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Russian Federation: The law still offers little protection to many people

The rule law has extended its reach in the Russian Federation, but flaws in the way the law is applied mean that it still offers little protection to many people, Amnesty International said as it unveiled today its report "*ROUGH JUSTICE: The law and human rights in the Russian Federation*".

Coming at a time when the Russian Federation is in the grip of an election campaign and on the eve of presidential elections in the Chechen Republic, the report reminds the authorities in the Russian Federation of their obligation to ensure that everyone has effective protection against violations of their human rights.

"In light of the country's recent human rights record, it is particularly important that people are protected from torture, unfair trials, the death penalty, unlawful killings, arbitrary detention and discrimination, and that every one has access to effective remedies if their rights are violated. Some people are especially far from the protection of the law, including members of ethnic minorities, women, children, prisoners," Amnesty International said.

The report examines how far legal changes made since the Russian Federation became a sovereign state some 12 years ago have given people a quick, fair and effective remedy when they have been wronged. It focuses on some of the most vulnerable groups and recommends a number of measures, which could radically improve the protection of human rights in the Russian Federation. The report highlights positive reform, such as the expanding of the court system, and the introduction of the new Criminal Procedure Code, which in the first three months led to the release of a striking number of people from detention after courts decided they had been arrested without sufficient grounds. At the same time it spells out Amnesty International's concerns about human rights violations and dysfunctional systems of redress for victims:

The *propiska* - or system for registered residence - in Moscow and other Subjects of the Russian Federation restricts freedom of movement, and so violates international human rights obligations that form part of the Russian domestic law. It has led to other gross human rights violations, like summary deportation of ethnic minority minorities, with no access to a lawyer or other procedural rights. Amnesty International is particularly disturbed that President Putin has so far failed to exercise the powers vested in his office to challenge this illegal practice.

The 1998 Law to Combat Terrorism exempts from liability those participating in "anti-terrorist" operations, even if they violate human rights, and people with grievances arising from such operation

cannot gain redress.

Children with mental disability are confined to a state institutions merely on account of their disability and not because they pose a threat to themselves, or to society. The procedures used for institutionalizing them lack any safeguards against wrongful confinement.

Prisoners serving life sentences are kept in conditions of almost total isolation, amounting to cruelty, contrary to international standards for the treatment of people in custody.

"Children with mental disabilities in the Russian Federation are being deprived of their right to liberty, to an education and their right to a family life. They are consigned to live utterly pointless lives in institutional conditions that do not respect their inherent dignity. We call on the Russian Federation to adopt a law, whose primary concern is the best interests of children with mental disability," Amnesty International said.

In addition, the organization is calling for a review of every life sentence passed under the old criminal procedures, that have now been discredited as unfair: "The conditions in which life sentence prisoners are held violate their right to be treated with humanity and not to be subjected to torture or other cruel, inhuman or degrading treatment."

Civilians in the Chechen Republic are the largest group of people stripped of basic human rights, both by federal forces and Chechen fighters including the rights to life, liberty, security, respect for private and family life, protection of property and freedom of expression. They have had no protection against discrimination and torture, and the federal authorities have not provided them with the possibility of a fair trial and an effective remedy at national level.

"Since 1991 the Russian Federation has accepted international human rights standards that give people whose rights are violated the chance of new remedies - both locally and internationally. Experience shows that these remedies are only real when they are enforced by the international community," Amnesty International said.

The organization's recommendations to the Russian Federation authorities include:

Stopping extradition of any person to any country where they risk the death penalty, torture or unfair trials.

Publishing all the reports of the European Committee for the Prevention of Torture and acting upon their recommendations.

Holding comprehensive and impartial investigations into alleged war crimes committed in the Chechen Republic and bringing those responsible to justice in accordance with international standards.

Putting the placement of children in institutions under the adjudication of the new Juvenile Justice System, with the possibility for regular and periodic reviews.

Ratifying Protocol No 12 to the European Convention on Human Rights which sets out a general prohibition on discrimination.

Abolishing the death penalty in times of war as well as in peace.

Background

"*ROUGH JUSTICE: The law and human rights in the Russian Federation*" is the third report that the organization presents in the course of its year-long campaign on human rights in the Russian Federation. Amnesty International launched its first-ever worldwide campaign on human rights in the Russian Federation in October 2002 to contribute to raise public awareness of the cycle of impunity for human rights abuses.

The human rights organisation's first report within the campaign, '*The Russian Federation: denial of justice*', launched (29 October 2002) in Moscow, exposed the broad extent of human rights violations in Russia.

'*Dokumenty!*' *Discrimination on grounds of race in the Russian Federation*, launched in Moscow (19

March 2003) exposed discrimination on the grounds of race as a reality for many members of ethnic or national minority groups in the Russian Federation.

In the course of its campaign, Amnesty International opened its Russian Resource Centre in Moscow to guarantee the continuation of the organization's work on human rights abuses in the Russian Federation and its cooperation with local non-governmental organizations.

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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