, attempt on the life of a person engaged in the administration of justice or in preliminary investigations, attempt on the life of an official of a law enforcement agency, and genocide.

¹²⁵ Human Rights Watch, *World Report 2000: Russian Federation*, December 1999, p. 290.

¹²⁶ Amnesty International, *Annual Report 2000: Russian Federation*, 2000, p. 201.

The latest available exact numbers of the Special Rapporteur on extrajudicial, summary or arbitrary executions indicate that in 1996, 86 persons were executed, all sentenced to death between 1989 and 1994.¹²⁷ According to government information, no death sentences have been carried out in the Russian Federation since August 1996.¹²⁸ However, more recent reports by the Special Rapporteur indicate differently. In 1999, the Special Rapporteur had received reports that in the Russian Federation “hundreds of persons have been sentenced to death and an unknown number executed since the country joined the Council of Europe in 1996”.¹²⁹ Furthermore, “judicial errors” were said to have been made in a large percentage of the death penalty cases, and allegations were also received concerning deaths of Russian military personnel who were subjected to torture and other forms of ill-treatment.¹³⁰

Arbitrary Arrest and Detention

Article 22 of the Russian Constitution provides that “[a]rrest, detention and keeping in custody shall only be allowed by a court of law. No person may be detained for more than 48 hours without an order from a court of law.” The Criminal Procedural Code specifies that the order needs to be a “written order issued by a judge or public prosecutor” (Article 11). A 1997 Presidential Decree provides that individuals can be detained for up to ten days without charge, if they are suspected of having ties with organized crime.¹³¹

According to the Russian Criminal Code, investigation should take a maximum of two months, from the date the investigation is initiated until the file is transferred to the procurator, in order for charges to be filed against the suspect in court. However, criminal investigations normally take longer than two months to complete. Suspects may have to wait in pre-trial detention for 18 months or longer, the average being from seven to ten months, but extreme cases of five-year detentions have been reported. The Criminal Code allows for an extension of investigation (and therefore detention) for a period up to 18 months.¹³²

The United Nations Working Group on Arbitrary Detention, established by resolution 1991/42 of the Commission on Human Rights, transmitted one case to the Russian government in its most recent report. The government did not respond to it.¹³³ The case concerned the arrest of Grigorii Pasko, a commander in the Russian Navy and also correspondent for the newspaper of the Russian Pacific Fleet in Vladivostok. For several years, he wrote about the continued breakage for recycling of old nuclear

¹²⁷ In January 1996, 14 persons were executed, 15 in February, six in March, 23 in April, 17 in May, three in June, seven in July, and one in August. See: E/CN.4/1998/68/Add.1, 19 December 1997, para. 349.

¹²⁸ E/CN.4/1998/82, 16 January 1998, para. 6.

¹²⁹ United Nations Commission on Human Rights, *Extrajudicial, summary or arbitrary executions. Report of the Special Rapporteur, Ms. Asma Jahangir, submitted to Commission on Human Rights resolution 1998/68*, E/CN.4/1999/39, 6 January 1999, para. 53.

¹³⁰ United Nations Commission on Human Rights, *Extrajudicial, summary or arbitrary executions. Report of the Special Rapporteur, Ms. Asma Jahangir, submitted pursuant to Commission on Human Rights resolution 1998/68. Addendum: Country situations*, E/CN.4/1999/39/Add.1, 6 January 1999, para. 203.

¹³¹ USDOS, *1999 Country Report on Human Rights Practices: Russian Federation*, 25 February 2000.

¹³² *Ibid.*

¹³³ United Nations Commission on Human Rights, *Report of the Working Group on Arbitrary Detention. Opinions adopted by the Working Group on Arbitrary Detention*, E/CN.4/2000/4/Add.1, 17 December 1999, Opinion No. 9/1999, para. 2.

submarines, and the failure of Russian authorities to process radioactive waste material resulting from the breakage of these submarines. Despite resistance, all articles he published on these issues were approved, as required, by the editor-in-chief of the newspaper. Pasko was subsequently accused of spying and disclosing state secrets, offences carrying a maximum of 20 years' imprisonment.¹³⁴ The Working Group on Arbitrary Detention found that Pasko's deprivation of liberty and his trial were arbitrary and in contravention of article 9, 10 and 19 of the Universal Declaration of Human Rights and articles 9, 14 and 19 of the International Covenant on Civil and Political Rights. Its recommendations, adopted on 20 May 1999, requested the take "the necessary measures to remedy the situation".¹³⁵ Pasko was found guilty but released in July 1999, since he had already served his sentence through his 20 months pre-trial detention.¹³⁶

On 20 December 1999, the Special Representative of the Secretary-General on internally displaced persons issued a statement, expressing concern over reports of arbitrary detention of Chechens by Russian forces. It was alleged that internally displaced Chechens, suspected of sympathising with the "Chechen cause", as well as members of their families, were being detained in "filtration camps" established by the Russian forces at the Chechen border.¹³⁷

Human Rights Watch reported in December 1999 that the police systematically detained suspects under false pretences and denied them access to counsel.¹³⁸ The U.S. Department of State also claims that in September 1999, after bomb explosions in Moscow, law enforcement officers have detained or beat persons from the Caucasus. Police also have planted drugs or other false evidence as pretexts for arrests and detained persons.¹³⁹

Since 17 May 2000, delegates of the ICRC have visited 25 detention places, inside and outside Chechnya, where persons detained by the Russian authorities "in relation to the Chechen conflict" are held.¹⁴⁰ The visits were being conducted after President Putin gave authorisation in March to the ICRC, that delegates would be granted access to all persons detained in connection with the conflict, wherever they were being held, in accordance with the ICRC customary working procedures.

¹³⁴ Amnesty International also reports on this case. See: Amnesty International, *Annual Report 2000: Russian Federation*, 2000, p. 200; Amnesty International, *Russian Federation: Prisoner of conscience Grigory Pasko denied proper defence*, EUR 46/04/99, 28 January 1999; and Amnesty International, *Russian Federation: All charges should be dropped against freed prisoner of conscience Grigory Pasko*, EUR 46/22/99, 20 July 1999. Amnesty International has also reported on another case, concerning Aleksandr Nikitin; see: Amnesty International, *Annual Report 2000: Russian Federation*, 2000, p. 201. Nikitin lost his appeal on 4 February 1999 to have treason charges against him dropped; see: Keesing's, *Record of World Events*, Vol. 45, February 1999 – Russia: In Brief.

¹³⁵ E/CN.4/2000/4/Add.1, 17 December 1999, Opinion No. 9/1999, para. 8-9.

¹³⁶ Russel Working, Editor's Dry Hunger Strike, *The Moscow Times*, 1 August 2000.

¹³⁷ *Representative of the Secretary-General on Internally Displaced Persons Calls on the Russian Authorities to Observe the Guiding Principles on Internal Displacement*, HR/99/121, Press Release 20 December 1999.

¹³⁸ Human Rights Watch, *World Report 2000: Russian Federation*, December 1999, p. 288.

¹³⁹ USDOS, *1999 Country Report on Human Rights Practices: Russian Federation*, 25 February 2000.

¹⁴⁰ ICRC, *Emergency action of the Red Cross and Red Crescent Movement (Russian Red Cross, International Federation) for victims of the Chechen conflict*, 2 September 2000.

Delegates were able to talk in private with the detainees, and the detainees were given the opportunity to write Red Cross messages which were then collected for distribution.¹⁴¹

With respect to non-Russian citizens, UNHCR remains concerned with cases of detention of asylum seekers who, not being properly registered by the competent migration services, are considered as illegal aliens by the law enforcement agencies. UNHCR is aware of cases of prolonged administrative detention of asylum seekers in Moscow.¹⁴²

4.3 Torture and Other Inhuman and Degrading Treatment and Punishment

Article 21 of the Russian Constitution echoes article 5 of the Universal Declaration of Human Rights stating that “No one may be subjected to torture, violence or any other harsh or humiliating treatment or punishment”.

According to Human Rights Watch, police in the Russian Federation have tortured detainees in order to secure confessions “using methods like beatings, asphyxiation, electroshock and suspension by body parts”.¹⁴³ Amnesty International also reported that torture and ill-treatment continued to be used by law enforcement officers, in order to extract confessions. Detainees were denied food and medical care, and were threatened to death and beaten.¹⁴⁴

In June 1999, following her visit to the Russian Federation, the High Commissioner for Human Rights issued a statement in which she said she believed that conditions in Russian detention centres and penitentiaries constituted torture.¹⁴⁵ Due to overcrowding in pre-trial detention centres and penitentiaries prisoners have been forced to sleep in shifts without bedding and diseases such as Tuberculosis are widespread.¹⁴⁶ The European Committee for the Prevention of Torture (CPT), a Council of Europe body, also visited the Russian Federation on several occasions, most recently in April 2000 (North Caucasus) and September-October 2000 (Siberia).¹⁴⁷ In April 2000, the Russian authorities released the CPT’s observations, drawing attention to cases of physical ill-treatment in detention centres during the period December 1999 to early February 2000, observed during its visit to the North Caucasus in March-April 2000.¹⁴⁸

¹⁴¹ ICRC, *Update No. 00/03 on Northern Caucasus conflict – Response of the ICRC and Red Crescent Movement to humanitarian needs*, 22 June 2000.

¹⁴² UNHCR, *Background Information on the Situation in the Russian Federation in the Context of the Return of Asylum-Seekers*, Geneva, October 2000 (especially paragraph 3.8).

¹⁴³ Human Rights Watch, *World Report 2000: Russian Federation*, December 1999, p. 288.

¹⁴⁴ Amnesty International, *Annual Report: Russian Federation*, 2000, p. 201.

¹⁴⁵ United Nations High Commissioner for Human Rights, Press Release, *High Commissioner for Human Rights Ends Visit to Russian Federation, Calls Talks “Constructive”*, HR/99/55, 18 June 1999.

¹⁴⁶ Amnesty International, *Annual Report: Russian Federation*, 2000.

¹⁴⁷ See the press releases of those visits on the CPT’s website: <http://www.cpt.coe.int/en/states/rus.htm>.

¹⁴⁸ See the Appendix to the CPT’s press release of 3 April 2000: *Statement made on 4 March 2000 by Mr Zdenek Hájek (Head of delegation) to the Deputy Minister of Justice, Mr Yuriy Kalinin, and other senior Russian officials, at the end of the visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to the North Caucasian region of the Russian Federation*.

According to the U.S. Department of State, prisons are dangerously cold in winter and ventilation is so poor that matches cannot be lit due to a lack of oxygen.¹⁴⁹ Conditions in pre-trial detention were said to be intolerable and overcrowding in these facilities was exacerbated by the high use of custody for minor offences and long delays in sentencing. Even those found to be innocent of the offence for which they were charged experienced delays in obtaining their liberty. Human Rights Watch reported on the case of a man held in detention for five years despite being found innocent by authorities. Of the 300,000 people held in pre-trial detention facilities in 1999, 80,000 caught serious diseases and 2,000 died before going to trial.¹⁵⁰ Between 10,000 and 20,000 detainees and prison inmates die annually.¹⁵¹

Chechens – who claim they have been subjected to frequent searches and arbitrary arrest since the September 1999 bombings in Moscow – have asserted that they have been tortured whilst in custody. The Moscow Times reported that, following the August 2000 bomb blast in Moscow which killed 12 people, Moscow police increased their harassment of Chechens living in the city as was the case after the September 1999 bombings. The newspaper reported the case of a young Chechen man who was arrested for carrying bullets in his pockets. The man, who was detained for five days, claimed to have been beaten and forced to sign a confession after police planted the bullets on him.¹⁵²

4.4 Involuntary Disappearances

In a recent report of October 2000, Human Rights Watch reported on incommunicado detention and “disappearances”, when Russian authorities withhold information about whom they have in custody, and do not allow detainees to communicate with their families, even when detained for months.¹⁵³ As a result, relatives travel to detention facilities, desperately trying to establish the whereabouts of the missing. Many maintain a steady vigil outside the detention centres where they believe their relatives are kept, and constantly exchange information among themselves about other known detention facilities and lists of names of known detainees, smuggled out by those who are released.¹⁵⁴

The Office of the Special Representative for the protection of the human rights and freedoms of the citizens in the Chechen republic received complaints concerning 455 missing persons.¹⁵⁵

¹⁴⁹ USDOS, *1999 Country Report on Human Rights Practices: Russian Federation*, 25 February 2000.

¹⁵⁰ Human Rights Watch, *World Report 2000: Russian Federation*, December 1999, p. 289.

¹⁵¹ USDOS, *1999 Country Report on Human Rights Practices: Russian Federation*, 25 February 2000.

¹⁵² S. Karush and A. Uzelac, Chechens Suffer Rough Justice From Police, *The Moscow Times*, 16 August 2000.

¹⁵³ Human Rights Watch, *“Welcome to Hell”. Arbitrary Detention, Torture, and Extortion in Chechnya*, ISBN: 1-56432-253-X, New York/Washington/London/Brussels, October 2000.

¹⁵⁴ *Ibid.*

¹⁵⁵ As mentioned by the United Nations High Commissioner for Human Rights in her statement before the Third Committee of the General Assembly at its 33rd meeting, on 24 October 2000.

4.5 Right to an Adequate Standard of Living

The United Nations Committee on Economic, Social and Cultural Rights dealt with the third periodic report of the Russian Federation under the International Covenant in May 1997. As stated by the Committee, the Russian Federation is encountering “serious problems in protecting the economic, social and cultural rights of its population”. The report was the first of its kind after the end of the Soviet era, and the Committee recognized that Russia had “inherited from the former regime an unfavourable framework for the promotion of economic, social and cultural rights”.¹⁵⁶ The Committee dealt in detail with Russia’s problems in the areas of unemployment (affecting between three and seven million persons), poverty (affecting at least 30 per cent of the population) and deteriorating diets. In addition, several health issues were of concern, such as the rate of contamination, the re-emergence of tuberculosis and the increase in the rate of HIV-infection.¹⁵⁷

The Committee also noted with concern several issues with regard to the situation of women in the Russian Federation, such as the fact that women appear to be disproportionately affected by unemployment and that little has been undertaken by the government to discourage discriminatory dismissal or hiring on the basis of sex.¹⁵⁸ In addition, it expressed concern at both the significant level of domestic violence against women and the hesitation of the police in intervening to protect women, and the rapid development of prostitution.¹⁵⁹

In 1999, the United Nations Committee on the Rights of the Child was concerned at the growing disparities between regions, including “notably the far north”, and between urban and rural children, “in legislation, budgetary allocations, policies and programmes concerning health, education and other social services” and with the situation of children in need of special protection.¹⁶⁰ Although it welcomed the success achieved regarding immunisation programmes, the Committee was still concerned at the persistence of a high infant mortality rate and at the deteriorating health infrastructure and services. Other health issues that the Committee expressed concern about were the increase in parasitic, infectious and respiratory illnesses, the increase in malnutrition and the small percentage of children who are breastfed.¹⁶¹ There were also reports that some municipal administrations were continuing to prevent parents and their children from having access to medical, educational and other social services in a city for which they do not have a residence permit, even though this is prohibited by law.¹⁶²

In October 2000, the United Nations High Commissioner for Human Rights expressed concern about the situation regarding the economic, social and cultural rights of the

¹⁵⁶ *Concluding observations of the Committee on Economic, Social and Cultural Rights: Russian Federation*, E/C.12/1/Add.13, adopted by the Committee on 15 May 1997, para. 2 and 13.

¹⁵⁷ *Ibid.*, para. 19, 21, 23-24, and 26-27.

¹⁵⁸ *Ibid.*, para. 15.

¹⁵⁹ *Ibid.*, para. 16-17.

¹⁶⁰ Concluding observations adopted by the Committee on 8 October 1999, in: *Report of the Committee on the Rights of the Child*, General Assembly Official Records, Fifty-fifth session, Supplement No. 41 (A/55/41), para. 866.

¹⁶¹ *Ibid.*, para. 889.

¹⁶² As stated in: *ibid.*, para. 895.

Chechen people and in the region.¹⁶³ The Russian authorities informed her that “considerable funds” were allocated to improve the situation. However, the humanitarian plight of the people continued to be grave. She added that humanitarian agencies continue to be severely restricted in their activities.¹⁶⁴

4.6 Right to Freedom of Movement

The Russian Constitution states in Article 27 that “(1) Everyone who is lawfully staying on the territory of Russian Federation shall have the right to freedom of movement and to choose the place to stay and reside. (2) Everyone shall be free to leave the boundaries of the Russian Federation. The citizens of the Russian Federation shall have the right to freely return into the Russian Federation”. The 1993 Federal Law “On the Right of Citizens of the Russian Federation to the Freedom of Movement, Choice of Place of Stay and Residence within the Territory of the Russian Federation”, further defines the modalities of exercising such rights, through the system of “registration” at place of stay or place of (permanent) residence. The “registration” system, under this law, replaced the former USSR “propiska” regime, insofar that the registration is to be issued by the local bodies of interior upon simple *notification* by a citizen of his place of stay or place of residence, and is not any longer an *authorisation* to be granted by the said bodies of interior to a citizen to stay or reside in a particular place, subject to pre-conditions being met.

However, in its 1999 Country Report on Human Rights, the U.S. Department of State reports that regional governments continue to restrict these rights through a system of residential registration.¹⁶⁵ Registration is generally issued by the Local Passport and Visa Services of the Ministry of Internal Affairs and may be temporary or permanent. The temporary registration stamp can also be issued by the administration of hotels, hostels and other similar temporary accommodation centres; the permanent one is provided by the Ministry of Internal Affairs only if certain conditions are met.

To be granted a registration at the place of residence (permanent) or place of sojourn (temporary), a person (including Russian citizens, former USSR citizens and foreigners) has to fulfil a number of conditions. These include, among other things, the presentation of an ID document, such as a passport or a birth certificate, a paper which serves as a ground for legal residence, such as a certificate on inheritance or ownership, lease agreement or the owner’s written consent certifying the actual address of residence.¹⁶⁶ In many cases, however, individuals do not succeed in gathering such supporting documents. It is often the case that landlords renting flats refuse to conclude a formal lease agreement in order to evade taxes. As a result, individuals lack the supporting documents for a police registration. Being denied such registration, their access to civil, economic and other rights is hampered. While appeals to the courts have in some cases

¹⁶³ Statement by the United Nations High Commissioner for Human Rights before the Third Committee of the General Assembly at its 33rd meeting, 24 October 2000.

¹⁶⁴ *Ibid.*

¹⁶⁵ USDOS, *1999 Country Reports on Human Rights Practices – Russia*, 25 February 2000.

¹⁶⁶ As per the Federal Law “On the Right of Citizens of the Russian Federation to the Freedom of Movement, Choice of Place of Stay and Residence within the Territory of the Russian Federation” of June 1993, and the Order No. 393 of the Ministry of Internal Affairs of the Russian Federation “On the Approval of the Instruction on the Application of the Rules of Registration and De-Registration of Citizens of the Russian Federation at Their Places of Residence or Stay Within the Russian Federation” of 23 October 1995.

proved to be successful, the absence of legal awareness among the population and the long delays until a final court decision is taken, have limited the impact of such remedy.¹⁶⁷

The registration procedure for foreigners was established by a Government Regulation of 1991 and is currently in force. According to this Regulation, foreigners have to register their temporary stay in the country within three working days upon arrival, excluding those only staying over public holidays and weekends, and those arriving for no longer than three days. Former USSR citizens and Russian citizens are obliged to get registration at their place of sojourn in Russia within three days upon arriving in a new city or region if intending to stay there for more than ten days.

Many regions of the Russian Federation have adopted their own legal acts on issuing registration to newly arriving people, in spite of the provision of the Law “On Freedom of Movement” that states that rules on registration are to be established only by the federal authorities of the Russian Federation and not by its regional subjects.¹⁶⁸ Such regional acts used to contain different restrictions to, or requirements for, registration, such as the limitation of the period of registration, the presence of close relatives legally residing in the region, the payment of unproportional fees, the availability of a minimal amount of square meters per person, and others. Through a number of interventions by the Constitutional Court, the last of which was passed in 1998, such requirements were found to be abusive interpretations of the federal law and were declared unconstitutional.¹⁶⁹ However, in spite of these positive developments, little has changed at a practical level. The difficulties with obtaining registration are, in general, connected with arbitrary practices, while the local regulations themselves might be in accordance with the federal legislation. The limited awareness by the population of their rights and the old Soviet mentality often still surviving inside Local Passport and Visa Services, prevent legislative reforms to have large effects at a practical level, often in spite of the good-will by the government. Moreover, in some regions (for instance Krasnodar), regional legal acts contradicting the federal law still remain in force.¹⁷⁰

In spite of the provision of the Law “On Freedom of Movement”, lack of registration leads in practice to deprivation of most civil, social, and economic rights.¹⁷¹ People are not admitted to public services, such as free medical services, education, pensions, children and unemployment allowances, etc. unless they hold a registration at the place of residence. Moreover, employers are required to hire only individuals holding a registration the place of sojourn or residence. In regions, where “passport control measures” are implemented strictly, such as for instance Moscow, St. Petersburg and Southern Russia, people without a registration can be subject to constant harassment by

¹⁶⁷ The Council of Europe reported, in 1997, that there were very few – if any – court decisions related to the freedom of movement and residence. See: Council of Europe, *The Standards in Practice – A General Survey*, in: UNHCR, *Freedom of Movement and Choice of Place of Residence (Propiska) in the CIS. Materials of the Experts Group Meeting, 8-10 December 1997, Kyiv and CISConf Steering Group Meeting, 17-18 June 1998, Geneva, 1999*, p. 35.

¹⁶⁸ Canada, Research Directorate of the Immigration and Refugee Board, *Russia: The propiska (registration) system and internal passports*, 1 May 1998.

¹⁶⁹ Human Rights Watch, *Russian Federation – Ethnic Discrimination in Southern Russia*, Vol. 10, No. 8 (D), August 1998, p. 18-21.

¹⁷⁰ *Ibid.*, p. 21.

¹⁷¹ *Ibid.*, p. 19. See for the effects on the fundamental rights of refugees: UNHCR, *Freedom of Movement and Choice of Place of Residence (Propiska) in the CIS*, 1999, p. 14-21.

the police during document checks in the streets and at homes. Articles 178 and 181 of the Administrative Code of the Russian Federation provide for a fine up to ten rubles for violation of the “propiska” rules such as staying without a passport and/or “propiska” and employment of a person without passport and/or “propiska”.

Verifying residence permit or registration appeared to be used by the authorities “as a pretext to stop any person who appeared to be from the Caucasus and detain them”.¹⁷² Human Rights Watch reported that since the September 1999 explosions in Moscow authorities have “rounded up” non-Muscovites and “deported” those who did not have registration documents. Authorities have targeted people from the Caucasus and Central Asia in their registration checks.

UNHCR has noted instances where access itself to the refugee status determination procedure was “hampered” by local restrictive regulations on the granting of residence permits. As a result of the implementation of the strict criteria for granting a residence permit, asylum seekers who did not fulfil the requirements for the issuance of residence permits in the city/region where they wish to apply for refugee status, were denied access to the refugee status determination procedure by the competent territorial body of the FMS. For instance, the Krasnodar region law No. 9-KZ of 7 June 1995 restricted the residency registration to recognized refugees with close relatives who have been residing permanently in the region for at least ten years. However, while such restrictions used to exist in nearly one third of the 89 subjects of the Russian Federation, most of the regions have in the last two years amended their legislation to be in compliance with the Constitution and the Constitutional Court’s resolutions.¹⁷³

Citizens of the Russian Federation are holders of two types of passports. One is for internal use and the other is for travel abroad. For travel outside the territory of the Russian Federation, a Russian citizen obtains a “passport for travel abroad” according to the Federal Law “On Procedures of Exit and Entry from/to the Russian Federation” from 1996.¹⁷⁴

The “passport for travel abroad” is issued either by the territorial branch of the Ministry of Internal Affairs (MOI) or by the Ministry of Foreign Affairs. Outside the country, a passport is issued or renewed by a Russian Embassy or Consulate. In most cases, Russian citizens obtain passports for foreign travel through territorial branches of the MOI. Under the aforementioned Federal Law and under the MOI Instruction “On Procedure of Issuance of Passports to Russian Citizens for Exit from and Entry to the Russian Federation”,¹⁷⁵ “passports for travel abroad” are issued by the MOI territorial branch at the place of the person’s residence (permanent registration) or at the place of sojourn (temporary registration).

¹⁷² Amnesty International, *Annual Report 2000: Russian Federation*, 2000, p. 200.

¹⁷³ UNHCR, *Background Information on the Situation in the Russian Federation in the Context of the Return of Asylum-Seekers*, December 1999, para. 24. Paragraph 50 of the same paper concerns illustrations of instances where restrictive regulations still exist in some of the regions most affected by the influx of asylum seekers and forced migrants.

¹⁷⁴ The Law was amended in 1998 and 1999.

¹⁷⁵ Adopted by the MOI Order No. 310 on 26 May 1997, and amended on 30 June 1998 by MOI Order No. 394 and on 07 April 2000 by MOI Order No. 360.

The right to exit the Russian Federation can be temporary restricted for certain categories of citizens. This regards individuals who have had access to state secrets (as defined by the Federal Law “On State Secrets” from 1993, as amended in 1997) for a period of five years. The Commission on Protection of State Secrets can extend the restriction for up to five years, not exceeding ten years total. The Commission’s decision can be appealed to court.¹⁷⁶

According to the above mentioned Federal Law and the MOI Instruction, the restriction for exiting the Russian Federation also applies to those drafted to the military service (until its completion), individuals arrested on charges of commission of a crime or accused of a particular crime (until there is a decision on the case or a final court judgement), individuals convicted of a crime (until having served the sentence), individuals avoiding fulfilment of obligations imposed upon them by a court, and individuals who knowingly provided false information while applying for a “passport for travel abroad”.

In December 1997, UNHCR, OSCE/ODIHR and the Council of Europe (CoE) co-organized an Experts Group Meeting on Freedom of Movement and Choice of Place of Residence in Kiev. This meeting concluded that the “propiska” system is contrary to free movement and although it affects all citizens, it presents particular obstacles to displaced people. The lack of “propiska” hampers access to socio-economic rights, and in many cases access to refugee status determination (RSD) for asylum seekers.¹⁷⁷ Currently, the CoE’s Parliamentary Assembly Committee on Migration, Refugees and Demography is preparing a report on the “propiska” system in the CIS countries, and its consequences for asylum seekers, refugees and displaced persons.¹⁷⁸

Citizenship and statelessness

Following the entry into force of the Russian Law “On Citizenship” in 1992, after the break-up of the Soviet Union, approximately two million persons – most of them former USSR citizens, residing outside the territory of the Russian Federation – have applied for Russian citizenship.¹⁷⁹ In order to harmonise the Law “On Citizenship” with the 1993 Constitution, a new citizenship law is being drafted and expected to enter into force in 2001. A major issue of concern for the Russian Federation, is the question of multiple citizenship, in particular in relation to the other successor states of the USSR. While Russia concluded agreements on dual citizenship with Tajikistan and Turkmenistan, other states concerned have not yet entered into such agreements.

As of the end of the year 2000, only one third of the Russian citizens had obtained the new passport of the Russian Federation.¹⁸⁰ The others are still holding the old USSR passport, with a sticker inserted inside (by the local bodies of the Ministry of Internal Affairs), declaring him or her to be a Russian citizen. Russian citizens holding the old

¹⁷⁶ United Kingdom, Immigration and Nationality Directorate, *Country Assessment – Russian Federation*, 1 November 1999, para. 6.37.

¹⁷⁷ UNHCR and IOM, Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States – Assessment Report of the Conference Process (1996-2000), Geneva, 2000, p. 9.

¹⁷⁸ *Ibid.*

¹⁷⁹ Information provided to UNHCR by the Presidential Commission on Citizenship.

¹⁸⁰ *Ibid.*

USSR passport will be able to use it until 31 December 2005, when it is expected that all Russian citizens will have received the new passport of the Russian Federation.¹⁸¹

On 31 December 2000, the possibility to obtain Russian citizenship through a “simplified procedure”, provided for under article 18(d) of the Law “On Citizenship”, will not be available any longer. This “simplified procedure” is applicable to former USSR citizens, who resided on the territory of the USSR and arrived for permanent residence in the Russian Federation after 6 February 1992 (date of entry into force of the Law “On Citizenship”).¹⁸² The Presidential Commission on Citizenship has stated that those holding a USSR passport, who have not yet acquired the citizenship of any country before this deadline, will as of 1 January 2001 be considered as stateless persons. As a consequence, they will have to apply for Russian citizenship according to the provision of the law applicable to stateless persons. All citizens of any former USSR country will, as of 1 January 2001, have to apply according to the rules for foreign citizens, as the simplified procedure for acquiring Russian citizenship will no longer apply. However, as being former USSR citizens, the period of permanent residence on the territory of the Russian Federation required before applying for citizenship, can be halved.¹⁸³

Under the Law “On Citizenship”, applications for acquisition of citizenship need to be submitted at the place of *permanent* residence. As a consequence, access to Russian citizenship has been restrictive for most recognized refugees from the “far abroad” as well as for a considerable number of recognized refugees from the CIS and the Baltic states.¹⁸⁴ Asylum seekers and refugees residing in hotels, hostels or temporary accommodation centres may only obtain (if at all) a temporary registration, which until very recently did not entitle them to apply for citizenship. The Presidential Commission on Citizenship introduced positive changes to this rule, by decision of 30 June 1998, which instructed the Ministry of Internal Affairs to accept applications for Russian citizenship submitted by former USSR citizens at the place of *temporary* registration in Russia, in case they had cancelled their permanent registration in one of the successor states. Moreover, the Presidential Commission declared that refugees recognized such under the Russian refugee law, can submit applications for citizenship at their place of temporary registration (and not at the place of permanent registration).

This change has however not been fully implemented throughout the Russian Federation. For instance, some Armenian refugees from Azerbaijan, living in temporary accommodation in hostels and dormitories in Moscow since 1990, have faced difficulties to apply for and to acquire Russian citizenship. Similarly, some 13,000 Meskhetian Turks living in Krasnodar Krai have not been able to submit applications for Russian citizenship, as they are still holding a permanent registration in Uzbekistan (which they cannot cancel, since it would require that they travel back to their place of former residence – Uzbekistan – to undertake this démarche).¹⁸⁵

¹⁸¹ Canada, Research Directorate of the Immigration and Refugee Board, *Russia: The propiska (registration) system and internal passports*, 1 May 1998.

¹⁸² Human Rights Watch, *Russian Federation – Ethnic Discrimination in Southern Russia*, August 1998, p. 22-23.

¹⁸³ Article 19(3)(a) of the Law “On Citizenship” of 2 February 1992.

¹⁸⁴ United Kingdom, Immigration and Nationality Directorate, *Country Assessment – Russian Federation*, 1 November 1999, para. 4.62-4.63.

¹⁸⁵ Information provided by UNHCR, Regional Office Moscow, November 2000.

The case of the estimated 2,000 Afghan “orphans” is somehow similar, although the concerned persons never were USSR citizens. They were brought to USSR in the 1980s, being orphans or children of high-level officials in the Najibulla’s regime. After the dissolution of USSR and the collapse of its allied regimes, they could not re-avail themselves of the protection of their country of origin and became *refugees sur place*. They reached the maturity age without holding Afghan citizenship, and could not acquire Russian citizenship (naturalisation procedure of Article 19) since they did not hold permanent registration.¹⁸⁶

4.7 Right to Freedom of Assembly and Association

The right to freedom of assembly and association is addressed in Articles 30 and 31 of the Russian Constitution. According to the Constitution, everyone has the right to association and no one may be coerced into joining any association. Citizens of the Russian Federation have the right to gather peacefully and hold demonstrations.

According to U.S. Department of State, the government of the Russian Federation respects these rights in practice. The U.S. Department of State claimed that citizens had “freely and actively protested government decisions and actions”. However, several organizations had experienced problems registering with the Ministry of Justice as required by law. High profile cases included the attempt to re-register the Glasnost Foundation and the Ecology and Human Rights association.

A Tartar organization was banned from registration for reportedly calling for secession in the Tartar region.¹⁸⁷ Groups associated with the Wahhabi Muslim Community were refused registration because they were perceived to be too radical.¹⁸⁸

Human Rights Watch reported that the Ministry of Justice also refused to re-register a number of human rights organizations – the Glasnost Foundation being just one example. The Krasnodar Department of Justice refused to reregister the Regional Association for the Defense of Human Rights citing that “it was impossible to understand what kind of verification of human rights violations this organization will carry out when checking reports on human rights violations [sic]”.¹⁸⁹

4.8 Right to Freedom of Expression

The Russian Constitution deals with the freedom of thought and speech in Article 29. It details that no one should be coerced into expressing the opinions or convictions or renouncing these opinions, censorship is forbidden and freedom of the mass media is guaranteed.

Human Rights Watch reported that in 1999 regional politicians and their sponsors exploited the economic hardship which had been experienced by media outlets since the economic downturn of 1998. The instance of politicians paying journalists or news outlets for favourable news coverage increased, especially in the lead up to the presidential and parliamentary elections. Human Rights Watch claimed that “a number

¹⁸⁶ Information provided by UNHCR, Regional Office Moscow, November 2000.

¹⁸⁷ The Tartars are the largest minority in the Russian Federation. See: Minority Rights Group, *The World Directory of Minorities*, London: 1997, p. 300.

¹⁸⁸ USDOS, *1999 Country Report on Human Rights Practices: Russian Federation*, 25 February 2000.

¹⁸⁹ Human Rights Watch, *World Report 2000: Russian Federation*, December 1999, p. 291.

of regional newspapers became mouthpieces for governors and mayors”.¹⁹⁰ Both the OSCE and the European Institute for the Media were critical of the way in which the Russian media had “advantaged Putin by favourable coverage” of his activities as acting President.¹⁹¹

The harassment and intimidation of journalists was reported to be common. In August 1999, the Glasnost Foundation registered 54 incidents where journalists or newspapers had faced threats or were attacked. Human Rights Watch claimed that government officials threatened various independent media outlets including a radio station which aired interviews with opponents of the regional Governor of Vladivostok. The daughter of the station’s editor was kidnapped, and the station was ordered to vacate its state-owned office despite the fact that it had an ongoing contract.¹⁹²

In July 2000, it was reported that 120 journalists had been killed since the collapse of the Soviet Union in 1991. Sergei Novikov, the head of an independent radio station in Smolensk, 300 kilometres from Moscow, was the victim of a “contract killing” in July 2000. Novikov’s death was believed to be politically motivated; his radio station was known for its criticism of the regional administration. A month before his death, Novikov wrote an open letter that named people he suspected of corruption, the letter is reported to be the direct cause of his murder. Novikov’s death followed a number of violent killings and arrests of journalists who had become known for their criticism of politicians and authorities.¹⁹³

A number of different sources have commented that since President Putin won office this year, the Russian authorities have begun to crack-down on its opponents in the media. In May 2000, the Kommersant-Daily newspaper published what it claimed was a leaked policy document from the presidential administration. The document called for the use of the Federal Security Forces (FSB) to “control the political process” and silence opposition media by “driving them to financial crisis”.¹⁹⁴ Russia Briefing claims that “the administration is now systematically pressuring the various media companies to toe the Kremlin line”.¹⁹⁵

On 13 June 2000, Vladimir Gusinsky, the owner of the Media MOST business empire, which comprises Russia’s only independent nation-wide television station, was arrested and detained for three days on embezzlement charges. He was the only one to have openly supported President Putin’s opponents in the State Duma and in the presidential election.¹⁹⁶ Gusinsky’s arrest followed a number of raids on his offices throughout the 1990s. Observers interpreted the raids and Gusinsky’s arrest as attacks on free speech, and the arrest was criticised internationally. Gusinsky’s news organizations are known for their criticism of Russia’s involvement in Chechnya and stories on high level

¹⁹⁰ Human Rights Watch, *World Report 2000: Russian Federation*, December 1999, p. 287.

¹⁹¹ Keesing’s, *Record of World Events*, Vol. 46, March 2000 – Russia: Presidential elections.

¹⁹² Human Rights Watch, *World Report 2000: Russian Federation*, December 1999, p. 287.

¹⁹³ AFP, Being a Journalist in Russia is Really Risky, *Russia Today*, 31 July 2000.

¹⁹⁴ Keesing’s, *Record of World Events*, Vol. 46, May 2000 – Russia: Potential threat to freedom of speech.

¹⁹⁵ Russia Briefing, *Political Assessment*, Vol. 6, No. 7, 7 July 2000.

¹⁹⁶ EIU, *Country Report 2000 – Russia*, September 2000, p. 14.

corruption.¹⁹⁷ The charges against him were dropped in July, apparently after Gusinsky pledged to give up control over the Media MOST group.¹⁹⁸ Gusinsky left Russia.¹⁹⁹

Recent moves by the government to curb freedom of expression by placing restrictions on the use of the Internet were also reported on. Human Rights Watch stated that the Federal Security Service (FSB) began to force Internet, telephone and pager providers to install surveillance hardware and provide full lists of their clients including passwords. Formally, a judicial warrant is needed for such taps. Almost all providers complied with this new “rule”, apparently following FSB threats of tax audits, withdrawal of licences, and other administrative harassment.²⁰⁰

4.9 Property Rights

The Constitution of the Russian Federation stipulates, in Article 34(1), that everyone has “the right to freely use his or her abilities and property for entrepreneurial or any other economic activity not prohibited by the law”, and, in Article 35(1), that “[t]he right of private property shall be protected by law”. However, the legal mechanisms for exercising the right of private property do not yet exist. The State Duma has “consistently refused to pass a land code that would allow it to be treated as a normal commodity”, and it has sought to impose restrictions on property rights to urban land.²⁰¹ “Bitter controversies” over shareholders’ rights (particularly, but not exclusively, those of minority shareholders) draw attention to continuing doubts about the security of property rights in Russia.²⁰²

During 2000, President Putin’s developed a campaign to “tame” the so-called oligarchs. The “oligarchs” are a handful influential tycoons from the Yeltsin era, who generally backed President Yeltsin’s succession by Putin.²⁰³ The campaign was intended to establish President Putin’s independence and clarify the power relations in Russia. In each case, pressure on a company or businessman was maintained for some time and then reduced, often after direct public intervention by President Putin.²⁰⁴ It was not meant to annihilate the oligarchs, because an all-out drive against the oligarchs would have raised many questions about the security of property rights in general and could, given the oligarchs’ financial power, lead to falling tax collection, increased capital flight and other disruptions. Nevertheless, the methods used against the oligarchs raised “doubts about the new administration’s commitment to the impartial administration of law, press freedom and secure property rights”.²⁰⁵

¹⁹⁷ J. Heintz, Prison Note Warns of Totalitarianism, *The Associated Press*, 6 June 2000.

¹⁹⁸ Reuters, Charges Against Russian Media Baron Dropped, *Russia Today*, 27 July 2000.

¹⁹⁹ Gusinsky was granted residency rights in Gibraltar under a new scheme to attract multimillionaires. See: Putin’s media foe wins right to live in Gibraltar, *The Times*, 7 August 2000.

²⁰⁰ Human Rights Watch, *World Report 2000: Russian Federation*, December 1999, p. 287-288.

²⁰¹ As a result, land cannot be used as collateral for loans, and farmers’ access to credit is consequently limited. Failure to strengthen land ownership rights has also been an impediment to the development of private farming. See: EIU, *Country Profile 2000 – Russia*, 2000, p. 33.

²⁰² *Ibid.*, p. 30.

²⁰³ Vladimir Gusinsky was one of few exceptions. See paragraph 4.8.

²⁰⁴ EIU, *Country Report 2000 – Russia*, September 2000, p. 14-15.

²⁰⁵ *Ibid.*.

5 Vulnerable Groups

5.1 Introduction

As a result of the geographical scale of the country, the cultural, economic, social, and political differences existing within the Russian Federation, as well as the conflicts often still existing between federal and regional laws, it is difficult to identify clear categories of people who are more likely than others to become victims of persecution. While some general statements valid for the whole of the Russian Federation are made in the following chapter, one should bear in mind that the situation may vary quite substantially from one region to another.

Persons who have a well-founded fear of discrimination or persecution from the local authorities in one of the subjects of the Russian Federation, without the involvement or the complicity of the federal authorities, may, in principle, find effective protection elsewhere in Russia. However, such alternative may be limited due the cost of moving, the undeveloped housing market and most importantly by the enforcement of strict registration regulations or practices.²⁰⁶ As aforementioned, it may in many cases be difficult for individuals who decide to move to another region of Russia to obtain a registration at the place of residence. In addition, some of the regions which implement registration regulations in a less strict manner are located in the far north of Eurasia, where the hard climatic conditions, the remoteness from the central regions of Russia and the severe economic situation make it difficult for most to establish themselves there.²⁰⁷

5.2 Selected Ethnic Minorities

Russia's population has been falling for the past eight years, reaching an estimated 145.9 million at the beginning of 2000, compared with 148.7 million at the end of 1991.²⁰⁸ The majority of the population are ethnic Russians, who speak Russian and follow Eastern Orthodox Christianity.²⁰⁹ There are, however, a number of ethnic, linguistic and religious minorities. After ethnic Russians, the Tartars are next largest ethnic group representing 3.7% of the population; 2.9% of the population are Ukrainians, and 1.2% are Chuvashian.²¹⁰

According to the Minority Rights Group, inter-ethnic tensions in the Russian Federation have been exacerbated since the collapse of the Soviet Union. *Perestroika* facilitated the revival of nationalist and independence movements within autonomous regions, which in turn led to an increase in the ethnic struggles within these regions and an increase in tensions between the central and regional governments.²¹¹

²⁰⁶ Galina S. Vitkovskaya, *Russia: Cross-Border Migration in the Russian Far-East*, WriteNet Paper, October 1997, p. 8.

²⁰⁷ *Ibid.*, p. 5.

²⁰⁸ Estimate as of 1 January 2000. See: EIU, *Country Profile 2000 – Russia*, 2000, p. 3.

²⁰⁹ *Ibid.*, p. 13.

²¹⁰ Minority Rights Group, *The World Directory of Minorities*, London: 1997, p. 294.

²¹¹ *Ibid.*, p. 295.

Inter-ethnic tension emerged particularly in the Northern Caucasus and in some areas of Siberia. In 1991, violence erupted in the republic of Tyva, related to the higher standard of living enjoyed by Russians living in the republic compared to the Tuvans. Due to the inter-ethnic conflicts, a large part of the ethnic Russian population residing in rural areas of Tyva was forced to leave for neighbouring regions.²¹² At various instances, tensions were also reported from the Northern Caucasus republics of Kabardino-Balkaria, Karachaevo-Cherkessia, and Dagestan.

In 1992, a conflict erupted in North Ossetia in the North Caucasus between ethnic Ossets and Ingush, on the control over the Prigorodny district. As a result of the conflict almost the entire Ingush population of North Ossetia (approx. 35,000) people fled to Ingushetia. At the same time, the small ethnic Osset population from Ingushetia had to find refuge in North Ossetia. A considerable part of these persons continue to remain displaced today, as security conditions do not yet allow for their return to several villages.

In Chechnya, the struggle for independence from the Russian Federation and the subsequent civil wars led to the departure of over 400,000 Russian-speakers (ethnic Russians, Ukrainians, Armenians, Jews, Germans, etc.) from Chechnya leaving mainly ethnic Chechens and ethnic Ingush behind.

In several large cities of the Russian Federation, human rights organizations have reported harassment against people from the Caucasus (including ethnic Chechens), Roma, as well as refugees from Africa and the Middle East. Forms of harassment included being frequently stopped and asked to produce documents such as residency permits. Those without the required documentation were subjected to detention or were fined “in excess of permissible penalties often without formal documents recording the offence drawn up by police”.²¹³

A number of human rights groups commented on the rise of nationalism in the Russian Federation which resulted in an increase in violence against minority groups. Human rights activists in St. Petersburg protested local media broadcasts on the city-owned station that called for ethnic cleansing and referred to residents of the Caucasus as “needing extermination”.²¹⁴ Many victims, particularly refugees who lack residence documents, choose not to report attacks, beatings, extortion and harassment, and report indifference on the part of police.²¹⁵ The U.S. Department of State reported that Moscow law enforcement authorities have unlawfully detained individuals for violations of registration requirements and that police have planted drugs or ammunition on these individuals to justify arrest.²¹⁶ Similarly, Amnesty International has stated that Chechens and people from the Caucasus have complained that they were arbitrarily detained in Moscow and other cities in Russia, and that the police fabricated charges against them or planted drugs on them. Amnesty International also reported that many Chechens had sewn up their pockets in an effort to avoid having drugs planted on them.²¹⁷

²¹² Minority Rights Group, *The World Directory of Minorities*, London: 1997, p. 300.

²¹³ USDOS, *1999 Country Report on Human Rights Practices: Russian Federation*, 25 February 2000.

²¹⁴ *Ibid.*

²¹⁵ *Ibid.*

²¹⁶ *Ibid.*

²¹⁷ Amnesty International, *Chechnya: For the Motherland*, December 1999.

During its session in September 1999, the United Nations Committee on the Rights the Child noted the 1996 Federal National Cultural Autonomy Act and programmes designed to provide support to minorities, but remained concerned at the living conditions of ethnic minorities, especially in the north, and their access to health, educational and other social services.²¹⁸ It was also concerned at the growing incidence of discrimination against children belonging to ethnic minorities.²¹⁹

5.3 Religious Minorities

In Article 28, the Constitution of the Russian Federation states that everyone is guaranteed “the right to freedom of conscience, to freedom of religious worship, including the right to profess, individually or jointly with others, any religion, or to profess no religion, to freely choose, possess or disseminate religious or other beliefs, and to act in conformity with them”. It also establishes the Russian Federation as “a secular state”, meaning that “[n]o religion may be instituted as state-sponsored or mandatory religion”.²²⁰

According to the U.S. Department of State, there are no reliable statistics that break down the population by denomination.²²¹ Available information suggests, however, that approximately half of all citizens consider themselves Russian Orthodox Christians (although not regular churchgoers). An April 1999 opinion poll indicated that 55 per cent of the Russian population consider themselves Orthodox Christians, with 9 per cent of another religion and 31 per cent atheists.²²²

In October 1997, the government of the Russian Federation enacted a new Law “On Religion”, which called for the registration of religious groups and only “those religious groups able to prove that they had been established in Russia for a minimum of 15 years were to be permitted to operate”. Organizations, which could not comply with the 15-year-rule, were required to register annually for the following 15 years before being allowed to publish literature, hold public services or invite foreign preachers into Russia.²²³ January 1999 figures from the Ministry of Justice for registered religious organizations showed that over half of the registered organizations were Russian Orthodox, with 18 per cent Muslim and 20 per cent Christian organizations other than Russian Orthodox.²²⁴

According to the U.S. Department of State, the 1997 law “creates various categories of religious communities with differing levels of legal status and privileges”. The law distinguishes between religious groups and organizations. A religious “group” does not enjoy the same rights or privileges as an organization. For example, a group “cannot open a bank account, own property or publish literature”.

²¹⁸ *Report of the Committee on the Rights of the Child*, General Assembly Official Records, Fifty-fifth session, Supplement No. 41 (A/55/41), para. 909.

²¹⁹ *Ibid.*, para. 910.

²²⁰ Article 14(1) of the Constitution of the Russian Federation.

²²¹ USDOS, *Annual Report on International Religious Freedom for 1999: Russia*, 9 September 1999.

²²² *Ibid.*

²²³ Europa Publications Limited, *The Europa World Year Book 1999*, 1999, p. 2988.

²²⁴ Jewish and Buddhist organizations each accounted for less than one per cent, and Jehovah’s Witness for 1.5 per cent. See: USDOS, *Annual Report on International Religious Freedom for 1999: Russia*, 9 September 1999.

An “organization”, however, is “recognized as a judicial person, enjoys tax exemptions, and is permitted to proselytize”.²²⁵

The U.S. Department of State reported that 30 of the 89 regions in the Russian Federation had laws that violated the Constitution because they restricted the activities of religious groups. Regional authorities continued to harass so-called “non-traditional” religious groups. Tactics included administrative harassment, such as pressure on landlords not to rent space to such groups and evictions; hostile media attention at the instigation or with the support of regional officials; and groundless interrogations by law enforcement officials. Human Rights Watch also documented an extreme case where St. Petersburg authorities prosecuted members of a small non-traditional religious organization, and placed them in a psychiatric hospital for several weeks.²²⁶ Several religious organizations and clergymen, including an Orthodox priest in Pskov, reported that local authorities and Orthodox church officials tried to obstruct their charitable activities. Regional governments also reportedly prevented religious groups from using government-owned facilities.²²⁷ Reports of harassment and punishment for religious belief or activity also continued in the region of Khakassiya.²²⁸

The Moscow procuracy attempted to ban the Moscow branch of the Jehovah’s Witnesses through using the court system. It claimed that the religion “foment religious strife, creates rifts in families and threatens people’s lives by pressuring the ill to refuse medical help”.²²⁹

Human Rights Watch and the U.S. Department of State reported on a rise in the number of attacks on synagogues. A number of prominent politicians reportedly made anti-Semitic remarks, blaming the country’s Jews for the financial crisis in Russia and the war in Chechnya. The Governor of the region of Krasnodar, Nikolay Kondratenko, said that the “essence of Russian history is the Russian battle against Jewish domination”; he was blamed by human rights groups for inciting violence against ethnic minorities in the region.²³⁰ In November 2000, the newly elected Governor of the Kursk Region, Alexander Mikhailov (Communist), in an interview with the national daily newspaper *Kommersant* announced that he was to work on getting rid of the Jewish “filth” and that his election was a test for fighting the “All-Russian Jewish Congress”.²³¹

The arrest in June 2000 of Vladimir Gusinsky, the owner of Russia’s largest independent television station and also the head of the Russian Jewish Congress, provoked outrage amongst Jews world-wide. Jewish leaders in the U.S. called on President Putin to free Gusinsky, and 52 members of the U.S. congress requested the American President to press Russia to justify Gusinsky’s arrest.²³²

²²⁵ USDOS, *Annual Report on International Religious Freedom for 1999: Russia*, 9 September 1999.

²²⁶ Human Rights Watch, *World Report 2000: Russian Federation*, December 1999, p. 290.

²²⁷ USDOS, *Annual Report on International Religious Freedom for 1999: Russia*, 9 September 1999.

²²⁸ *Ibid.*

²²⁹ Human Rights Watch, *World Report 2000: Russian Federation*, December 1999, p. 290.

²³⁰ USDOS, *Annual Report on International Religious Freedom for 1999: Russia*, 9 September 1999.

²³¹ *Kommersant*, 9 November 2000, and *The Moscow Times*, 11 November 2000. See also: Associated Press (AP), Anti-Semitic Attack of Former Official, *The Moscow Times*, 21 November 2000.

²³² Reuters, U.S. Jewish Leaders Ask Putin to Let Gusinsky Go, *Russia Today*, 16 June 2000.

5.4 Homosexuals

Male homosexuality had been a criminal offence in the Soviet Union since 1933, soon after which all the republics followed suit. In April 1993, however, Article 121 of the Criminal Code was amended, thus decriminalising sexual relationships between males. The article had previously contained two parts, but now only one remains. The present language of the article is referring to criminal responsibility for sexual acts between males involving the use of violence, threats or taking advantage of the helpless or dependent state of a victim, also with regard to minors, carrying a penalty of up to seven years' imprisonment.²³³

In August 1993, after the decriminalisation of homosexuality, Russian homosexuals announced the creation of an advocacy group, Triangle, through which they seek equality for gay men and lesbians. The group also acts as an information centre for homosexuality and AIDS, and is involved in political activities. According to activists, treatment of homosexuals has improved since the law against male homosexuality was repealed. There are reportedly now hundreds of homosexual groups across the country, along with openly gay bars and cafes.²³⁴ Public opinion and the press do not condemn homosexuality. People are said to be increasingly willing to be tested for AIDS because they no longer have to worry about being arrested. Some possible prisoners of conscience were believed to have been released following the amendment in April of a law punishing consensual, adult homosexual acts.²³⁵ Nonetheless, the majority of homosexuals hide their sex orientation, and homosexuals still fear social censure and discrimination in the workplace. Homosexuals may also face discrimination and mistreatment in the army and while in detention.

UNHCR is not aware of recent cases of persecution for homosexuality. According to Human Rights Watch Moscow, cases of discriminations, harassment or persecution of homosexuals by government agents or by the population have found protection by the Russian authorities. UNHCR does not exclude that, in certain parts of the Russian Federation, homosexuals might face discrimination by the population and may not always be able to obtain protection by the authorities. This may particularly be in the case in the North Caucasus republics.

5.5 Draft Evaders and Deserters

General information on the Law "On Military Service"

According to Article 59 of the Russian Constitution, defence of the homeland shall be a "duty and obligation of citizens of the Russian Federation". Citizens of the Russian Federation shall do military service in conformity with the federal law. Citizens whose convictions and faith are at odds with military service have the right to substitution of an alternative civil service for military service.²³⁶ According to the Law "On Military

²³³ Official Kremlin International News Broadcast, *Press conference on gay and lesbian rights*, Russian-American Information Centre, 2 June 1993; as cited in: United Kingdom, Immigration and Nationality Directorate, *Country Assessment – Russian Federation*, 1 April 2000, para. 5.47.

²³⁴ Immigration and Nationality Directorate of the United Kingdom, 1 November 1999, *Country Assessment – Russian Federation*, para. 5.36.

²³⁵ Amnesty International, *Annual Report 1994 – Russia*, 1 January 1994.

²³⁶ See also: Amnesty International, *Russian Federation – The right to conscientious objection to military service*, EUR 46/005/1997, 15 April 1997.

Service”, all males at the age of 18 to 27, who do not have the right for a suspension or exemption from the draft, should be drafted for military service.²³⁷

Persons subjected to the draft can be divided into two groups: draftees and reservists. There exist special legal acts regulating the duties of each group. According to the new Presidential Decree No. 1366 on the “Recruitment for the Military Service in the Russian Federation”, adopted on 15 October 1999, all draftees, after six months of serving in the army, can be sent to areas of armed conflict.

Reservists consist of reservist officers (i.e. who have completed the military academy) and reservist soldiers (i.e. who have completed their military service). Presidential Decree No. 660, on the “Recruitment of Reservist Officers for the Military Service in the years 2000-2005”, adopted on 10 April 2000, provides for the possibility to mobilize 15,000 reservist officers, who are currently in the reserve list. As for reservist soldiers, on 27 January 2000, Presidential Decree No. 113 on the “Recruitment of Soldier Reservists for the Military Training” provides for the possibility to mobilize reservist soldiers for two months of military training, before sending them to areas of armed conflicts. According to the Law “On Military Service”, the age limit for reservists to be mobilized to serve in areas of armed conflict, is 50 years.

The Criminal Code Related to Military Crimes

The Criminal Code of the Russian Federation contains several articles and punishments relating to the issues. Article 328 considers draft evasion as a criminal offence, which is punished by imprisonment of up to two years. Article 332 deals with the refusal to obey superior officer’s orders or harming the interests of service; this can be punished by restrictions in military service up to two years, by arrest up to six months, or by confinement to a disciplinary battalion up to two years. Article 337 stipulates that arbitrarily leaving from a military unit or service place can be punished by arrest up to six months, imprisonment up to five years, or confinement to a disciplinary battalion up to two years depending on the duration of the absence. Finally, in Article 338, desertion is punished by imprisonment up to seven years.

None of these articles requires war condition. Criminal responsibility for crimes against the military service committed during a time of war or in fighting conditions is determined by special legislation of the Russian Federation (Article 331, paragraph 3). Such “special legislation” is also supposed to determine the various penalties and punishments for crimes committed in time of war or fighting conditions. However, to UNHCR’s knowledge, no such legislation has been passed in the context of the current Chechnya conflict (with the exception of amnesty regulations, which are being examined in the following sub-section). Hence, in the absence of specific legislation, the provisions of the Criminal Code are currently applicable for such crimes.

One could say that there are so many cases of draft evasion in Russia, that the State does not have resources to prosecute all of them. War Resisters International (WRI), a British-based organization, claimed in 1995 that the situation facing deserters in Chechnya was unclear. It also claimed that “apparently there are 20,000 criminal cases pending with regard to a whole regiment that refused to go to Chechnya, but no court

²³⁷ Article 22 of the Law “On military service”.

cases have been heard.”²³⁸ In 1995, Amnesty International reported that, according to the Russian Defence Ministry, 567 officers had refused orders to go to Chechnya and that criminal cases had been initiated against at least seventeen of these officers. These cases had been opened against officers, and against not conscripts.²³⁹

The chief of the Leningrad Military District Headquarters, told ITAR-TASS on 8 January 1999 that, as a result of intensified searches and greater willingness by commanders to report the number of soldiers absent without leave, his officers reduced the number of deserters from 110 to only 48 during last year. He indicated that other military districts are also stepping up their efforts to reduce the desertion rate, but he noted that it is most difficult to find deserters from those military units now stationed in the Caucasus. He also said that in many cases, because of cash shortages in the army, deserters who are caught are forced to continue their service in the military districts where they are found.²⁴⁰

Amnesty regulations

On 12 March 1997, the State Duma declared an amnesty for combatants in the war in Chechnya. The amnesty pardons all those who committed “socially dangerous acts connected with the Chechen conflict”. It is supposed to cover Russian soldiers who deserted or evaded conscription during the conflict. It also applies to draft evaders of the Chechen conflict, according to the State Duma Regulation of 10 June 1998. The Regulation is applicable to persons whose criminal actions had been started before entering into force of this Regulation, i.e. before 24 June 1998, and were finalized no later than six months following entering into force of the Regulation. The Regulation extends the Law “On Amnesty” to persons who committed the following crimes: arbitrarily leaving from a military unit or service place, desertion or draft evasion.²⁴¹

On 13 December 1999, the State Duma adopted the Regulation “On announcement of amnesty” with regard to those who committed criminal offences during the anti-terrorist operation in the North Caucasus. The regulation is applicable to those who committed criminal offences on the territories of Chechnya, Ingushetia, North Ossetia-Alania and the Stavropol Region, during the period of 1 August 1999 until 16 December 1999 (the date of entering into force of the Regulation), and to those who stopped armed resistance and voluntarily delivered arms. This amnesty is not applicable to foreigners, stateless persons, those who have been recognized as extremely dangerous recidivists and those who are accused of dangerous crimes such as murder, severe injury, kidnapping, rape, robbery, terrorism, theft of weapons, *et cetera*.

However, in spite of the declaration of the amnesty, the Soldiers’ Mothers Committee claims that many Russian soldiers released in Chechnya, are still being held in Russia under criminal investigation for desertion. They also mention cases of some Russian soldiers who are being detained in their military unit on charges of desertion.

²³⁸ The Jamestown Foundation reported on an estimated 38,000 draft evaders; see: Jamestown Foundation, *Russia’s Week*, Vol. 5, No. 13, 10 April 2000.

²³⁹ Amnesty International, 1995.

²⁴⁰ ITAR-TASS News Agency, 8 January 1999.

²⁴¹ *Ibid.*, 16 June 1999; as quoted by: BBC Monitoring Online, *Russian Duma passes amnesty law in first reading*.

Since February 1998, the Military Prosecutor's Office has declared an operation "Deserter, Give Yourself Up", under which all persons who have deserted the army in the past, can appear to the Office and voluntarily declare themselves.²⁴² They would not bear criminal punishment for desertion, but the Military Prosecutor's Office would check if they have committed any other criminal acts in their absence from the service. They will further be required to finish the term of service. The operation has been reported successful, with some 5,000 reporting to the Prosecutor's Offices countrywide. Estimates indicate that there are as many as 1,500 deserters in Moscow alone; the Soldiers' Mothers Committee says there are 12,000 nation-wide.²⁴³ There have been reports from some regions that deserters have been detained and facing criminal charges despite the amnesty, but these seem to be occasional "mistakes" by local authorities.

Alternative civilian service

Article 59(1)(3) of the Constitution stipulates that "[t]he citizen of the Russian Federation whose convictions and faith are at odds with military service, and also in other cases stipulated by the federal law shall have the right to substitution of an alternative civil service for military service". However, no law or by-law has been yet enacted, concerning the modalities of implementation of such alternative civil service.²⁴⁴ In the absence of a legal implementation mechanism, the courts of law regularly sentence persons who object to military service for reasons of conscience, for draft evasion to imprisonment under the Military Code.

Amnesty International reported in its Annual Report 2000 that there was "still no civilian alternative to military service" in the Russian Federation. Those claiming conscientious objection to military service based on religious beliefs and membership of banned organizations (such as the Jehovah's Witnesses), were often not considered as legitimate conscientious objectors by the courts. Conscientious objectors continued to face imprisonment.²⁴⁵

Ill-treatment and bullying of draftees

Amnesty International claimed that the high suicide rate among Russian conscripts was related to the prevalence of ill-treatment and torture in the armed forces.²⁴⁶ It noted that despite the efforts of Major General Vasiliy Kulakov, appointed in 1998 to oversee action to eradicate "bullying in the army", the situation did not appear to have improved.²⁴⁷ The International Helsinki Federation for Human Rights also reported on the high number of suicides.²⁴⁸

²⁴² Jamestown Foundation, Moscow Military Urges Deserters to Return, *Jamestown Foundation Monitor*, 6 March 1998.

²⁴³ *Ibid.*

²⁴⁴ Amnesty International, *Russian Federation – Torture, ill-treatment and death in the army*, EUR 46/010/1997, 1 April 1997.

²⁴⁵ Amnesty International, *Annual Report: 2000: Russian Federation*, 2000, p. 201.

²⁴⁶ Amnesty International, *Russian Federation – The right to conscientious objection to military service*, EUR 46/005/1997, 15 April 1997.

²⁴⁷ Amnesty International, *Annual Report: 2000: Russian Federation*, 2000, p. 201.

²⁴⁸ International Helsinki Federation for Human Rights, *Annual Report 1997 – Russia*, 1997.

The U.S. Department of State concurred that little progress had been made in combating abuses committed by soldiers, including the practice of “dedovshchina” (violent hazing of new recruits).²⁴⁹ It also reported that during 1999 military officers and units had been sending soldiers to the front lines in Chechnya as punishment instead of using the military justice system.²⁵⁰ Other reported abuses of military personnel cited by the U.S. Department of State, included the practice by officers and sergeants of “selling” soldiers, most often linked to units in the Northern Caucasus Military District.²⁵¹ The Committee for the Protection of the Rights of Servicemen and Their Families has reportedly worked actively throughout the Northern Caucasus region, successfully rescuing 42 ethnic Bashkiri conscripts who were sold.²⁵²

5.6 Children

The United Nations Convention on the Rights of the Child was ratified by the USSR in 1990. Domestic legislation provides for the protection of children’s rights on the basis of the Constitution, the Family Code, Criminal and Punishment Codes, the Education Act, the adoption of the 1998 Federal Law “On the Basic Guarantees of the Rights of the Child” and the 1999 Federal Prevention of Child Neglect and Juvenile Crime Act.

The legal framework declaring guarantees for children’s rights and protection, including international and national legal instruments, is in theory thorough and acceptable. However, all these positive provisions and statements run into the still existing institution (despite several Constitutional Court decisions during the last years) of registration.²⁵³ Without registration there is no mechanism to realize the formally guaranteed rights for education, health protection, and particular social benefits. Access to education as well as to medical care is granted upon presentation of a police registration. This practice is particularly harmful to internally displaced children, migrants and asylum seekers and children working and living in the street.

The Family Code of the Russian Federation does not require residence registration to register the birth of a child. However, in practice, most births of children born to parents who do not have residence registration are not registered. UNHCR is aware of cases of asylum seekers who have managed to obtain birth registration certificates by paying unofficially a fee to the registry official.

Article 15 of the Federal Law “On the Basic Guarantees on the Rights of the Child” establishes the right to appeal to a court in order to enforce children’s rights. On 1 July 1999, a new provision was inserted to this law (Article 7.3). It states that pedagogical, medical and social workers as well as psychologists and other specialists who under Russian legislation are responsible for the upbringing, education, health and social protection of the child, can participate in measures on the provision of protection of the rights and lawful interests of the child in the organs of education, health services, organs of labour and social development, law-enforcement and other organs dealing with protection of the rights of the child. Moreover, trade unions and other non-profit organizations can carry out activities on preparation of the child to realize his or her rights and discharge his or her duties (Article 7.4).

²⁴⁹ USDOS, *1999 Country Report on Human Rights Practices: Russian Federation*, 25 February 2000.

²⁵⁰ See also: ITAR-TASS News Agency, 30 November 1999 (in Russian); as quoted by: BBC Monitoring Online, *Russian Internal Troops sent deserters to Chechen combat zone as punishment*.

²⁵¹ *Ibid.*

²⁵² *Ibid.*

²⁵³ See for more on the system of “propiska”: Chapter 4, paragraph 4.6.

A large number of children, including some as young as 11, have reportedly been fighting with the separatist forces in Chechnya. In 1996, the authorities of the then Chechen leader Dudayev, reportedly admitted that children between 15 and 18, including females, serve in their forces and participate in combat. Child soldiers in Chechnya were reportedly assigned the same tasks as adult combatants, and served on the front lines soon after joining the armed forces.²⁵⁴

Under Article 1 of the Law “On the Basic Guarantees of the Right of the Child”, orphans are listed, along with refugee children, among the most vulnerable categories of children. They should be provided with special care by the competent governmental bodies. According to the Russian Refugee Law, unaccompanied minors have access to the refugee status determination procedure.²⁵⁵ According to the Regulations on the Procedure to Recognize Forced Migrants and Their Registration on the Territory of the Russian Federation, revised on 14 March 1997, unaccompanied minors are interviewed and then placed under guardianship. As a consequence, these children may be placed with a foster family or in a state-run institution.

Human Rights Watch reported in 1999 that about 200,000 children without parental care were in state-run orphanages, where they were “often exposed to shocking levels of cruelty and neglect”.²⁵⁶ Beginning with infancy, orphans classified as severely disabled were segregated into “lying down” rooms in the nation’s 252 orphanages for young children, where they were changed and fed but were bereft of stimulation and lacking in medical care. Human Rights Watch claimed that orphans were restrained and “left to lie half-naked in their own filth”. According to official statistics, in 1999 some 30,000 children were confined to these locked and isolated institutions. Orphans in “regular” orphanages were administered powerful sedatives, faced the possibility of beatings, being locked in freezing rooms for days at a time, or being sexually abused by orphanage staff. Staff also used public humiliation as a form of punishment.²⁵⁷ In its most recent session dealing with the Russian Federation in September 1999, the United Nations Committee on the Rights of the Child expressed serious concern at these “prevailing policies and practices of institutionalization” and at the extremely high number of children in institutions and the living conditions in these institutions.²⁵⁸

²⁵⁴ United Nations Commission on Human Rights, *The situation of human rights in the Republic of Chechnya of the Russian Federation. Report of the Secretary-General*, E/CN.4/1996/13, 26 March 1996, para. 74.

²⁵⁵ According to Article 3, para. 4 of the Federal Law “On Refugees” and in accordance with the principle of family unity, a child is granted refugee status, provided a parent as a principal applicant is granted the refugee status. In the case of an unaccompanied child, an application for refugee status may be submitted by an authorized adult.

²⁵⁶ Human Rights Watch, *World Report 2000: Russian Federation*, December 1999, p. 290.

²⁵⁷ *Ibid.*

²⁵⁸ The session dealing with the Russian Federation took place on 23 September 1999; the report was published in 2000. See: *Report of the Committee on the Rights of the Child*, General Assembly Official Records, Fifty-fifth session, Supplement No. 41 (A/55/41), para. 880 and 884-885.

Regarding the situation of refugee children, the Committee on the Rights of the Child was concerned at the treatment of asylum seekers and at the practice of refusing children and their families, in particular those not arriving from former territories of the Soviet Union, the right to register their application for asylum.²⁵⁹ It encouraged Russia to ensure adequate legal protection of refugee children, including access to health, education and other social services, and recommended that a review be undertaken of procedures, policies and practices concerning the right to register applications for asylum, especially on behalf of unaccompanied children.²⁶⁰

During the same session in September 1999, the Committee on the Rights of the Child raised several other issues. An issue of concern was Russia's lack of proper implementation of article 2 of the Convention on the Rights of the Child (the principle of non-discrimination).²⁶¹ Both the Russian Constitution and applicable legislation ban discrimination. The Committee also expressed concern at the insufficient guarantees against the "illicit transfer and the trafficking of children" out of Russia and the "potential misuse of intercountry adoption for purposes of trafficking".²⁶² Special measures were needed to protect children from child labour, economic exploitation, and commercial sexual exploitation or use in pornography.²⁶³

5.7 Victims of Violence by Non-State Actors

The United Nations Human Rights Committee, the monitoring body of the International Covenant on Civil and Political Rights, has indicated that the concept of "persecution" for refugees should not be defined restrictively, as it should take into account possible persecution by non-state actors. It recommended the adoption of a wider interpretation of "persecution".²⁶⁴

In 1998, the Refugee Appeals Board of Denmark dealt with a case which largely related to persecution of Jewish persons by non-state agents. The case concerned a Jewish woman of Russian citizenship who claimed she had been subject to persecution by non-state agents. The applicant had been working on the publication of a Jewish newspaper and had received threats, been assaulted and raped. Since it had not been possible for her to obtain protection from the Russian authorities, the Danish Refugee Appeals Board granted her asylum.²⁶⁵

UNHCR, through its Moscow Refugee Reception Centre as well as through NGO partners, has received reports concerning physical assault and/or mistreatment of non-CIS asylum seekers (mainly Africans) and Meskhetians, by "skinhead" gangs in Moscow and by so-called "Cossacks" in Krasnodar Krai.²⁶⁶ In most cases, because of the precarity of their own legal status, the victims were reluctant to address a complaint to the police.

²⁵⁹ *Report of the Committee on the Rights of the Child*, General Assembly Official Records, Fifty-fifth session, Supplement No. 41 (A/55/41), para. 880 and 884-885.

²⁶⁰ *Ibid.*, para. 898-899.

²⁶¹ *Ibid.*, para. 866-869.

²⁶² *Ibid.*, para. 887.

²⁶³ *Ibid.*, para. 902 and 907.

²⁶⁴ United Nations Human Rights Committee examines France's third periodic report, *Concerns in Europe January – June 1997*, 1 September 1997.

²⁶⁵ Refugee Appeals Board, Denmark, 13 March 1998; as cited in: ELENA, *Research paper on non-state agents of persecution*, November 1998, p. 14-15.

²⁶⁶ For Meskhetians in Krasnodar Krai, see: Memorial Human Rights Centre, *Russian experience of ethnic discrimination: Meskhetians in Krasnodar Region*, Moscow, 2000.

6 UNHCR Operations

6.1 Introduction

The initial objectives for the UNHCR operation in the Russian Federation, as laid out in the Global Appeal 2000, were:

- To develop an asylum system that meets international standards and identify appropriate durable solutions for refugees;
- To facilitate the local integration of various categories of persons covered by the CIS Conference Programme of Action; and
- To contribute to meeting the protection and assistance needs of internally displaced persons (IDPs) in the Northern Caucasus.

6.2 Major Developments, Progress Achieved and Constraints

The Asylum System and Durable Solutions for Refugees

As of 30 June 2000, there were some 52,961 recognized refugees in the Russian Federation. Whereas the majority originate from the CIS or the Baltic countries, less than one per cent come from other countries, primarily Afghanistan, but also China, the former Yugoslavia and African countries. They usually enjoy the civil, social and economic rights foreseen by the Law "On Refugees". It is worth mentioning that the total number of recognised refugees decreased by 180,000 between December 1997 and December 1999. The reason is that refugees from CIS countries and the Baltic States – who were granted refugee status on a *prima facie* basis during the early and mid-1990s – gradually acceded to the Russian citizenship and subsequently lost their refugee status.

The vast majority of asylum seekers continue to face many difficulties in their quest for protection in the Russian Federation and it is unlikely that significant changes will occur in the foreseeable future. The first six months of 2000 were, nevertheless, marked by some positive developments. The migration authorities started issuing identity cards to several recognised refugees. Moreover, the recognition rate markedly increased in 1999 and 2000. From 1993 until 30 June 2000, some 236 cases (580 persons) from non-CIS and Baltic states have been recognised as refugees in the Russian Federation. Out of them, 62 per cent of the cases (145 cases or 332 persons) were recognised as refugees in 1999 and 2000. This improvement is partially due to the constant support, exchanges and regular training provided by UNHCR to federal and regional institutions directly involved with refugees and asylum seekers. Between January and October 2000, UNHCR organized or participated in some 28 training or workshop events on refugee-related issues, thus reaching several hundreds government officials, lawyers with non-governmental organizations and/or academics. Besides, UNHCR sponsored the participation of some 40 selected officials or staff from the Federal Migration Service, the Judiciary, Ministry of Internal Affairs, Federal Border Guard Service, Prosecutor's Office, universities and NGOs, in international or regional seminars or training sessions.

Resort to national courts has become an effective protection tool, contributing to the establishment in the Russian Federation of a fair procedure for the determination of refugee status. UNHCR continues to provide support through independent lawyers and legal NGOs to appeals by asylum seekers lodged against negative decisions on refugee status. However, the court procedure is very cumbersome and it can take up to six months to get a final decision at each level of jurisdiction. UNHCR is regularly distributing updated country of origin information and assessments of claims by individual asylum seekers to the relevant courts, judges and UNHCR-hired lawyers.

Police harassment and detention of asylum seekers is a major issue of concern to UNHCR. UNHCR monitors cases of police harassment, documents such cases, and brings them to the attention of relevant authorities. Regular visits are being conducted to a detention centre in Moscow and a telephone hotline is being maintained. In cases of unlawful detention, UNHCR has sponsored lawyers to bring cases to court. This has led to the release of unlawfully detained asylum seekers and to confidence building between UNHCR and the law enforcement agencies. UNHCR further has started to focus on training and capacity building of the law enforcement agencies, in order to strengthen their awareness in working with asylum seekers. With the issuance of proper identity documents to asylum seekers, thus legalising the asylum seekers' stay in the Russian Federation, UNHCR believes that the number of cases concerning police harassment and unlawful detention will diminish.

Progress has been achieved in securing access to education for non-CIS asylum seeker children. Following a round-table organized jointly by the Moscow City Committee of Education and UNHCR in February 2000, a pilot project was launched to enable some 50 children to begin preparatory classes in a school in Moscow in Autumn 2000. This project will be expanded to other schools in 2001 and the expertise gained will be used to develop a methodology for working with asylum seeker children in the education system.

The opening of the psychological support centre for refugees and asylum seekers in Moscow at the beginning of the year has contributed to build the confidence of women and children. Children and adolescents in UNHCR-run schools and centres have also been participating in events designed to improve self-esteem and communication skills and to identify potential leaders among the teenagers who will themselves develop activities with their peers in the coming months. In three months, 480 persons participated in these group activities.

The development of community-based assistance projects has run in parallel with the imposition of strict time-limitations for cash assistance. In June, UNHCR decided to implement a policy whereby those included in the programme for the first time would be informed that the assistance was to be provided for a six-month period only.

Drawing from the experience of the pilot phase at the end of 1999, a standard procedure to assess applications from asylum seekers and refugees for job training and internships in local businesses was launched during the first quarter of the year. Some 68 asylum seekers passed the Russian language exam and graduated from training. Enforcement by the Moscow authorities of the obligation to register makes the organization of internships for asylum seekers difficult to implement. Nonetheless, during the first six months, UNHCR was able to place 11 asylum seekers in four small enterprises.

Three different radio programmes were produced which cover refugee and IDP issues, raising UNHCR's visibility in the country and also improving awareness and understanding of the problems of the displaced. These programmes elicit a great deal of response from the public (letters, telephone calls), and one programme received a prestigious national award in radio broadcasting this year for being "the best cultural programme". Various publications and supplements to regional newspapers helped to increase public awareness at all levels and specific events were organized to promote refugee rights within the framework of human rights. Close cooperation with national and international media has helped to make UNHCR's role in the Northern Caucasus more visible and better understood.

In the absence of concrete moves by the Georgian government to facilitate the repatriation of refugees (through appropriate legislation and addressing the issue of property restitution), and owing to poor economic conditions in the places of return, the repatriation movement of refugees from North Ossetia slowed considerably. In the first half of the year only seven families (13 persons) repatriated to Georgia and South Ossetia with assistance from UNHCR and the then Federal Migration Service (FMS).

Georgian and South Ossetian refugees in North Ossetia received legal, social, and health care counselling from the UNHCR-funded Refugee Counselling Centre and its mobile teams throughout the republic. In addition, through the Centre for Psychological and Educational Rehabilitation of Children, UNHCR helps children of Georgian refugee families to better cope with their social environment. UNHCR assistance in the sectors of health and education mainly targets public institutions in North Ossetia, which serve a large number of Georgian refugees and IDPs.

As part of ongoing government reforms, the Federal Migration Service was dissolved in July 2000. The Ministry for Federal Affairs, National and Migration Policy of the Russian Federation has been designated to take over the responsibility for all migration and refugee matters. This may result in changes in state migration and asylum policy as well as personnel changes. UNHCR is concerned that this may affect FMS eligibility officers from various regions of the country who have been trained by UNHCR on refugee status determination procedures and on many aspects of refugee protection.

UNHCR's financial constraints are currently affecting assistance levels for refugees and asylum seekers in Moscow. Several activities in the area of public information, initially planned for the second half of the year, had to be cancelled for lack of funds.

UNHCR's revised objectives for 2000 indicate that the cash-assistance programme for asylum seekers will be continued to be streamlined. More attention will be given to self-reliance projects, community services, and local integration and/or resettlement possibilities for refugees. In addition, self-employment and job-placement programmes will be expanded to benefit asylum seekers and refugees, drawing on the success achieved in Russia by UNHCR's micro-credit programme. Furthermore, the planning figure for the number of returnees to Georgia among refugees in North Ossetia will be reduced from 400-500 families to 300 persons, due to a considerable drop the number of refugees expressing the wish to repatriate. Priority will be given to local integration for this group, since the recent initiative of the authorities in North Ossetia to allocate land for the local settlement of refugee families has opened new avenues for viable durable solutions for some 360 Georgian refugee families. Although UNHCR's involvement in this activity is essential and urgent, support has not been possible owing to funding constraints.

Local Integration of IRPs, IDPs and Formerly Deported Meshketians

As of 30 June 2000, there were 837,248 recognized involuntarily relocating persons (IRPs or “forced migrants”) in the Russian Federation, who mainly originate from Kazakhstan, Uzbekistan, Tajikistan, Georgia, Azerbaijan and the Baltic States (mainly ethnic Russians, but not exclusively). This caseload also includes persons who were internally displaced during the 1994-1996 Chechen conflict. The Law “On Forced Migrants” was enacted in 1995. The IRP status is granted after acquisition of Russian citizenship, and is intended to facilitate the social and economic integration of the concerned persons. It is valid for five years and provides access to certain benefits like housing loans. At the peak, there were 1.5 million recognized IRPs in Russia, and an estimated 6.5 million ethnic Russians who had returned or resettled in the country but had not applied or received IRP status. The number of registered IRPs decreased by 250,000 between January 1998 and June 2000 and is expected to further decrease as IRPs integrate socially and economically into their new places of residence. Also, the number of IRPs arriving to Russia has decreased drastically and this trend is expected to continue, provided that the political and economic situation in other CIS countries and the Baltic states stabilises.

UNHCR continued to work towards the local integration of these various categories of persons identified in the CIS Conference Programme of Action: IRPs, IDPs, and formerly deported persons (FDPs), such as the Meskhetians. Its strategy for 2000 focuses on supporting governmental and non-governmental entities, in order to enable the integration of refugees as well as IRPs and IDPs. A number of regional migration services were provided with data-processing equipment, and training on asylum issues was given to government officials, lawyers, and judges. Rehabilitation work was carried out on some temporary accommodation centres, government hostels for the elderly and children, and educational and medical institutions.

To increase the capacities of NGOs, three workshops were conducted on community activities as integration tools for migrants, project management for UNHCR implementing partners, and principles of activities of umbrella organizations. While the first aimed at empowering selected migrant organizations with community-outreach skills to support their continued development as a strong voice for community interests, the latter two focused on increasing the capacity of regional migrant organizations, by improving their structure and capacity to design, implement and expand services for their member organizations and, ultimately, for the migrant community.

The micro-credit lending agencies supported by UNHCR achieved financial self-sufficiency during the first half of the year, which represents a major achievement. This will ease UNHCR’s exit from the micro-credit programme. It should be emphasised that such programme in practice is restricted to forced migrants, since most refugees (and especially refugees from non-CIS and Baltic countries) do not hold proper documents or residence registration, allowing them to seek legal employment. During this period, 1,484 loans were disbursed for a total value of USD 1,087,584 creating or sustaining 2,599 jobs. A joint ILO-UNHCR train-the-trainers’ project has been implemented in the field of business development, strengthening the long-term sustainability of the micro-credit project. This project will be handed over to the ILO. Effective dialogue and negotiations between a micro-credit provider supported by UNHCR and lawmakers led the Duma to make grant funds exempt from VAT taxes under the new Tax Code.

UNHCR continued to strengthen local resources to provide legal assistance to Meskhetians with the aim of enabling them to obtain a permanent legal status and to enjoy rights as citizens in accordance with the Federal Law and Constitution. Although Russian citizens, they are in a *de facto* statelessness situation. Therefore, local integration is the only durable solution envisaged at this stage for most of this group. Locally hired lawyers regularly bring individual cases to district courts. Legal assistance is being provided on matters pertaining to issuance of residence registration, ownership rights and recognition of citizenship. A local consultant has been hired to assess the sustainability of the various projects implemented by UNHCR in the region, and to liaise with the authorities in view of identifying local integration opportunities.

At the federal level, UNHCR is pursuing durable solutions for Meskhetians and other *de facto* stateless persons by promoting Russia's accession to the 1961 Convention on the Reduction of Statelessness and the 1954 Convention on the Status of Stateless Persons. In April, UNHCR participated in the fourth session of the working group drafting a new citizenship law, jointly with the Council of Europe and the Presidential Commission on Citizenship Issues.

Due to financial constraints, the further regionalization of UNHCR activities will be halted, and will instead focus on diversifying programmes in regions where the Office is already present, to include other beneficiaries of concern. The assistance provided to IRPs and IDPs will be linked to progress on refugee and asylum issues. In addition, the capacity of forced-migrant organizations will be strengthened to provide social and legal assistance to asylum seekers and refugees.

Protection and Assistance for IDPs in the Northern Caucasus

During September 1999, hostilities again erupted on the territory of Chechnya, forcing thousands of civilians to flee to Ingushetia and other parts of Russia. The majority (over 250,000 persons) fled to Ingushetia during the winter of 1999-2000.

UNHCR responded rapidly and dispatched convoys of food and non-food relief items to Daghestan and Ingushetia. By the end of June 2000, UNHCR had sent 78 convoys of food and non-food items to IDPs in the North Caucasus region, including two convoys to Chechnya. This represents about 9,500 MTs of food, or a total of USD 6.7 million. UNHCR's contributions in the sectors of shelter, relief, water and sanitation have saved lives and prevented a potential human tragedy. Moreover, through systematic and timely protection interventions in Ingushetia, UNHCR has prevented forced return and the eviction of IDPs, and ensured nearly unhindered access by all displaced persons to assistance. UNHCR and other international actors have successfully advocated for the issuance of identity documents to undocumented IDPs in Ingushetia, allowing them to exercise their freedom of movement or choice to return to Chechnya. UNHCR and WFP have also assisted more than 700 returnee families in Chechnya with food and non-food returnee packages.

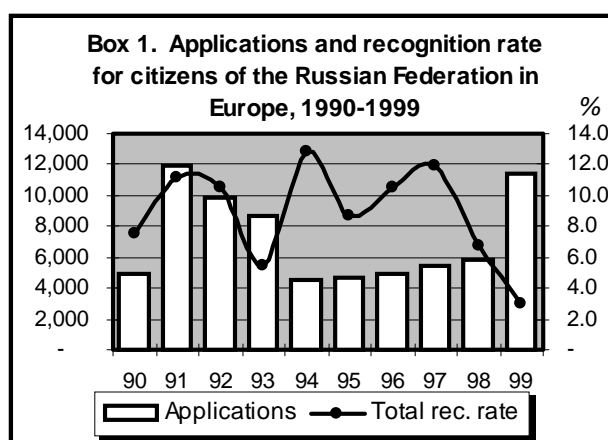
An overriding concern remains staff security in the region of the Northern Caucasus, which needs to be constantly monitored. This constraint will continue to affect the mobility of expatriate and local staff, and the capacity of UNHCR and implementing partners to operate effectively. The security risks in Chechnya are such that neither international nor national staff can work there. This is the main factor limiting UNHCR's assistance to IDPs and returnees within Chechnya to *ad hoc* cross-border

operations, sending in convoys of relief items only after security and needs assessments have taken place.

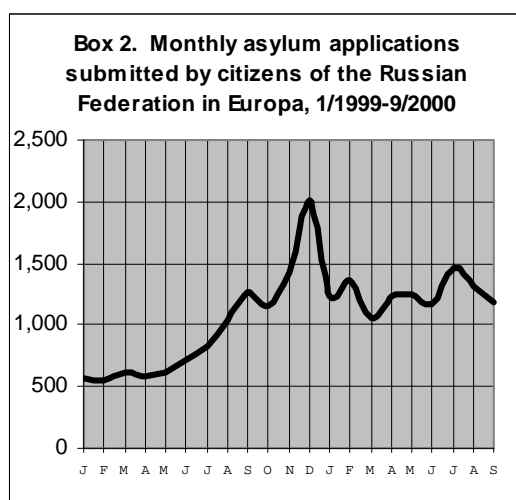
Continued instability and the volatile security situation have prevented large-scale return to Chechnya from Ingushetia during the summer of 2000. UNHCR continues to play a major role in the relief operation for IDPs. Emphasis will be given to local integration and/or voluntary return of the IDPs displaced from Chechnya.

7 Asylum Applications and Refugee Status Determination of Citizens from the Russian Federation

In 1999, some 11,400 citizens from the Russian Federation applied for asylum in Europe, a 96 per cent increase compared to 1998 and the second highest annual level reached during the decade (see Box 1). During the 1990s, Germany received 39 per cent of Russian citizens applying for asylum in Europe, followed the United Kingdom (18 per cent, cases only) and the Netherlands (9 per cent). In 1999, the main European countries receiving Russian asylum seekers were the United Kingdom (36 per cent, cases only), Germany (18 per cent) and Belgium (12 per cent). During the period January to September 2000, the United Kingdom received the largest number of Russian asylum seekers (22 per cent, cases only), followed by Belgium (19 per cent) and Germany (18 per cent).



Asylum countries experiencing the largest relative change from 1999 to 2000 in the average monthly number of asylum applications submitted by Russian asylum seekers include Poland (+562 per cent), Denmark (+271 per cent), Czech republic (167 per cent), Austria (135 per cent) and Belgium (96 per cent). Switzerland (-2 per cent) and the United Kingdom (-10 per cent) witnessed a drop in the average monthly number of Russian asylum seekers during the first nine months of 2000, compared to 1999.



Although the average monthly number of Russian asylum seekers in Europe during the first nine months of 2000 is 30 per cent higher than during 1999, there has been a decline in monthly applications since December 1999 (see Box 2.). The peak in December 1999 was largest the result of increased applications in the United Kingdom (830). The decline in applications in the UK since then has been noteworthy,

reaching less than 100 during August and September 2000.

Table 1 through 6 provide further detail on the number of Russian asylum applications and refugee status determination in Europe and other countries during 1990-1999. Table 7 indicates monthly trends in Russian asylum applications lodged in 24 European asylum countries. Lastly, Table 8 indicates the refugee status determination results concerning Russian citizens in more than 50 asylum countries during 1999.

Table 1. Number of asylum applications submitted											Russian Federation
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	Total
Austria	540	544	305	149	127	120	102	37	59	120	2,103
Belgium	81	160	146	310	215	243	274	213	277	1,376	3,295
Bulgaria	-	1	-	-	-	-	-	1	2	4	8
Czech Rep.	-	337	80	22	33	45	49	34	61	282	943
Denmark	172	288	668	550	133	98	85	63	60	74	2,191
Finland	194	486	809	493	91	94	63	70	66	192	2,558
France	242	421	410	198	204	80	193	231	220	469	2,668
Germany	2,337	5,690	5,692	5,361	1,303	1,887	1,647	1,592	867	2,094	28,470
Greece	49	3	15	11	2	13	-	-	1	-	94
Hungary	-	-	-	-	-	-	-	7	19	27	53
Ireland	-	-	-	-	13	11	53	110	83	175	445
Italy	30	-	45	52	13	37	-	11	13	50	251
Netherlands	224	1,013	408	632	1,182	615	551	459	519	1,000	6,603
Norway	81	71	75	39	75	69	50	39	131	318	948
Poland	-	1,413	160	-	-	83	62	50	47	109	1,924
Portugal	1	8	5	28	-	6	7	8	3	3	69
Spain	-	-	-	64	99	91	73	82	154	335	898
Sweden	736	1,142	725	296	473	326	203	232	229	449	4,811
Switzerland	98	152	61	48	-	111	144	192	193	263	1,262
UK (cases)	100	245	270	390	595	795	1,340	2,015	2,820	4,105	12,675
Canada	6	45	443	195	398	445	565	546	666	861	4,170
USA (cases)	1,043	3,832	5,257	3,234	2,163	775	512	554	1,073	758	19,201
Australia	-	-	-	-	-	-	-	98	83	-	181
Total	5,934	15,851	15,574	12,072	7,119	5,944	5,973	6,644	7,646	13,064	95,821
Total EUR	4,885	11,974	9,874	8,643	4,558	4,724	4,896	5,446	5,824	11,445	72,269
- EU-14	4,706	10,000	9,498	8,534	4,450	4,416	4,591	5,123	5,371	10,442	66,686

Table 2. Convention status granted											Russian Federation
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	Total
Austria	3	33	72	27	12	9	20	1	1	4	182
Belgium	4	-	-	1	22	4	5	2	1	-	39
Bulgaria	-	1	-	-	-	-	-	-	-	-	1
Czech Rep.	-	159	37	12	4	-	1	1	3	2	219
Denmark	-	3	32	24	-	-	1	4	-	3	67
Finland	-	-	-	-	-	-	-	-	-	-	-
France	137	220	147	77	40	21	38	42	40	72	834
Germany	68	127	90	60	55	100	77	42	16	11	646
Greece	-	1	-	-	-	1	-	-	-	-	2
Hungary	-	-	-	-	-	-	-	-	2	-	2
Ireland	-	-	-	-	-	-	-	-	9	10	19
Italy	1	-	3	-	-	1	-	1	-	12	18
Netherlands	-	1	16	-	19	6	10	21	17	4	94
Norway	2	-	3	-	-	-	-	-	-	1	6
Poland	-	-	-	-	-	-	-	5	1	3	9
Portugal	-	-	-	-	-	-	-	-	-	-	-
Spain	-	-	-	12	3	1	7	1	-	41	65
Sweden	4	1	-	-	3	-	-	6	6	11	31
Switzerland	-	10	2	1	-	-	-	3	-	-	16
UK (cases)	5	10	5	-	5	10	10	15	5	-	65
Canada	-	-	121	-	362	176	211	266	256	354	1,746
USA (cases)	239	106	300	184	413	411	450	695	534	331	3,663
Australia	-	-	-	-	-	-	-	20	10	38	68
Total	463	672	828	398	938	740	830	1,125	901	897	7,792
Total EUR	224	566	407	214	163	153	169	144	101	174	2,315
EU-14	222	396	365	201	159	153	168	135	95	168	2,062

Table 3. Humanitarian status granted											
											Russian Federation
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	Total
Austria	-	-	-	-	-	-	-	-	-	-	-
Belgium	-	-	-	-	-	-	-	-	-	-	-
Bulgaria	-	-	-	-	-	-	-	-	-	-	-
Czech Rep.	-	-	-	-	-	-	-	-	-	-	-
Denmark	8	38	32	46	4	4	4	1	4	6	147
Finland	19	37	39	19	6	-	-	6	-	-	126
France	-	-	-	-	-	-	-	-	-	-	-
Germany	-	-	-	-	-	24	19	352	135	48	578
Greece	-	-	-	-	-	-	-	-	-	-	-
Hungary	-	-	-	-	-	-	-	-	-	5	5
Ireland	-	-	-	-	-	-	-	-	-	-	-
Italy	-	-	-	-	-	-	-	-	-	-	-
Netherlands	4	66	388	-	111	170	273	99	73	56	1,240
Norway	10	8	3	-	-	-	-	-	3	15	39
Poland	-	-	-	-	-	-	-	-	-	-	-
Portugal	-	-	-	-	-	-	1	-	-	-	1
Spain	-	-	-	-	-	-	7	1	26	18	52
Sweden	91	583	167	136	293	60	37	34	33	10	1,444
Switzerland	-	-	-	-	-	-	-	-	-	3	3
UK (cases)	10	35	5	50	10	-	5	10	20	-	145
Canada	-	-	-	-	-	-	-	-	-	-	-
USA (cases)	-	-	-	-	-	-	-	-	-	-	-
Australia	-	-	-	-	-	-	-	-	-	-	-
Total	142	767	634	251	424	258	346	503	294	161	3,780
Total EUR	142	767	634	251	424	258	346	503	294	161	3,780
EU-14	132	759	631	251	424	258	346	503	291	138	3,733

Table 4. Refugee and humanitarian status											
											Russian Federation
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	Total
Austria	3	33	72	27	12	9	20	1	1	4	182
Belgium	4	-	-	1	22	4	5	2	1	-	39
Bulgaria	-	1	-	-	-	-	-	-	-	-	1
Czech Rep.	-	159	37	12	4	-	1	1	3	2	219
Denmark	8	41	64	70	4	4	5	5	4	9	214
Finland	19	37	39	19	6	-	-	6	-	-	126
France	137	220	147	77	40	21	38	42	40	72	834
Germany	68	127	90	60	55	124	96	394	151	59	1,224
Greece	-	1	-	-	-	1	-	-	-	-	2
Hungary	-	-	-	-	-	-	-	-	2	5	7
Ireland	-	-	-	-	-	-	-	-	9	10	19
Italy	1	-	3	-	-	1	-	1	-	12	18
Netherlands	4	67	404	-	130	176	283	120	90	60	1,334
Norway	12	8	6	-	-	-	-	-	3	16	45
Poland	-	-	-	-	-	-	-	5	1	3	9
Portugal	-	-	-	-	-	-	1	-	-	-	1
Spain	-	-	-	12	3	1	14	2	26	59	117
Sweden	95	584	167	136	296	60	37	40	39	21	1,475
Switzerland	-	10	2	1	-	-	-	3	-	3	19
UK (cases)	15	45	10	50	15	10	15	25	25	-	210
Canada	-	-	121	-	362	176	211	266	256	354	1,746
USA (cases)	239	106	300	184	413	411	450	695	534	331	3,663
Australia	-	-	-	-	-	-	-	20	10	38	68
Total	605	1,439	1,462	649	1,362	998	1,176	1,628	1,195	1,058	11,572
Total EUR	366	1,333	1,041	465	587	411	515	647	395	335	6,095
EU-14	354	1,155	996	452	583	411	514	638	386	306	5,795

Russian Federation											
Table 5. Convention recognition rates											
(Convention status divided by Total applications * 100%)											
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	Total
Austria	0.6	6.1	23.6	18.1	9.4	7.5	19.6	2.7	1.7	3.3	8.7
Belgium	4.9	-	-	0.3	10.2	1.6	1.8	0.9	0.4	-	1.2
Bulgaria	..	100.0	..	..	..	..	..	-	-	-	12.5
Czech Rep.	..	47.2	46.3	54.5	12.1	-	2.0	2.9	4.9	0.7	23.2
Denmark	-	1.0	4.8	4.4	-	-	1.2	6.3	-	4.1	3.1
Finland	-	-	-	-	-	-	-	-	-	-	-
France	56.6	52.3	35.9	38.9	19.6	26.3	19.7	18.2	18.2	15.4	31.3
Germany	2.9	2.2	1.6	1.1	4.2	5.3	4.7	2.6	1.8	0.5	2.3
Greece	-	33.3	-	-	-	7.7	..	..	-	..	2.1
Hungary	..	..	..	..	..	..	..	-	10.5	-	3.8
Ireland	..	..	..	..	-	-	-	-	10.8	5.7	4.3
Italy	3.3	..	6.7	-	-	2.7	..	9.1	-	24.0	7.2
Netherlands	-	0.1	3.9	-	1.6	1.0	1.8	4.6	3.3	0.4	1.4
Norway	2.5	-	4.0	-	-	-	-	-	-	0.3	0.6
Poland	..	-	-	..	..	-	-	10.0	2.1	2.8	0.5
Portugal	-	-	-	-	..	-	-	-	-	-	-
Spain	..	..	..	18.8	3.0	1.1	9.6	1.2	-	12.2	7.2
Sweden	0.5	0.1	-	-	0.6	-	-	2.6	2.6	2.4	0.6
Switzerland	-	6.6	3.3	2.1	..	-	-	1.6	-	-	1.3
UK (cases)	5.0	4.1	1.9	-	0.8	1.3	0.7	0.7	0.2	-	0.5
Canada	-	-	27.3	-	91.0	39.6	37.3	48.7	38.4	41.1	41.9
USA (cases)	22.9	2.8	5.7	5.7	19.1	53.0	87.9	125.5	49.8	43.7	19.1
Australia	..	..	..	..	..	..	..	20.4	12.0	..	37.6
Total	7.8	4.2	5.3	3.3	13.2	12.4	13.9	16.9	11.8	6.9	8.1
Total EUR	4.6	4.7	4.1	2.5	3.6	3.2	3.5	2.6	1.7	1.5	3.2
EU-14	4.7	4.0	3.8	2.4	3.6	3.5	3.7	2.6	1.8	1.6	3.1

Table 6. Total recognition rates							Russian Federation				
(Convention and humanitarian status divided by Total applications * 100%)											
	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	Total
Austria	0.6	6.1	23.6	18.1	9.4	7.5	19.6	2.7	1.7	3.3	8.7
Belgium	4.9	-	-	0.3	10.2	1.6	1.8	0.9	0.4	-	1.2
Bulgaria	..	100.0	..	..	..	..	..	-	-	-	12.5
Czech Rep.	..	47.2	46.3	54.5	12.1	-	2.0	2.9	4.9	0.7	23.2
Denmark	4.7	14.2	9.6	12.7	3.0	4.1	5.9	7.9	6.7	12.2	9.8
Finland	9.8	7.6	4.8	3.9	6.6	-	-	8.6	-	-	4.9
France	56.6	52.3	35.9	38.9	19.6	26.3	19.7	18.2	18.2	15.4	31.3
Germany	2.9	2.2	1.6	1.1	4.2	6.6	5.8	24.7	17.4	2.8	4.3
Greece	-	33.3	-	-	-	7.7	..	..	-	..	2.1
Hungary	..	..	..	..	..	..	..	-	10.5	18.5	13.2
Ireland	..	..	..	..	-	-	-	-	10.8	5.7	4.3
Italy	3.3	..	6.7	-	-	2.7	..	9.1	-	24.0	7.2
Netherlands	1.8	6.6	99.0	-	11.0	28.6	51.4	26.1	17.3	6.0	20.2
Norway	14.8	11.3	8.0	-	-	-	-	-	2.3	5.0	4.7
Poland	..	-	-	..	..	-	-	10.0	2.1	2.8	0.5
Portugal	-	-	-	-	..	-	14.3	-	-	-	1.4
Spain	..	..	..	18.8	3.0	1.1	19.2	2.4	16.9	17.6	13.0
Sweden	12.9	51.1	23.0	45.9	62.6	18.4	18.2	17.2	17.0	4.7	30.7
Switzerland	-	6.6	3.3	2.1	..	-	-	1.6	-	1.1	1.5
UK (cases)	15.0	18.4	3.7	12.8	2.5	1.3	1.1	1.2	0.9	-	1.7
Canada	-	-	27.3	-	91.0	39.6	37.3	48.7	38.4	41.1	41.9
USA (cases)	22.9	2.8	5.7	5.7	19.1	53.0	87.9	125.5	49.8	43.7	19.1
Australia	..	..	..	..	..	..	..	20.4	12.0	..	37.6
Total	10.2	9.1	9.4	5.4	19.1	16.8	19.7	24.5	15.6	8.1	12.1
Total EUR	7.5	11.1	10.5	5.4	12.9	8.7	10.5	11.9	6.8	2.9	8.4
EU-14	7.5	11.6	10.5	5.3	13.1	9.3	11.2	12.5	7.2	2.9	8.7

Table 7. Monthly asylum applications lodged by citizens of the Russian Federation in Europe, 2000

Country	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Total
Austria	8	21	16	29	14	33	41	34	-	196
Belgium	157	177	187	207	266	199	284	317	370	2,164
Bulgaria	-	-	-	-	3	3	4	-	-	10
Czech Rep.	62	78	64	64	50	36	26	55	52	487
Denmark	28	42	20	17	16	21	16	23	16	199
Finland	19	26	9	14	12	16	24	31	-	151
France	66	55	56	58	71	62	59	45	56	528
Germany	209	187	218	227	182	227	245	307	258	2,060
Greece	-	-	-	-	-	-	-	-	-	-
Hungary	1	4	3	3	4	2	2	10	8	37
Ireland	23	21	14	30	26	22	33	25	21	215
Liechtenstein	-	-	-	-	-	-	-	-	-	-
Luxembourg	2	3	-	1	-	-	4	-	-	10
Netherlands	99	105	109	70	80	63	112	92	84	814
Norway	27	30	45	39	45	15	55	45	33	334
Poland	25	72	59	27	48	49	83	96	120	579
Portugal	2	3	3	1	-	1	-	1	-	11
Romania	-	-	-	-	-	-	-	-	-	-
Slovakia	-	-	-	-	-	2	3	1	6	12
Slovenia	-	3	-	-	-	-	-	7	1	11
Spain	53	31	3	27	53	24	30	40	20	281
Sweden	39	33	44	40	46	38	61	75	47	423
Switzerland	19	13	28	22	25	29	12	36	24	208
UK (cases)	390	455	170	360	310	325	375	70	65	2,520
Total	1,229	1,359	1,048	1,236	1,251	1,167	1,469	1,310	1,181	11,250
- EU-15	1,095	1,159	849	1,081	1,076	1,031	1,284	1,060	937	8,635
b. Percentages										
Country	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Total
Austria	0.7	1.5	1.5	2.3	1.1	2.8	2.8	2.6	-	1.7
Belgium	12.8	13.0	17.8	16.7	21.3	17.1	19.3	24.2	31.3	19.2
Bulgaria	-	-	-	-	0.2	0.3	0.3	-	-	0.1
Czech Rep.	5.0	5.7	6.1	5.2	4.0	3.1	1.8	4.2	4.4	4.3
Denmark	2.3	3.1	1.9	1.4	1.3	1.8	1.1	1.8	1.4	1.8
Finland	1.5	1.9	0.9	1.1	1.0	1.4	1.6	2.4	-	1.3
France	5.4	4.0	5.3	4.7	5.7	5.3	4.0	3.4	4.7	4.7
Germany	17.0	13.8	20.8	18.4	14.5	19.5	16.7	23.4	21.8	18.3
Greece	-	-	-	-	-	-	-	-	-	-
Hungary	0.1	0.3	0.3	0.2	0.3	0.2	0.1	0.8	0.7	0.3
Ireland	1.9	1.5	1.3	2.4	2.1	1.9	2.2	1.9	1.8	1.9
Liechtenstein	-	-	-	-	-	-	-	-	-	-
Luxembourg	0.2	0.2	-	0.1	-	-	0.3	-	-	0.1
Netherlands	8.1	7.7	10.4	5.7	6.4	5.4	7.6	7.0	7.1	7.2
Norway	2.2	2.2	4.3	3.2	3.6	1.3	3.7	3.4	2.8	3.0
Poland	2.0	5.3	5.6	2.2	3.8	4.2	5.7	7.3	10.2	5.1
Portugal	0.2	0.2	0.3	0.1	-	0.1	-	0.1	-	0.1
Romania	-	-	-	-	-	-	-	-	-	-
Slovakia	-	-	-	-	-	0.2	0.2	0.1	0.5	0.1
Slovenia	-	0.2	-	-	-	-	-	0.5	0.1	0.1
Spain	4.3	2.3	0.3	2.2	4.2	2.1	2.0	3.1	1.7	2.5
Sweden	3.2	2.4	4.2	3.2	3.7	3.3	4.2	5.7	4.0	3.8
Switzerland	1.5	1.0	2.7	1.8	2.0	2.5	0.8	2.7	2.0	1.8
UK (cases)	31.7	33.5	16.2	29.1	24.8	27.8	25.5	5.3	5.5	22.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
- EU-15	89.1	85.3	81.0	87.5	86.0	88.3	87.4	80.9	79.3	76.8
Notes										
All data are provisional, subject to change. Source: Governments, compiled by UNHCR.										
The figures for Germany exclude "re-opened" applications.										
For the UK, figures refer to applications, whereas for most other countries data refer to applicants.										
On average, there are some 1.3 asylum-seekers per application in the UK.										

Table 8. Asylum applications and refugee status determination of citizens from the Russian Federation, 1999

cntry of asylum	Procedure (1)		Pending begin year	Applied since 1 Jan.	Decisions since 1 January					Pending end- year	Calculations				% change pend. cases
					Recogn- ized	Other (hum.)	Rejected	Otherw. closed	Total		Refugee recognition rates		%		
	Incl. o/w. cl.	Excl. o/w. cl.													
Ref.	status	Total	Ref.	Total											
ARM	G	FI	-	*	-	-	*	-	*	-	-	-	-	-	..
AUL	G	FA	-	-	38	-	-	-	-	250	..	..	100.0	100.0	..
AUS	G	V	-	120	*	-	31	69	104	-	3.8	3.8	11.4	11.4	..
BEL	G	A	-	-	-	-	5	-	5	-	-	-	-	-	..
BEL	G	FI	-	1,376	-	-	*	*	6	-	-	-	-	-	..
BLR	G	FI	-	71	-	-	-	71	71	-	-	-	..	..	..
BRA	G	V	5	-	-	-	*	-	*	*	-	-	-	-	-80.0
BUL	G	V	*	*	-	-	*	-	*	*	-	-	-	-	200.0
CAN	G	FI	618	861	354	-	279	109	742	738	47.7	47.7	55.9	55.9	19.4
CHL	G	V	*	*	*	-	*	*	*	*	33.3	33.3	50.0	50.0	0.0
CZE	G	FA	18	282	*	-	56	39	97	203	2.1	2.1	3.4	3.4	1,027.8
DEN	G	FA	-	74	*	6	81	-	90	-	3.3	10.0	3.3	10.0	..
EST	G	JR	-	*	-	-	*	-	*	-	-	-	-	-	..
FIN	G	FI	55	192	-	-	44	37	81	166	-	-	-	-	201.8
FRA	G	FI	-	469	72	-	388	-	460	-	15.7	15.7	15.7	15.7	..
GBR	G	FI	-	685	-	5	35	25	65	-	-	7.7	-	12.5	..
GEO	G	FI	-	*	*	-	-	-	*	-	100.0	100.0	100.0	100.0	..
GFR	G	FI	292	2,094	11	48	1,420	403	1,882	819	0.6	3.1	0.7	4.0	180.5
HRV	G	FI	*	-	-	-	-	-	-	*	..	..	..	..	0.0
HUN	G	FI	8	27	-	5	5	16	26	9	-	19.2	-	50.0	12.5
IRE	G	A	-	-	9	-	14	*	25	-	36.0	36.0	39.1	39.1	..
IRE	G	FI	-	175	*	-	106	29	136	-	0.7	0.7	0.9	0.9	..
ITA	G	FA	-	50	12	-	*	-	14	-	85.7	85.7	85.7	85.7	..
LIE	G	V	-	*	-	-	-	-	-	-	..	..	..	..	..
LTU	G	FI	*	*	-	-	*	*	*	*	-	-	-	-	-50.0
LUX	G	V	-	28	-	-	-	-	-	-	..	..	..	..	..
LVA	G	JR	*	6	-	-	7	-	7	-	-	-	-	-	-100.0
NET	G	V	-	1,000	*	56	700	-	760	-	0.5	7.9	0.5	7.9	..
NOR	G	FA	-	318	*	15	253	-	269	-	0.4	5.9	0.4	5.9	..
PAN	G	FA	-	*	*	-	*	-	*	*	66.7	66.7	66.7	66.7	..
POL	G	FA	-	109	*	-	34	20	57	-	5.3	5.3	8.1	8.1	..
POR	G	V	-	*	-	-	*	*	*	-	-	-	-	-	..
ROM	G	JR	-	*	-	-	*	-	*	-	-	-	-	-	..
SPA	G	FA	-	335	41	18	110	8	177	-	23.2	33.3	24.3	34.9	..
SVN	G	FI	-	*	-	-	*	-	*	*	-	-	-	-	..
SWE	G	FI	-	449	11	10	216	29	266	-	4.1	7.9	4.6	8.9	..
SWI	G	FI	95	263	-	*	69	149	218	152	-	1.4	-	4.2	60.0
UKR	G	V	*	240	32	-	33	-	65	191	49.2	49.2	49.2	49.2	4,675.0
USA	G	A	1,686	921	289	-	252	491	1,032	1,575	28.0	28.0	53.4	53.4	-6.6
USA	G	FI	1,246	758	331	-	54	244	629	1,091	52.6	52.6	86.0	86.0	-12.4
AZE	U	V	-	57	-	-	-	-	-	57	..	..	..	..	..
BOL	U	V	*	*	*	-	-	-	*	-	100.0	100.0	100.0	100.0	-100.0
CYP	U	V	*	7	-	-	*	*	7	*	-	-	-	-	0.0
HRV	U	V	*	*	-	-	-	*	*	*	-	-	..	..	0.0
INS	U	V	-	*	-	-	-	*	*	-	-	-	..	..	..
ISR	U	V	-	5	-	-	5	-	5	-	-	-	-	-	..
JOR	U	V	-	54	12	-	-	14	26	28	46.2	46.2	100.0	100.0	..
MDA	U	V	-	58	-	-	-	-	-	58	..	..	..	..	..
MEX	U	V	-	7	*	-	5	-	7	-	28.6	28.6	28.6	28.6	..
SYR	U	V	*	*	-	-	*	-	*	*	-	-	-	-	50.0
TKM	U	V	-	*	-	-	-	-	-	*	..	..	..	..	..
UZB	U	V	-	5	5	-	-	-	5	-	100.0	100.0	100.0	100.0	..
YUG	U	V	-	*	-	-	-	-	-	*	..	..	..	..	..
ARG	V	V	24	8	-	-	*	-	*	31	-	-	-	-	29.2
All			4,068	11,145	1,246	166	4,230	1,767	7,368	5,397	16.9	19.2	22.1	25.0	32.7

* = Value below 5

G=Government procedure, U=UNHCR procedure; V=Various/unknown

FI=First instance, A=Appeal, FA=First instance and appeal, JR=Includes Judicial Review.

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²⁶⁷ All UNHCR documents and most of the United Nations documents in this bibliography, as well as the WriteNet reports and the reports by Amnesty International, Human Rights Watch and the U.S. Department of State can be found in UNHCR/CDR's Refworld 2000 and on UNHCR's website (<http://www.unhcr.ch/>). Refworld 2000 also contains the full text of the Constitution of the Russian Federation and many of the other documents cited in this background paper.

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	Central Black Earth Region	48	Moskva (gorsovet)	18	Krasnojarskij kraj	47	Magadanskaja oblast	89	Ingushetia	79	Komi Republic	41	Samarskaja oblast	Western Siberia Region	
25	Belgorodskaja oblast	49	Moskovskaja oblast	33	Irkutskaja oblast	62	Sahalinskaja oblast		North Western Region		Urals Region	56	Penzenskaja oblast	01	Altaj Republic
30	Voronegskaja oblast	55	Orlovskaja oblast	71	Chitlinskaja oblast	88	Sakha(Jakutia) Republic	34	Kaliningradskaja oblast	10	Komi-Permjackkij Avtonomnij okrug	61	Saratovskaja oblast	11	Hanty-Mansijskij Avtonomnij okrug
43	Kurskaja oblast	60	Rjazanskaja oblast	74	Burjatia Republic		North Caucasus Region	44	Sankt-Peterburg (gorsovet)	42	Kurganskaja oblast	69	Uljanovskaja oblast	14	Jamalo-Neneckij Avtonomnij okrug
46	Lipeckaja oblast	64	Smolenskaja oblast	84	Tuva Republic	02	Adygeja Republic	45	Leningradskaja oblast	54	Orenburgskaja oblast	77	Kalmykia	16	Altajskii kraj
65	Tambovskaja oblast	67	Tul'skaja oblast		Far Eastern Region	04	Karachaevo-Cherkesskaja Republic	51	Novgorodskaja oblast	57	Permskaja oblast	83	Tatarstan Republic	38	Kemerovskaja oblast
	Central Region	72	Jaroslavskaja oblast	05	Evrejskaja Avtonomnaja oblast	17	Krasnodarskij kraj	58	Pskovskaja oblast	63	Sverdlovskaja oblast			52	Novosibirskaja oblast
26	Brjanskaja oblast		Eastern Siberia Region	08	Korjaksij Avtonomnij okrug	20	Stavropol kraj		Northern Region	70	Cheljabinskaja oblast		Volga-Viatka Region	53	Omskaja oblast
27	Vladimirskaia oblast	03	Tajmyrskij (Dolgano-Neneckij) Avtonomnij okrug	09	Chukotskij Avtonomnij okrug	59	Rostovskaja oblast	06	Neneckij Avtonomnij okrug	73	Bashkortostan Republic	31	Nizhegorodskaja oblast	66	Tomskaja oblast
32	Ivanovskaja oblast	07	Ust-Ordynskij Burjatskij Avtonomnij okrug	19	Primorskij kraj	75	Dagestan	23	Arhangelskaja oblast	85	Udmurtskaja Republic	39	Kirovskaja oblast	68	Tjumenskaja oblast
35	Tverskaja oblast	12	Aginskij Burjatskij Avtonomnij okrug	21	Habarovskij kraj	76	Kabardino-Balkaria	29	Vologodskaja oblast		Volga Region	80	Marij El Republic		
36	Kalugskaja oblast	13	Amurskij Avtonomnij okrug	22	Amurskaja oblast	82	North-Ossetia	50	Murmanskaja oblast	24	Astrahanskaja oblast	81	Mordovia Republic		
40	Kostromskaja oblast	15	Hakassija Republic	37	Kamchatskaja oblast	86	Chechnya	78	Karelia Republic	28	Volgogradskaja oblast	87	Chuvashskaja Republic		

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Sources: ADC Worldmap PCensus RUSSIA Edition 1.0 1996

