

that provision in the Russian Code of Criminal Procedure on the time within which persons deprived of their freedom must be acquainted with the material relating to their cases was unconstitutional and the ruling that the decision must be implemented within six months; and, introduction of a new criminal code in January 1997 stipulating that neither punishment nor other measures under criminal law undertaken against a person who has committed a crime shall have as their purpose causing physical suffering or the degradation of human dignity.

The SR acknowledged the positive measures to address the problems identified in the report on the 1994 visit but expressed concern at the continuing torturous conditions in some remand prisons and referred to the concern expressed by the Committee against Torture at its November 1996 session regarding the overcrowding in prisons which is exacerbated by poor and unsanitary conditions. The SR repeated his call for urgent measures to be taken to bring immediate relief, such as releasing at once all first-time, non-violent suspected offenders. The SR also cited the Committee's concern about widespread allegations of torture and ill-treatment of suspects and persons in custody with a view to secure confessions, especially in Chechnya.

The cases transmitted to the government related to actions by Russian soldiers against people in Chechnya which included beatings, detentions, death threats, electric shocks during interrogation by masked officials, cuts with knives, cigarette burns, kicking and punching, hanging by handcuffs, blows with rifle butts, rape and use of various forms of force to get detainees to sign "no-grievance" statements prior to release. The government response to allegations of torture and ill-treatment was generally to deny all statements and to claim, to the contrary, that no human rights violations or violations of the law had come to light and that no complaints or declarations of mistreatment of detainees had been made. Nonetheless, the government informed the SR that on a number of the cases investigations had been initiated and some were still proceeding.

**Violence against women, Special Rapporteur on:**  
(E/CN.4/1997/47, Sections III, III.B, III.C)

In the section dealing with rape and sexual violence, including sexual harassment, the report refers to legal frameworks and notes that, in the Russian Criminal Code, "ordinary rape" is defined as "sexual intercourse by use of force or threats or by taking advantage of the helpless state of the victim". "Aggravated rape" is "rape accompanied by threat of murder or by serious injury or committed by a person with a record of previous rape conviction" and "especially aggravated rape" is "rape accomplished by a group of persons or by an especially dangerous recidivist or entailing especially grave consequences and also rape of a minor". On sexual harassment, the report notes that, although the Criminal Code proscribes sexual harassment, job advertisements continue to request that women employees be "without inhibitions". Despite the prohibition on sexual harassment, the report notes that only 20 cases of sexual harassment per year are filed under the Russian statute.

Referring to the lack of statistical data on rape and stating that existing statistics are under-representative but nonetheless indications of the scope of sexual violence, the report

notes that according to the Ministry for Social Protection of the Russian Federation, out of the 331,815 reported crimes against women in the Russian Federation in 1993, 14,000 of them were rapes. The report observes that Russian non-governmental organizations working with women victims believe the number to be significantly higher.

***Mechanisms and Reports of the Sub-Commission***

**Freedom of movement, Working Paper:** (E/CN.4/ Sub.2/1997/22, paras. 22, 24, 32, 37, 38)

The report refers to states that emerged following the break up of the Soviet Union and laws subsequently adopted affecting freedom of movement. The report notes that the conflict in Chechnya generated a massive flow of refugees and cites information in the Russian media indicating that there are some 500,000 illegal migrants living in Russia. Reference is made to the 1993 law "On the right of citizens of the Russian Federation to freedom of movement and to choose their place of residence and abode within the Russian Federation" as well as laws on refugee status and forcible relocation. In terms of the 1993 law, the report cites information asserting that it is without effect because throughout Russia, as before, the police continue to insist that citizens comply with the registration requirements regarding residence. The report notes an order signed by the Mayor of Moscow related to a "special residence regime" which requires all citizens of countries of the near abroad staying in the capital for more than 24 hours to register and pay a fee equivalent to 10% of the Russian minimum wage. Anyone failing to register may be ordered to pay a fine of three to five times the minimum wage with 50 times the minimum wage for repeat offenders plus expulsion from Moscow, either at their own expense or at the expense of Moscow Police Headquarters. Similar measures have been introduced in Saint Petersburg and a number of other administrative units. The report notes that all of these orders are contrary not only to the federal law on freedom of movement but also to article 27 of the Constitution.

**States of emergency, Special Rapporteur on:** (E/CN.4/ Sub.2/1997/19, para. 24)

The report notes that technical assistance has been provided to Russia to reform domestic legislation governing rights and declarations of states of emergency.

**Traditional practices affecting the health of women and children, Special Rapporteur on:** (E/CN.4/Sub.2/ 1997/10/Add.1, para. 21)

The report notes Russia's recognition of the need to conduct an information and education campaign designed to change traditional stereotypes based on the supremacy of one sex over the other in order to eliminate violence against women.

***Other Reports***

**International Decade of the World's Indigenous People, Report of the HCHR to the CHR:** (E/CN.4/1997/ 101, paras. 29)

The report of the High Commissioner for Human Rights refers to an initiative by the ILO in September 1995 involving a meeting organized with Russia's Ministry of Nationalities aimed at securing international technical assistance for the indigenous peoples in Russia and discussing ratification of ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries.