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PACE Russia Report

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This article draws together selected key themes from the report: 'Honouring of Obligations and Commitments by the Russian Federation', Document 10568, Parliamentary Assembly of the Council of Europe (PACE), 3 June 2005. This report assesses the progress made by the Russian Federation with regard to the nation's obligations and commitments under the Council of Europe Statute, the European Convention on Human Rights (ECHR), and all other Council of Europe Conventions to which it is a party.

Since the last monitoring report in April 2002, the Russian authorities have made efforts to address the issues that represented, and in some cases continue to represent, a threat to the political stability, economic progress and normal functioning of democratic institutions in the country. The report noted with satisfaction that in the past three years, the Russian Federation has adopted a new criminal procedure code and a law on alternative military service, substantially decreased the number of inmates in penitentiary institutions, and signed the European Convention on the Transfer of Sentenced Persons.

During the same period, however, there has been very little progress regarding other outstanding commitments, including those related to the formal abolition of the death penalty, the obligation to bring to justice those found responsible for human rights violations, notably in relation to events in Chechnya, and to ensure the effective exercise of the rights, especially by minorities, enshrined in the Russian Constitution and the ECHR. According to the Federal Ombudsman, Mr. Lukin, the right to life and personal integrity is not guaranteed in practice, the abuse of refugees and displaced persons' rights continues, the number of citizens' rights violations by police and other law enforcement bodies is increasing, a difficult situation still exists in the penitentiary system, the rights of conscripts are systematically impinged, and there are cases of extremism and xenophobia. Also, the trend of restricting federal and, especially, regional mass media activity persists and the intimidation of journalists is not rare.

The report specifically examined the Russian response to PACE Resolution 1403 (2004) which condemned all criminal acts constituting serious human rights violations committed by all sides of the conflict in the Chechen Republic and called for the end of the climate of impunity in the region. The report concluded that the human rights situation in Chechnya has not improved and that Russia has not secured the adherence to the rule of law and the enjoyment within its jurisdiction in Chechnya of human rights and fundamental freedoms.

In light of the current human rights situation in the Russian Federation, it was recommended that the Russian authorities take the following measures with regard to the rule of law and the protection of human rights:

- (a) To ratify Protocol No. 6 to the ECHR prohibiting the death penalty;
- (b) With regard to the conflict in the Chechen Republic, comply with the recommendations of Resolution 140(2004) and notably to bring to justice those found responsible for human rights violations, strictly respect the provisions of international humanitarian law, and prosecute any attempt to intimidate and harass human rights activists and applicants to the ECtHR;
- (c) Unconditionally co-operate with the ECtHR, refrain from hindering in any way the effective exercise of the right of individual petition to the Court and speedily and comprehensively execute its judgments, notably the judgment of *Ilascu and Others*;
- (d) Apply a zero tolerance approach to the continuously endemic problem of 'hazing' in the armed forces by implementing an educational programme for officers and provide for the systematic, credible and transparent investigation and prosecution of abuses;
- (e) Revise the recently adopted law on alternative military service to change its disproportionate character and bring it into line with European practice;
- (f) Increase efforts to fight religiously, ethnically and racially motivated violence and discrimination and investigate and punish all proven cases of harassment and discrimination;
- (g) Pursue judiciary reforms in strict compliance with Council of Europe standards to ensure the fairness and independence of the Russian justice system;
- (h) Reform the Prokuratura in line with relevant European standards and withdraw the reservation made to Article 5 of the ECHR;
- (i) To ratify the European Social Charter and the European Convention on the transfer of sentenced persons.