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## U.S. Department of State

### Russia Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

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#### RUSSIA

Politically, economically, and socially, Russia continues to be a state in transition but experienced additional severe pressures during the year related to the country's widespread financial crisis. While constitutional structures are welldefined and democratic in conception, democratic institutionbuilding continues to face serious challenges, often due to significant limitations on the State's financial resources. The 1993 Constitution establishes a government with three branches and checks and balances, although it provides for a strong executive. The executive branch consists of an elected president and a government headed by a prime minister. There is a bicameral legislature (Federal Assembly), consisting of the State Duma and the Federation Council, and a judicial branch. Both the President and the legislature were selected in competitive elections judged to be largely free and fair, with a broad range of political parties and movements contesting offices. As the country's economic difficulties mounted over the course of the summer, President Boris Yeltsin removed Sergey Kiriyenko as Prime Minister and nominated the previous Prime Minister, Viktor Chernomyrdin. A confirmation battle ensued between the President and the Duma over the nomination. After the State Duma twice rejected Chernomyrdin's nomination (a third rejection would have required new parliamentary elections), President Yeltsin nominated Foreign Minister Yevgeniy Primakov to be Prime Minister. The Duma quickly approved Primakov, lessening the political crisis. Primakov subsequently appointed a cabinet comprised of members of a range of Duma factions, including a Communist as First Deputy Prime Minister in charge of economic policy. The judiciary, still the weakest of the three branches, showed some signs of limited independence.

The Ministry of Internal Affairs (MVD), the Federal Security Service (FSB), the Procuracy, and the

Federal Tax Police are responsible for law enforcement at all levels of government throughout the Russian Federation. On September 1, responsibility for overseeing most of the prison system was transferred from the MVD to the Ministry of Justice. The FSB has broad law enforcement functions, including fighting crime and corruption, in addition to its core responsibilities of security, counterintelligence, and counter-terrorism. The FSB operates with only limited oversight by the Procuracy and the courts. The military's primary mission is national defense, although it has been employed in local conflicts for which it was prepared inadequately and occasionally is used to control civil disturbances. More recently, internal security threats in parts of the Russian Federation have been dealt with by militarized elements of the security services. These same organizations are tasked with domestic law enforcement. Many members of the security forces, particularly within the internal affairs apparatus, continued to commit human rights abuses.

During the first half of the year, Russia fell into a protracted financial crisis, the result of a combination of market crises in Asia, fundamental structural problems related to its market transition, the Government's inability to implement an effective tax policy, and low oil prices. Stock and bond markets declined significantly. Foreign investors--who held one-third of Russian debt--pulled out of government securities, driving yields to very high levels and putting pressure on dwindling foreign currency reserves. In August the Kiriyenko Government reversed exchange rate policy and allowed the ruble's value to drop sharply. Through December the Primakov Government's new economic team worked to contain ruble devaluation, inflation, and bank failures. By year's end, the Primakov Government still was negotiating with international lending institutions to attempt to renew financing. The Government also declared a moratorium on repayment of debt to private creditors. According to official government statistics, the gross domestic product (GDP) was \$278 billion (2,781 billion rubles), per capita GDP was \$1,870 (18,696 rubles), and annual inflation was 85 percent, compared to 11 percent for 1997. The government statistics office estimates that the informal economy--barter and hidden commercial activity designed to avoid heavy tax and regulatory burdens--accounts for 24 percent of GDP. However, other authoritative sources believe it to be much higher. The economy contracted by an estimated 5 percent during the year and is expected to contract by 5 to 12 percent in 1999. Corruption continues to be a dominant, negative factor in the development of commercial relations. Wage arrears--the major cause of Russia's numerous labor strikes--reached \$12 billion (12 trillion rubles) on August 1. Official unemployment was 13 percent, but actual unemployment was significantly higher.

The Government's human rights record was uneven. There were credible reports--and government officials admitted--that law enforcement and correctional officials tortured and severely beat detainees and inmates. Prison conditions continue to be extremely harsh and frequently life threatening. According to human rights groups, between 10,000 and 20,000 detainees and prison inmates may die in penitentiary facilities annually, some from beatings, but most as a result of overcrowding, inferior sanitary conditions, disease, and lack of medical care. The Government has made little progress in combating abuses committed by soldiers, including "dedovshchina" (violent hazing of new recruits). Military justice systems consistent with democratic practices remain largely underdeveloped. Both the main military procuracy and human rights groups reported an increase in systematic human rights abuses during military service, which at times resulted in deaths or suicides. It is unclear whether the reported increase is indicative of more abuses or of more effective monitoring and reporting procedures by the military procuracy, which in turn resulted in greater willingness of victims to file complaints. Existing laws on military courts, military service, and the rights of service members often contradict the Constitution, federal laws, and presidential decrees, elevating arbitrary judgments of unit commanders over the rule of law.

Arbitrary arrest and detention remain problems. Police and other security forces in various parts of the country continued their practice of targeting citizens from the Caucasus and darker-skinned persons in general for arbitrary searches and detention on the pretext of fighting crime and enforcing residential

registration requirements. Lengthy pretrial detention remained a serious problem. Institutions such as the Ministry of Internal Affairs have begun to educate officers about safeguarding human rights during law enforcement activities through training provided by other countries, but remain largely unreformed and have not yet adopted practices fully consistent with law enforcement in a democratic society. While the President and the Government have supported human rights and democratic practice in statements and policy initiatives, they have not institutionalized the rule of law required to protect them. Most abuses occur at lower levels and not by central direction, but government officials do not investigate the majority of cases of abuse and do not dismiss or discipline the perpetrators.

The Government made little progress in the implementation of constitutional provisions for due process, fair and timely trial, and humane punishment. In addition, the judiciary often was subject to manipulation by central and local political authorities and was plagued by large case backlogs and trial delays. Aleksandr Nikitin, a retired Soviet Navy captain, was arrested in 1996 and accused of revealing state secrets for his part in publishing a report on environmental hazards in the country's northwest. Nikitin's case continued to be characterized by serious violations of due process, and there are credible charges that the FSB's case against him was politically motivated. The case went to trial in October, but on October 29 the judge in the case concluded that the evidence provided by the prosecution did not support the indictment and returned the case to the prosecution for further investigation. Authorities continued to infringe on citizens' privacy rights. In the face of a variety of obstacles, the media continued to represent a wide range of opinion. The major print media organizations functioned relatively unhindered by governmental pressure at the national level, although respect for freedom of the press varies in the regions. The principal obstacle to independent journalism was the continued trend towards concentration of ownership of news media in the hands of major banks and businesses, most of which often sought to ensure that reporting was in line with their interests. Such pressure caused journalists to practice self-censorship. Foreign and Russian journalists were frequent victims of kidnappings for ransom by criminals in Chechnya and throughout the northern Caucasus. The country's mass media also was affected by the economic and financial crisis. Newspapers, radio, and television stations faced a liquidity crisis, and advertisers drastically scaled back purchases of advertising, causing severe economic hardship for the media.

In October 1997, the Government enacted a restrictive and potentially discriminatory law on religion. The Government subsequently sought to develop an interpretation of the law that would comply with the international agreements addressing freedom of religion to which Russia is a party. However, the implementing regulations, issued piecemeal during the year and completed in October, did not resolve many of the law's inherent ambiguities. Discriminatory practices at the local level are attributable to the increased decentralization of power, as well as to government inaction and discriminatory attitudes that are widely held in society. Many religions, including many Protestant sects that are new to the country, have reregistered successfully at the federal and local levels, as required by the law, and continue their activities. However, there are numerous reports that religious organizations either were denied registration or experienced long delays in reregistration, as local authorities sought to obstruct the activities of religious groups. All religious organizations must reregister by the end of 1999. The judicial system offers an appeals process, which a number of groups have chosen to pursue. Two challenges to the constitutionality of the religion law were accepted for review in November. A court date is expected in the second half of 1999. In addition, some regional governments have passed laws and decrees since 1994 that restrict the activities of minority religious groups, some of which have been subject to harassment as a result.

Despite constitutional protections for citizens' freedom of movement, the Government places some limits on this right, and some regional and local authorities (most notably the city of Moscow) restrict movement through residence registration mechanisms. These restrictions, though successfully challenged in court, remain largely in force and are tolerated by the Federal Government. The presence

of these restrictions demonstrated the continued obstacles to the enforcement of judicial rulings.

In May the State Duma filled the post of Human Rights Ombudsman. Although the post was created by the Duma in 1997, it had gone unfilled well beyond the period allowed under the law. The selection of a candidate was part of a larger political deal involving a number of other parliamentary committee posts. The new Ombudsman, Duma Deputy Oleg Mironov, was a member of the Communist Party and is not known for interest or expertise in human rights. The abolition of governmental human rights commissions by at least eight regional governors, in apparent contravention of a presidential decree that all regions establish such commissions, was a significant setback for human rights. Independent human rights organizations had rated the commissions as effective. Governmental human rights commissions have been formed in 58 regions.

With few exceptions, human rights nongovernmental organizations (NGO's) documented and reported on human rights violations without governmental interference or sanctions. However, some local officials harassed human rights monitors and, in some cases, arrested them. Human Rights Watch and other organizations criticized the Procurator General's lack of response to these incidents. Violence against women, trafficking in women, and abuse of children remain problems, as do discrimination against women and religious and ethnic minorities. There are some limits on worker rights, and there were reports of instances of forced labor.

President Yeltsin and Chechen President Aslan Maskhadov signed a peace agreement on May 12, 1997, in which both sides agreed to settle the Russia-Chechnya dispute by peaceful means. In an earlier agreement, the two sides had agreed to resolve Chechnya's political status prior to 2001, but fundamental differences remain on that question, with Chechnya asserting that it has earned the right to full independence and Russia insisting that Chechnya remain a part of the Federation. During the year, no progress was reported on resolving differences between the two sides, particularly on the question of Chechnya's independence. Continued kidnappings and instability in Chechnya, where the Federal Government exercises virtually no authority, exacerbated tensions between federal and republican authorities. Kidnapings orchestrated by uncontrolled armed formations and bandits, some of which may have links to the former insurgent forces, have become frequent. The usual motivation for kidnappings is ransom, but some cases have political overtones. Both journalists and humanitarian assistance workers have been targets. Despite the strong opposition of federal authorities, Chechen authorities used Shari'a courts in some cases; and there were unconfirmed reports that death sentences were carried out without respect for due process. The Shari'a law still is not codified.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

There were no confirmed political killings by agents of the Government. However, an undetermined number--up to tens of thousands--of detainees and prison inmates died after beatings by security officials or due to harsh conditions in detention (see Section 1.c.). A number of government officials, including Duma Deputy and noted reformist Galina Starovoytova, were murdered. Few of these crimes appear to be politically motivated; the majority were linked to private financial or commercial dealings. In 1997 then Internal Affairs Minister Anatoliy Kulikov acknowledged that police solved only about 10 percent of the approximately 600 contract murders in 1996. Journalists also were killed during the year (see Section 2.a.).

On June 8, Larisa Yudina, editor of *Sovyetskaya Kalmykiya Segodnya*, a newspaper often critical of Kalmykiya president Kirsan Ilyumzhinov, was found murdered on the outskirts of Elista, the republic's capital. Her death was widely believed to be regional government retribution for her news stories investigating high-level corruption in the republic (see Section 2.a.).

On September 28, Yevgeniy Agarev, the Deputy Chairman of the St. Petersburg office responsible for providing many municipal services, was killed by a remote-controlled bomb. A spokesman with the local office of the Emergency Situations Ministry said that the incident was probably a contract killing, perhaps having to do with Agaryov's responsibility for funerals. Press reports indicated that the burial business in St. Petersburg has the reputation of being heavily infiltrated by organized crime.

In July the Ministry of the Interior announced that four members of a professional hit squad had been apprehended in the Kyrgyz Republic and had confessed to the killing of Mikhail Manevich. Manevich, deputy mayor and chairman of the city property committee of St. Petersburg, was killed in August 1997 while on his way to work. However, despite the arrests, there were no reported developments in the search for those who had ordered the killing or for a motive for the crime. Media reports at the time had suggested that Manevich was killed by individuals whose financial interests may have been threatened by his privatization program in the city.

Duma Deputy and noted reformist Galina Starovoytova was murdered in her St. Petersburg apartment building late on November 20. Starovoytova was shot by automatic weapon fire in what press reports characterize as a professional "hit." Her aide, who was accompanying her, was seriously wounded in the attack. One of the most prominent themes in the press is speculation that the killing may have been ordered to prevent publication of material on local officials' corruption. The MVD launched a broad investigation.

In December kidnapers beheaded four foreign telecommunications workers after holding them hostage in Chechnya for 2 months. The heads of the three Britons and one New Zealander were found in a sack in the western part of Chechnya; their bodies were found more than a week later. An investigation by Chechen authorities is ongoing (see Section 1.b).

Akmal Saidov, the Deputy Representative of the Russian Federation to the Chechen Republic, was kidnaped after attending a public rally on September 29. On October 2, police found his body outside the city of Sleptsovsk. Police said that Saidov showed signs of having been tortured and then strangled. The Interfax News Agency reported that a note attached to the body warned against cooperating with Russia's Federal Security Service. The Service denied that Saidov was an intelligence agent. The Chechen Foreign Ministry stated that Saidov's killing was "a political provocation aimed at complicating Russian-Chechen relations," according to the ITAR-TASS news agency.

Dagestan's mufti, Said-Mukhamed Abubakarov, was killed on August 21 by a remote-controlled land mine while traveling by car to the central mosque in Makhachkala. President Yeltsin stated that the killing was an attempt to sow hatred among believers, push Dagestan toward civil war, and thereby destabilize the situation throughout the northern Caucasus. As of midSeptember, law enforcement authorities had made several arrests in the case but had not filed any charges.

The chief of the kidnaping investigation department of Chechnya's State Shariat Security Ministry, Shadid Bargishev, was killed on October 25 by a remote-controlled bomb. The killing occurred the day that Bargishev was to lead the first ever Chechnya-wide campaign against hostage-takers. The next day, October 26, Chechnya's leading Muslim cleric, mufti Akhmad Khazdhi Kadirov, narrowly survived a similar car bomb attack.

No formal charges have been filed in the investigation into the December 1996 attack on the International Committee of the Red Cross (ICRC) compound in Novyy Atagi, Chechnya, during which six ICRC workers were killed and one was wounded. In 1997 then Minister of Internal Affairs Kulikov claimed to have detained suspects outside Chechnya but indicated that he was not participating in the main investigation inside Chechnya. In January Chechen President Maskhadov publicly charged that the Russian Government was sheltering a key suspect in the case. Chechen authorities named Adam Deniyev, who they said was an ethnic Chechen working as a colonel in the Russian army, as the individual who had organized the killings of the aid workers. Russia's Ministry of Interior had promised to surrender Deniyev in April 1997, after the charges against him first surfaced, if his guilt could be proved, the ITAR-TASS news agency reported. Maskhadov's top aide said that sufficient information to implicate Deniyev had been sent to Moscow, but that "the Russian leadership, ignoring repeated appeals, fails to surrender him."

In March, just 2 days after President Yeltsin berated General Prosecutor Yuriy Skuratov in front of television cameras for a lack of progress in the 1995 murder investigation of Vladislav Listyev, First Deputy Minister of Interior Vladimir Kolesnikov announced that arrests had been made. Listyev, a popular television host and executive, was shot and killed outside his home. At the time of his murder he had just been named to head Russia's main television network, Russian Public Television. In July Vladislav Selivanov, head of the Interior Ministry's crimefighting division, told a newspaper that "there was a basis for the supposition" that the hit squad arrested in connection with the Manevich murder also was involved in Listyev's murder. In August the Procurator General's office announced that it was making progress on the case, but details were not forthcoming.

In February four police officers were convicted for killing Oleg Igonin, who was tortured to death in 1995 (see Section 1.c.).

Procurator General Skuratov reported in February two arrests in the 1994 murder case of investigative reporter Dmitriy Kholodov. The two were members of Russia's airborne troops. Two additional suspects were charged in July, including an officer in the Moscow branch of the airborne troops. Kholodov, age 27, a reporter for the popular daily *Moskovskiy Komsomolets*, was killed in October 1994 when a briefcase supposedly provided by an informant exploded in his hands at the newspaper's office. At the time, he was investigating corruption in the military. The daily claimed that the murder was linked to that investigation. Kholodov's murder came days before he was expected to testify on military corruption before the State Duma.

There were no developments in the 1996 murder of U.S. businessman Paul Tatum, or in the 1990 murder of Orthodox priest Aleksandr Men. A Duma commission investigating the murders of Duma deputies is still holding hearings.

According to the Moscow office of the Carnegie Endowment for International Peace, there were two public executions in Chechnya in September and numerous public punishments for murder, rape, and drug-related offenses. Carnegie Moscow has received reports that refugees in Ingushetiya and North Ossetia have been involved in violence, but the exact causes or the numbers of persons affected is not known.

#### b. Disappearance

There were no reports of government involvement in cases of politically motivated disappearances. Kidnaping frequently is used by criminal groups in the northern Caucasus, some of which may have links to elements of the former insurgent forces. The main motivation behind such cases apparently is

ransom, although some cases have political overtones. A number of journalists were seized and held for ransom during the year, as were several humanitarian aid workers. Russian law enforcement agencies told the news agency Interfax in October that, since the beginning of the year, 176 persons had been abducted in the northern Caucasus, of whom 90 had been freed. According to the Organization for Security and Cooperation in Europe (OSCE) 12 foreign nationals were still being held hostage at year's end. Many of the hostages were being held in Chechnya. One hostage, a Russian government official in Chechnya, was executed by his captors in October (see Section 1.a.). Otherwise, there were no reports of disappearance as a precursor to an execution or other political killing, although a number of persons remained missing at year's end.

Valentin Vlasov, President Yeltsin's personal representative in Chechnya, was kidnaped on May 1 when his car was stopped by armed gunmen while en route to Groznyy. He reportedly was being held for ransom. Vlasov was released on November 13 and according to officials in Moscow and the northern Caucasus, no ransom was paid. Press reports speculate that he was released in exchange for the Russian Government's release of Ingushetia's Interior Minister, Daud Korigov. Vincent Cochetel, Director of the United Nations High Commissioner for Refugees (UNHCR) for the northern Caucasus, was kidnaped at gunpoint in the North Ossetian capital of Vladikavkaz on January 29. Cochetel was released on December 12.

On December 8, the heads of four hostages who were held captive in Chechnya for the prior 2 months were found. The four were telecommunications engineers installing a cellular phone network in Chechnya. The heads of the three Britons and one New Zealander were found in a sack in the western part of Chechnya and were identified by their former bodyguard. Their bodies were repatriated later (see Section 1.a.).

On July 3, 1997, British aid workers Camilla Carr and John James were taken hostage in the Chechen capital of Groznyy. The two had been working for a Russian charity helping child victims of the 1994-96 war in that region. Carr and James were freed on September 20. Carr later told news services that she had been raped repeatedly by her captors.

The Chechen authorities frequently have claimed that they are actively fighting kidnapers. New Chechen laws call for jail terms or public executions of kidnapers.

### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, violence, and other brutal or humiliating treatment or punishment; however, there are credible reports that law enforcement personnel regularly use torture to coerce confessions from suspects and that the Government does not hold most of them accountable for these actions. Institutions such as the Ministry of Internal Affairs have begun to educate officers about safeguarding human rights during law enforcement activities through training provided by other countries, but remain largely unreformed and have not yet adopted practices fully consistent with law enforcement in a democratic society.

Prisoners' rights groups, as well as other human rights groups, have documented numerous cases in which law enforcement and correctional officials tortured and beat detainees and suspects. An Amnesty International researcher described the practice of torture as "widespread." Reports suggest a pattern of beatings, arrests, and extortion by police against minorities (see Sections 2.d. and 5). Police also used excessive force in dealing with demonstrators. For example, in Yekaterinburg in April, special OMON troops ("special purpose" MVD law enforcement forces) used clubs to disperse an unauthorized student demonstration protesting planned federal cuts in student subsidies. As a result, 14 students required

minor medical treatment and a militia member was injured seriously. MVD investigators arrived from Moscow 3 days after the incident to determine who, if anyone, ordered the troops to use force. A special Duma commission also visited Yekatarinburg to investigate. The oblast prosecutor opened a criminal case against the students on charges of violations of public order (see Section 2.b.). Police also increasingly targeted defense lawyers for harassment, including beatings and arrests (see Section 1.e.).

In a 1997 report, Amnesty International described five methods used by law enforcement officials either to gain confessions or simply to control or abuse prisoners. The "elephant" involves placing a gas mask over the head of the victim and then restricting or cutting off the flow of oxygen. Sometimes tear gas is introduced as well to induce vomiting. The "swallow" involves binding the victim's hands behind his back above the level of his head, forcing painful arching of the back. This method is used in conjunction with the elephant or separately, with the victim suspended from the wall or ceiling so that he can be beaten. The "envelope" involves securing the victim's legs near his head. The "press-camera" is a system whereby violent prisoners are coopted by guards and used to control or punish other prisoners. The coopted prisoners are permitted to torture prisoners (sometimes to gain confessions) or deal with "difficult" prisoners. The "crucifixion of Christ" involves the victim being secured spread-eagled to either a metal cot or prison bars, to which powerful electric shocks are applied. These allegations have been corroborated by other credible sources.

Sergey Pashin, a judge in a Moscow appeals court, was quoted in a foreign newspaper in January as saying that in the cases that come before him, confessions often have been beaten out of suspects. He also charged that "witnesses" often have been beaten to force them into testifying, when in fact they may have no knowledge of the case. In April the Permanent Human Rights Chamber, an advisory presidential committee, held hearings at the State Duma on the use of torture by police. The Committee concluded that torture was "common" among representatives of the Ministry of Interior and that it was "widespread and systematic," especially in the pretrial stages of law enforcement. Yakov Pister, head of the administration of the Procurator General's office, testified that the Criminal Code has no definition of torture and that no statistics were gathered on the use of torture. He blamed police reliance on torture as a means of gathering evidence on a lack of professional training. Pister reported that at least half of the investigators in the Ministry of Interior have no legal education, while about half of police detectives lack any special training.

One of the victims who testified before the Human Rights Chamber, Olga Smirnova, told of being raped and beaten over the course of a 10-day detention in 1994 at a Moscow police station. Smirnova was tortured to force her to testify as a witness in a criminal case of which she said she had no knowledge. She said she tried three times to file a complaint with the district procurator's office, but her complaint was rejected each time. Valeriy Abramkin of the Civic Center for Assistance in Reform of Criminal Law Enforcement said that the Moscow procurator's office finally ordered an investigation into the case, but as of year's end it had not been completed.

In 1997 the Russian Procurator General's office received 27,155 complaints about police actions. In 17,850 cases, accusations against officers led to convictions or official reprimands. Of those, 853 officers were convicted of exceeding their authority, 505 of falsifying evidence, 117 of murder, 208 of premeditated bodily harm and 64 of rape. Yuriy Sinelshchikov, Moscow's First Deputy Procurator, said that in 1997 the Moscow procurator's office received over 1,200 complaints about unlawful investigative methods. As a result, 66 criminal charges were filed against policemen, and 11 were arrested.

Four police officers were convicted in February for torturing to death Oleg Igonin in Saransk, Mordovia. The Moscow Times newspaper quoted an Amnesty International researcher as saying that the conviction marked the first time in Russian history that torture had been cited as the reason for the conviction of law enforcement officers. Igonin was being questioned in connection with the shooting of a kiosk

attendant. The court found that the police officers had bound Igonin's hands and feet, then placed a gas mask over his head, allowing them to control the flow of oxygen. This method of torture--the elephant--reportedly is employed commonly by police because it leaves no marks on the victims. Doctors determined that Igonin died in police custody as a result of asphyxiation. The four police officers were convicted of murder, but all appealed the conviction. Two of the officers said that they were acting on orders from superiors.

In a second trial later that same month in Saransk, four police officers (including two convicted for the murder of Igonin) were convicted of torturing six victims in the course of an investigation into the theft of a tractor in 1994. All six victims testified at the trial. Nikolay Abramov, a major in the State Automobile Inspectorate (GAI), testified that he was kicked and beaten repeatedly in the genitals with a pipe and lost consciousness three times when repeatedly subjected to "the elephant." The six policemen convicted in the two trials received prison sentences ranging from 3 to 9 years. The court also ordered the Ministry of Interior to pay compensation to Igonin's mother and to Abramov.

Various abuses against military servicemen, including but not limited to the practice of "dedovshchina" (the violent, sometimes fatal, hazing of new junior military recruits, MVD, and border guards), rose sharply during the past year. Press reports indicate that this mistreatment often includes extortion of money or material goods in the face of the threat of increased hazing or actual beatings. Press reports also indicate that this type of mistreatment has resulted in permanent injuries and deaths among servicemen. Soldiers usually do not report hazing to officers due to fear of reprisals, since officers in some cases reportedly tolerate or even encourage such hazing as a means of controlling their units. There are also reports that officers in some cases use beatings to discipline soldiers whom they find to be "inattentive to their duties."

According to the main Military Procuracy, reported cases of such illegal activities increased 50 percent during the first 6 months of 1998. In 1997 in Moscow alone, the Russian Soldiers' Mothers Committee (an NGO) registered 1,409 in-person reports of torture, beatings, and institutionalized humiliation of junior conscripts, with an additional 2,368 primary-source written reports of similar treatment from soldiers or their relatives. During the first 8 months of 1998, the Soldiers' Mothers Committee in Moscow received 1,720 in-person reports of similar human rights abuses in the armed forces.

Both the Soldiers' Mothers Committee and the main Military Procuracy also have noted an increase in the number of reports about "non-statutory relations" in which officers or sergeants physically assault or demean their subordinates. This tendency commonly is attributed to stressful conditions throughout the military and to the widespread placement of inexperienced reserve officers, on active duty for 2 years, in primary troop leadership positions. In 1998 every second draftee expressed concern that his life, health, or sanity would be threatened during the period of military service by such incidents.

During the first 4 months of an antidesertion amnesty campaign which began on March 28, 54 percent the 6,187 deserters who turned themselves in to the main Military Procurator's office cited fear for their personal safety as the principal reason for their desertion. Since October 1997, criminal investigators have been conducting "prosecutor raids" on military units to ascertain service conditions. Disciplinary action has been brought against more than 100 perpetrators of human rights abuses since these unannounced inspections began.

The main Military Procuracy also is cooperating with the Soldiers' Mothers Committee to investigate allegations of abuse and recently has established telephone and postal "hot lines" to receive reports directly from soldiers. Nonetheless, the Soldiers' Mothers Committee believes that the majority of hazing incidents and assaults are not reported, due to fear of reprisals, indifference of commanders, and deliberate efforts to cover up such activity. In May a media team was assaulted and its equipment

destroyed by officers and soldiers from the 205th brigade in Budennovsk while reporting on the killing of a soldier there through hazing.

According to representatives of the Duma Defense Committee, there were 1,534 noncombat deaths of servicemen during 1997 and the first 4 months of 1998. While the Ministry of Defense reported 233 suicides among servicemen during 1997, it had registered 162 suicides within only the first 5 months of 1998. According to the armed forces' Medical Service, approximately 45 percent of those committing or attempting suicide were driven to it by either physical abuse or the often inhuman conditions of military service. Nonpayment of wages was also a factor, particularly in cases of suicide among officers.

The Mothers' Rights Foundation and the Soldiers' Mothers Committee believe that many of those who reportedly committed suicide were driven to do so by violent hazing or abuse. The Soldiers' Mothers Committee believes that the vast majority of hazing incidents are never reported. In incidents brought to the attention of the military or civilian authorities, the Soldiers' Mothers Committee reported in 1997 that in 60 percent of the cases there was an official finding that abuse had taken place, and that some disciplinary action was taken as a result.

The deteriorating quality of the armed forces, cited as the main reason for the breakdown in discipline, is aggravated by negligence of selection committees during the conscription process. In one Moscow-region unit cited by the Soldiers' Mothers Committee, 46 percent of the newly arrived conscripts had physical or psychological health problems, that should have exempted them from military service. The rise in the number of draftees unfit for military service also allegedly is contributing to the increasing crime rate within the armed forces, up by 12 percent during the first half of the year. Draft evasion is common, including the reported "purchase" of unwarranted medical deferments by potential conscripts otherwise ineligible for one of the many categories of legal deferment.

Degrading and substandard living conditions persist throughout the military, principally due to insufficient funding. According to the Ministry of Defense, over 100,000 servicemen were without housing. The 20th Army in Voronezh reported in July that every second military family did not have a place to live. With a continuing 3-month delay in the payment of wages, the Ministry of Defense suggested in August that soldiers forage for food. Diminished funds have resulted in the military purchasing inedible food products for its troops (including, in one well-publicized case, dog food), while in September the Baltic Fleet was assessed as being "on the brink of starvation."

Despite the acknowledged seriousness of the problem, the military leadership has made only superficial efforts to implement substantive reforms in training, education, and administration programs within units to combat abuse, at least in part due to lack of funding and the leadership's preoccupation with urgent reorganizational issues.

At a 1997 international conference in Moscow on human rights in the armed forces, sponsored in part by the Russian Federation Presidential Commission on Human Rights, the military services came under harsh attack for systematic and widespread human rights violations, including hazing, beatings, and torture. The report called on the President and the Duma to undertake a series of reforms, including creation of a civilian post of human rights ombudsman with the power to make unannounced inspections at military bases; creation of a military police system charged with investigating human and civil rights, among other crimes; unconditional implementation of the presidential decree for an all-volunteer force by 2000; and, in the interim, observance of the constitutional right to alternative civilian service in a nonpunitive program. The proposal for all-volunteer armed forces has been put off indefinitely in the face of the current economic crisis, which has crippled the Government's ability to raise military pay. Although some regional authorities are attempting to introduce alternative service programs, national legislation necessary to implement the constitutional right to alternative service has yet to be passed by

the Duma.

The systematic abuse of psychiatry as a form of punishment during the Soviet-era has ended. However, human rights groups charge that psychiatric hospitals continue to conceal their archives and their practices. Further, authorities apparently still occasionally abuse the practice of psychiatry for other purposes. In March police in the republic of Kalmykiya placed Lydia Dordzhiyeva, leader of an invalids' rights advocacy group, in the republic's mental hospital for 5 days after forcibly breaking up a hunger strike in which members of her group were participating. Dordzhiyeva later was pronounced sane by the hospital. However, the head psychiatrist of the Kalmykiya Ministry of Health was quoted as saying that forcible psychiatric incarceration for purposes of evaluation was appropriate in dealing with persons "who violate public order." (An article on this incident was the last piece written by journalist Larisa Yudina before her murder in Kalmykiya; see Section 1.a.). Federal authorities have not investigated the case.

In January Moscow police sent poet Alina Vitukhnovskaya, age 24, to Moscow's Serbskiy Psychiatric Institute for tests of her sanity. She was released in March when the tests found her normal. It was the second time that she had been subjected to psychiatric tests since her October 1994 arrest, allegedly for selling a small quantity of drugs. The Russian and international branches of PEN, the international writers group, claimed that Vitukhnovskaya had been framed, and that her arrest by the FSB was an attempt to silence her investigative reporting (see Section 2.a.).

The Independent Psychiatric Association of Russia, along with several human rights organizations, has criticized the use of psychiatry in "deprogramming" victims of "totalitarian sects." In such cases, authorities use pseudo-psychological and spiritual techniques to "treat" persons who had been members of new religious groups (see Section 2.c.).

Yuriy Savenko, head of the Independent Psychiatric Association of Russia (originally formed during the Soviet era when psychiatric hospitals were used to punish dissidents), told Time magazine in 1998 of another aspect of psychiatric abuse. Savenko said that military, police, and state security agencies often use internal, closed-door tribunals to deal with whistleblowers by sending them to psychiatric institutions. He said that "more and more" policemen and military and intelligence officers sought out his organization after they had been labeled mentally ill.

Prison conditions are extremely harsh and frequently life threatening. The penitentiary system is administered centrally from Moscow by the Ministry of Justice. The Ministry of Justice, the Ministry of Health, the Ministry of Defense, and the Ministry of Education all maintain penitentiary facilities. The MVD oversees about 85 percent of the prison population. However, formal responsibility for managing the MVD's prison facilities was transferred to the Ministry of Justice in September.

Conditions for detainees and prisoners in most government facilities remain extremely harsh, particularly in pretrial detention facilities (SIZO's) where overcrowding is rampant and the authorities frequently employ physical abuse and torture to coerce confessions. Most detainees face extremely harsh and even life-threatening conditions. Russian news agencies reported on June 25 that Procurator General Skuratov had written to Minister of Interior Sergey Stepashin that human rights are "systematically and massively violated" in the nation's prisons. He alleged that lack of funding is less to blame than "mismanagement and misuse" of government funds allocated for prison maintenance. After a tour of pretrial detention centers in 1997, Skuratov had warned that there was a real danger of a "social explosion" within the penitentiary system.

According to the 1995 law On the Detention of Those Suspected or Accused of Committing Crimes,

inmates must be provided with adequate space, food, and medical attention. Although most of the law's provisions had been due to come into effect by the end of 1996, the authorities were not able to ensure compliance, due in part to lack of funds and the absence of a bail system.

Prisons remain extremely overcrowded. According to a 1998 analysis of government statistics by the Moscow Center for the Promotion of Criminal Justice Reform (MCPCJR), the total number of persons held by the penitentiary system in January was 1,009,863 down from 1,051,515 in the beginning of 1997. This number included 278,782 in pretrial detention (SIZO). The 1998 MCPCJR analysis showed that occupancy rates of pretrial detention cells across the country ranged from 160 percent to 380 percent, with a nationwide average of 240 percent--that is, 2.4 persons are being held in space designed for one. On average SIZO detainees have only 1.4 square feet per person, while the law mandates 9 square feet. In one example, a SIZO in the Urals held 8,000 persons in facilities designed for 3,500. In "Kresty," St. Petersburg's largest SIZO, 5 to 15 prisoners were held in cells that were built 100 years ago to hold 1 prisoner. The occupancy rate for the overall penitentiary system is 112 percent. In 1997 there were approximately 38,000 women held in prison.

Under such conditions, prisoners sleep in shifts, and there is little, if any, room to move within the cell. In most pretrial detention centers and prisons, there is no ventilation system. Cells are stiflingly hot in summer (up to 40 degrees centigrade, according to the MCPCJR) and dangerously cold in winter. Reports indicate that matches cannot be lit in many SIZO cells during the summer because of a lack of oxygen.

Health, nutrition, and sanitation standards in penal facilities remain low due to a lack of funding. The MCPCJR estimated that the MVD was able to provide only 20 to 30 percent of needed supplies and medications, leaving some facilities without any medicine at all. Head lice, scabies, and various skin diseases are prevalent. The MCPCJR estimated in 1997 that MVD penitentiary facilities were able to provide only 60 to 70 percent of the daily food rations they envisioned providing. Prisoners and detainees typically rely on families to provide them with extra food.

This situation was aggravated by the country's economic crisis and resulting budgetary problems. Col. Vladimir Yalunin, head of the Justice Ministry's State Department of the Execution of Sentences (GUIN), told the Moscow newspaper *Novyye Izvestiya* late in September that in its current budget, the Government had allocated the correctional system only 45 percent of the amount needed to keep the system running. The system had received no money for the last 3 months; there was no money for food, nor for preparations for the harsh winter. According to an Interfax report, Justice Minister Krashenninikov told prison officials on October 22 that the prison service (through the first 9 months of this year) had received \$117 million (2 billion rubles) less than it was allocated in the federal budget. Under the current budget, prison authorities were spending 4 cents (70 kopecks) a day on each inmate, the equivalent of 300 grams of bread per day. However, many penal institutions are able to supplement significantly their budget allocations with income from prison labor. In many cases prisoners produce much of their own food.

According to the MCPCJR, conditions in penal facilities vary among the regions. Some regions offer assistance in the form of food, clothing and medicine. Saratov oblast, concerned with the tuberculosis crisis in facilities located there, fully funded the tuberculosis-related medicinal needs of prisoners, according to the MCPCJR. Other support is offered by NGO's and religious groups.

Inmates in the prison system suffer from inadequate medical care. In August Yuriy Shcherbanenko, a senior official of the Procurator General's office, told colleagues at a conference that the level of medical services in prisons was far below international standards and even elementary sanitary norms. Ten thousand persons die in prisons every year, he said. The most common causes of death in prisons are

typhoid, venereal diseases, and tuberculosis. Over the past 2 years, tuberculosis had taken the lives of 20,000 prisoners. GUIN figures show 50,435 prisoners in tuberculosis colonies and another 19,361 patients in hospitals as of January 3. Justice Minister Krasheninnikov said on October 22 that prison camps for tuberculosis patients have 124 percent more inmates than they were designed for, according to an Interfax report.

Detention facilities have infection rates of tuberculosis far higher in than the population at large. On June 25, the Government's main sanitary doctor, Gennadiy Onishchenko, told journalists that tuberculosis rates in the prisons were five times the national average. The MCPCJR reports that as of the summer of 1997, 70,000 persons in corrective labor colonies and 10,000 in SIZO's were infected with tuberculosis. In 1996 the MCPCJR asserted that the rate of tuberculosis was 40 times higher in the prison system than in the general population and that the mortality rate was 17 times higher. HIV/AIDS infection rates are also a source of concern. The MCPCJR reported 1,000 cases (which it believes to be a low figure) in a total prison population of about 1 million. In his October 22 speech to prison officials, Justice Minister Krasheninnikov said the number of inmates infected with HIV, the virus that causes AIDS, had reached 2,000, representing a 500 percent increase since September 1997. The highest rate of infection was in Kaliningrad, where in 1997 the MCPCJR reported between 207 and 225 cases, one-eighth of the prison population.

The tuberculosis epidemic in prisons became particularly urgent in August, when doctors announced that they had discovered a new multidrug resistant form of tuberculosis, known as MDR-TB, in the country. They said that the strain was concentrated primarily among prison inmates. Of the 15,000 to 20,000 persons infected with the strain, two-thirds are in prison. Medicins sans Frontieres (Doctors without Borders), Medical Emergency Relief International, and the Public Health Institute of New York sent a joint letter to President Yeltsin warning that Russia had become "an international incubator of a new illness." Aleksandr Goldfarb, director of the Soros Foundation's antituberculosis program in Russia, stated in August that in recent years, the supply of antituberculosis drugs seldom met more than 20 to 25 percent of the prisons' requirements. In addition, in the prisons there were few who knew how to treat the disease, so it was treated ineffectively with incorrect dosages of medicine. As a result, the prisons had become "veritable factories" of drug-resistant strains of tuberculosis. Currently about 12 percent of tuberculosis infected inmates have a multidrug resistant strain that is especially difficult to cure.

Statistics on the number of detainees and prisoners who were killed or died and on the number of law enforcement and prison personnel disciplined for use of excessive force are not released publicly. While reliable figures are extremely difficult to establish, Russian human rights groups have in the past estimated that between 10,000 and 20,000 detainees and prison inmates die each year in penitentiary facilities. Some die due to beatings, but most as a result of overcrowding, poor sanitary conditions, or lack of medical care. The Ministry of Internal Affairs does not break down its statistics to specify how many of the 21,000 personnel dismissed were punished for abusing detainees or convicts. The Duma Commission for Verification of Facts of Violations Against the Accused and Convicts in Penal Institutions has reviewed 600 complaints since its inception in mid-1997.

Violence among inmates, including beatings and rape, is common. There are elaborate inmate-enforced caste systems in which informers, homosexuals, rapists, rape victims, child molesters, and others are to be "untouchable" and treated very harshly, with little or no protection from the prison authorities.

There are five basic forms of detention in the Ministry of Justice correctional system. Prison conditions in police station detention centers vary considerably but are as a rule harsh. In most cases, detainees are not fed and have no bedding, sleeping place, running water, or toilet.

Suspects awaiting completion of criminal investigation, trial, sentencing, or appeal are confined in

SIZO's. The GUIN has 178 SIZO's. Convicts on occasion are imprisoned in SIZO's because there is no transport to take them elsewhere. Conditions in SIZO's remain extremely harsh; they fall far short of minimum international standards and pose a serious threat to life and health. Cells are overcrowded and prisoners must sleep in shifts due to insufficient numbers of beds.

The 1997 Amnesty International Report on Torture in Russia noted that "torture and ill-treatment occur at all stages of detention and imprisonment," but most often was reported in pretrial detention. Yuriy Kalinin, head of the MVD's Main Directorate of Internal Affairs, stated in 1995 that "the conditions in our pretrial detention centers can be classified as torture under international standards. That is, the deprivation of sleep, air, and space." These conditions have not improved. In February, then-Justice Minister Stepashin admitted that "the pretrial detention centers are the most serious problem" in the prison system. Vyacheslav Budnov, the interior ministry official in charge of prisons was quoted in 1998 as saying that "this is a Russian paradox." Persons incarcerated in detention centers "have not gone to trial, but they are living in worse conditions than those already sentenced."

Correctional labor colonies (ITK's) are penal institutions, which handle the bulk of the convicts. The GUIN reported that as of January 3, 706,236 persons were detained in 742 facilities. According to the MCPCJR, conditions in ITK's are better than those in SIZO's and prisons only to the extent that there is fresh air. In the 122 timber correctional colonies, where hardened criminals serve their time, beatings, torture, and rape by guards are common.

"Prisons" are penitentiary institutions for those who repeatedly violate the relatively lax rules in effect in ITK's. The GUIN has 13 prisons with 273,367 inmates (1997 figures). Conditions in many prisons are extremely harsh. Although they are not as crowded as SIZO's, guards reportedly severely discipline prisoners to break down resistance. Prisoners sometimes are humiliated, beaten, and starved.

Educational labor colonies for juveniles (VTK's) are prisons for juveniles 14 to 20 years of age. The GUIN reported that as of January 3, 19,672 inmates were being held at 61 VTK's. Conditions in VTK's are significantly better than in ITK's, but juveniles in VTK's and juvenile SIZO cells suffer from beatings, torture, and rape. The MCPCJR reports that such facilities have a poor psychological atmosphere and lack educational and vocational training opportunities. Many of the juveniles are from orphanages, have no outside support, and are unaware of their rights.

In January 1996 President Yeltsin approved the MVD's project to reorganize criminal procedures and the penal system in order to bring the penal system into line with international standards. The President's Commission for Prison Reform monitors prison conditions and has prepared recommendations and legislation for reform. None of these efforts has led to any demonstrable progress.

The formal transfer of responsibility for managing the MVD's prison facilities to the Ministry of Justice on September 1 was a potentially positive development. The transfer fulfilled one of the obligations Russia undertook when it joined the Council of Europe in 1996. Although the director of the Moscow office of Human Rights Watch noted that the transfer in itself "does not mean a big change," giving the Justice Ministry jurisdiction was an improvement because it took the prisons "out of the hands of those whose main concern is to have good statistics on the number convicted." Vyacheslav Bubnov, the official in charge of prisons at the Ministry of Interior, reportedly said that the transfer process would not bring any immediate changes to the situation inside prisons, and he predicted that it would will take at least 7 to 10 years before conditions approached European standards. Bubnov estimated that transfer of control to the Ministry of Justice would provide 20 percent of the solution to improving conditions at prisons, but that the rest was dependent on increased funding. In view of the Government's serious budgetary problems, increased funding appeared unlikely.

In recognition of the inhuman conditions present in detention facilities, in December 1997 the Duma passed the Yeltsin administration's proposal for an amnesty for prisoners held for minor crimes and for first-time offenders, specifically veterans of military service in defense of the Motherland, pregnant women, women with children, invalids, tuberculosis-infected prisoners, minors and senior citizens. Proponents estimated that the measure potentially would release 445,000 persons, including 35,000 who would be released from prisons and 60,000 whose terms would be reduced. However, only about 30,000 prisoners were released under the amnesty, according to Human Rights Watch. The Moscow Center for Promotion of Criminal Justice Reform reports that 24,000 persons (16,000 from prisons and 8,000 from pretrial detention) were released as a result of the amnesty proposed in 1997.

On August 14, Justice Minister Krashennikov said that he would ask the Duma to amnesty some 100,000 prisoners held for what he termed minor crimes (those convicted of nonviolent offenses). In addition, he said that he wanted to limit all future pretrial detentions to less than 1 year. However, that step also would require approval by the State Duma. On September 28, the Ministry of Justice announced that it planned to grant amnesty to about 115,000 prisoners by the end of the year to ease chronic overcrowding in jails. The proposed amnesty was expected to cover at least some still awaiting trial in detention centers. The 1998 government proposal for amnesty is still in the review process, and the Government has not yet submitted it to the Duma. No one has been released yet. While noting that the measure would alleviate some of the problems of overcrowding, human rights NGO's argued that the amnesties would not resolve fully the ongoing prison overcrowding crisis. Human Rights Watch pointed out that without a change in the policy of the Procurator's Office of placing persons in detention and arresting them for minor crimes, in view of the time needed to obtain a court hearing there would not be any major improvement in the prison situation.

Moscow-based human rights groups make frequent visits to the prisons in the Moscow area, but they have neither the resources nor a national network to investigate conditions in all 89 regions.

#### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remain problems. The Constitution provides that the arrest, taking into custody, and detention of persons suspected of crimes are permitted only by judicial decision. However, the Constitution's transitional provisions specify that these provisions do not take effect until a new criminal procedure code is adopted. The new Criminal Code that was passed in 1995 went into effect at the beginning of 1997. Under the new code the maximum sentence for all offenses increased from 15 years to 30 years. Criminal proceedings continue to be governed both by the new 1997 Criminal Code and the Soviet Criminal Procedure Code, adopted in 1960.

There are credible reports from throughout the country that police detain persons without observing mandated procedures and fail to issue proper protocols of arrest or for confiscated property. Credible reports exist of physical abuse being used by officers in these arrests. Moscow city law enforcement authorities frequently detain persons unlawfully for alleged violations of registration requirements (see Section 2.d.).

In the absence of measures to implement the procedural safeguards contained in the Constitution, suspects often were subjected to uneven and arbitrary treatment by officials acting under the Criminal Procedure Code and "temporary" presidential decrees. The code gives procurators authority to issue an order of detention without a judge's authorization and, if police believe that the suspect has committed a crime or is a danger to others, to detain him for up to 48 hours without a warrant.

The Constitution and the Criminal Procedure Code provide that detainees are entitled to have a lawyer

present from the time of detention, during questioning following detention, and throughout investigation up to and including the formal filing of charges. This procedure generally is followed in practice. The Moscow Center for the Promotion of Criminal Justice Reform reports that detainees are given the opportunity to have access to a lawyer in accordance with their rights. However, the Center notes that the high cost of legal fees and the poor quality of court-appointed public defenders for those lacking the funds to engage counsel effectively deny the majority of suspects competent legal representation. As a result, many prisoners do not exercise this right because they believe it useless.

A June 1997 presidential decree allows police to detain persons suspected of ties to organized crime for up to 10 days without bringing charges. The law overturned two previous presidential decrees (of 1994 and 1996) that allowed detention for up to 30 days. The 1997 decree also instructed the Government to submit to the Duma a draft federal law on preventing vagrancy and social rehabilitation of the homeless. However, there is not yet any draft law under consideration according to Duma and NGO sources for preventing vagrancy and social rehabilitation of the homeless.

The Criminal Procedure Code specifies that only 2 months should elapse between the date an investigation is initiated and the date the file is transferred to the procurator so that the procurator can file formal charges against the suspect in court. However, investigations seldom are completed that quickly. Some suspects spend 18 months or longer in detention under harsh conditions in a SIZO while the criminal investigation is conducted. The MCPCJR reports terms of pretrial detention extending up to 3 years, with the average ranging from 7 to 10 months. However, in some extreme cases the MCPCJR reports detention periods of 5 years due to financial constraints and poor investigative and court work.

The Code provides that the regional procurator may extend the period of criminal investigation to 6 months in "complex" cases. If more time is required in "exceptional" cases, the Procurator General personally can extend the period up to 18 months. Extensions of the investigation period often are issued without explanation to the detainee. Until the investigation is completed, the suspect is under the jurisdiction of the Procurator's office and the Ministry of Internal Affairs. There is no procedure for a suspect to plead guilty during the investigative period, although if a suspect informs the investigator that he is guilty, the period of the investigation usually is shorter than if he maintains his innocence. Suspects frequently fear exercising their rights to request judicial review of their detention out of fear of angering the investigating officer.

There also were credible reports that persons have been detained far in excess of the permissible periods for administrative offenses, in some cases so that police officials could extort money from friends or relatives. The situation has improved somewhat since the issuance of a presidential decree in the summer of 1997 that annulled a previous decree that had allowed for 30-day detentions. However, the practice of detaining individuals in excess of permissible periods is still not uncommon, and this often is done for the purpose of extorting money.

The use of bail is rare, even if suspects are not flight risks or have not been charged with violent crimes. This aggravates overcrowding in pretrial detention and, due to delays in bringing cases to trial, results in many suspects remaining in pretrial detention for longer than the maximum penalty they might face if convicted.

Delays also plague the trial stage. Although the Criminal Procedure Code requires court proceedings to begin no more than 14 days after the judge issues an order designating the location of the trial, congestion in the court system frequently leads to long postponements. Some suspects actually serve the equivalent of their sentences while awaiting trial. Judges often do not dismiss cases involving improper investigations or indictments, particularly if the procurator's case has political support or the case is controversial. Instead, such cases often are returned to the procurator for further investigation.

Some authorities have taken advantage of the system's procedural weaknesses to arrest persons on false pretexts for expressing views critical of the Government. Human rights advocates in the regions have been charged with libel, contempt of court, or interference in judicial procedures in cases with distinct political overtones. Others have been charged with other offenses and held either in excess of normal periods of detention or for offenses that do not require detention at all (see Section 4).

The case of Aleksandr Nikitin, an environmentalist and retired Soviet Navy captain, continued throughout the year and continued to be characterized by serious violations of due process. There were credible charges that his detention was politically motivated. The FSB detained Nikitin in St. Petersburg in February 1996 on suspicion of espionage and revealing state secrets, crimes punishable by up to 20 years in prison. Nikitin had been working with Bellona, a Norwegian environmental NGO, on the publication of a report detailing the hazards posed by the nuclear waste generated by the Northern Fleet, in which Nikitin had served. In December 1996, Nikitin was released from pretrial detention but was restricted to the St. Petersburg city limits.

Indictments cite classified decrees that were made available to Nikitin's defense team only at the beginning of the trial, which finally commenced in October, nearly 3 years after Nikitin's detention. On October 29, the judge in the case returned the indictment to the prosecution for further investigation, as there was insufficient evidence to support the charges. Although Nikitin's defense claimed a qualified victory, this was hardly an acquittal. The FSB was given another opportunity to solidify its case against Nikitin, who at year's end remained restricted to the city of St. Petersburg.

Both sides have appealed the judge's decision to the Supreme Court. Bellona believes the judge took the path of least resistance: The judge avoided reprisals which could have followed an acquittal, while at the same time did not convict Nikitin, avoiding international criticism.

The defense team demonstrated that all the information used in Nikitin's report is freely available in open sources, a claim verified in an independent report published by three retired Soviet Navy admirals. The defense also challenged the FSB's use of classified decrees as the basis for indictment on the grounds that the constitution specifies that "any normative legal enactments affecting human and civil rights, freedoms, and duties cannot be applied unless they have been officially published for universal information." Finally the defense team cited constitutional provisions giving each person "the right to a decent environment (and) reliable information about the state of the environment" as a reason that none of the information legally can be classified (see Section 4).

Grigoriy Pasko, an active-duty officer in the Pacific Fleet, was arrested on suspicion of treason in November 1997. His attorney questioned the legality of the arrest and claimed that Pasko is being persecuted for his environmental activism. He still is being held while investigation continues (see Section 2.a.).

No progress was reported in 1998 in two other longstanding cases involving human rights activists. Yuriy Shadrin of Omsk was arrested in November 1996 on several unrelated charges involving death threats, a car accident, and contempt of court. While he was released on December 31, 1996, charges have not been dropped and he remains subject to arrest and trial. The same is true for Yuriy Padalko of Irkutsk, who originally was arrested in 1992 on what Human Rights Watch called "presumably trumped-up charges of libel, hooliganism, and other offenses."

Larisa Kharchenko, a housing advisor to former St. Petersburg mayor Anatoliy Sobchak, was detained in July 1997 in connection with a corruption case involving the former mayor. She was held incommunicado for 17 days and then charged with bribery and abuse of office. Her lawyer contended

that the authorities do not have a case against her and that she was kept in jail and deprived of medical care in order to force her to testify against Sobchak. She was released in mid-December 1997, but must stay in St. Petersburg pending further developments in her case. After her release, doctors determined that, along with other medical complications, she had suffered a stroke while in jail. As a result, she was classified legally as disabled. As of September, no trial date had been set for Kharchenko.

The Government does not use forced exile.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; the development of an independent judiciary continued, and there are signs of limited independence. However, the judiciary does not yet act as an effective counterweight to other branches of government. A 1996 law separated the courts of general jurisdiction from the Ministry of Justice and placed them under a separate agency, the Judicial Department, which is under the supervision of the Supreme Court. In the 1998 budget, this department is funded independently of the Ministry. Judges remain subject to some influence from the executive, military, and security forces, especially in high profile or political cases. The judiciary also lacks resources and is subject to corruption.

The judiciary is divided into three branches: The courts of general jurisdiction, subordinated to the Supreme Court; the arbitration court system, under the High Court of Arbitration; and the Constitutional Court. Civil and criminal cases are tried in courts of primary jurisdiction, courts of appeals, and higher courts. The general court system's lowest level is the municipal court, which serves each city or rural district and hears over 90 percent of all civil and criminal cases. The next level of courts of general jurisdiction are the regional courts. At the highest level is the Supreme Court. Decisions of the lower trial courts can be appealed only to the immediately superior court unless a constitutional issue is involved. The arbitration court system consists of both business courts as well as economic courts subordinated to the High Court of Arbitration.

Low salaries and scant prestige make it difficult to attract talented new judges and contribute to the vulnerability of existing judges to bribery and corruption. In July 1997, President Yeltsin ordered a 65 percent pay raise (from an average salary of \$333 (RR 2 million) to \$533 (RR 3.2 million per month) in an attempt to attract new judges to fill approximately 1,500 vacancies in the judiciary.

However, in its 1998 budget the Government called for cutting spending on the court system by 26 percent. This was despite appeals by the Federation Council (upper house of Parliament) and leading judges, as well as presidential orders issued in July, which had instructed the Government to make the "normal functioning of the judicial system" a priority. In response, the Supreme Court launched a legal challenge to the budget cuts with the Constitutional Court. On July 17, the Constitutional Court struck down the article in the 1998 budget that authorized the Government to reduce spending on the judicial system. The Court cited Article 124 of the Constitution, which stipulates that the federal budget must provide for the "complete and independent" functioning of the judiciary.

Cuts in the judicial system's budget raised concerns over the permanence of gains made in recent years in judicial independence. For example, according to the Constitution courts should be financed only by the Federal Government. But because of federal budget cuts, district courts often seek additional funds from their local governments, leaving them more vulnerable to pressure from local politicians. A survey of 250 judges, conducted by the University of Toronto, found that about half were receiving financial aid from local governments. Many courts now lack adequate funding to cover such basic expenses as electricity, telephone charges, and postage. Because of unpaid debts, many courts lost their telephone

and electricity service. Without money to mail subpoenas, courts often are forced to hold trials without key witnesses. The Globe and Mail newspaper of Canada reported in July that some regional courts are so impoverished that they ask plaintiffs in civil cases to supply their own envelopes for summoning witnesses. This has led to some misunderstandings. The Globe reported that at least one plaintiff filled his envelope with cash, on the assumption that the court was seeking a bribe.

Judges are subject to physical intimidation and bribery. Judges have been murdered in Moscow, Irkutsk, and Yekaterinburg. As judges generally bear responsibility both for reaching a verdict and handing down a sentence, they are logical targets for intimidation. In January then Prime Minister Viktor Chernomyrdin signed a decree that allowed judges to apply for permission to carry firearms. Many judges reportedly took advantage of the decree.

The Criminal Code provides for the court to appoint a lawyer if the suspect cannot afford one. The Society for the Guardianship of Penitentiary Institutions often is called upon by judges to provide legal assistance for suspects facing charges and trial without any representation. This society operates primarily in Moscow, although it uses its connections throughout the country to appeal to legal professionals to represent the indigent. However, in many cases the indigent receive little legal assistance, because funds are lacking to pay for trial attorneys for them and public defenders are poorly trained.

Because the right to a lawyer during pretrial questioning often is not exercised (see Section 1.d.), many defendants recant testimony given in pretrial questioning, stating that they were denied access to a lawyer or that they were coerced into giving false confessions or statements. Nevertheless, human rights monitors have documented cases in which convictions were obtained on the basis of testimony that the defendant recanted in court, even in the absence of other proof of guilt.

In the 80 regions where adversarial jury trials have not yet been introduced, criminal procedures are weighted heavily in favor of the procurator. The judge or panel of judges conducts the trial by asking questions based on a prior review of the evidence. Reports indicate that in practice, the constitutionally mandated presumption of innocence often is disregarded. Judges are known to return poorly developed cases to the prosecution for additional investigation rather than risk confrontation with powerful prosecutors. This practice greatly increases the time that defendants spend in SIZO's (see section 1.c.).

Adversarial jury trials, at the option of the accused in cases where there is a risk of a criminal penalty of 15 years or more, were introduced in 1993 and 1994 in nine regions, encompassing 23 percent of the population. The Department of Judicial Reform of the State Legal Administration of the President, which is charged with reintroducing jury trials, planned in early 1996 to expand jury trials to 12 new regions. However, as of December, the Department had failed to do so due to lack of funds. Such an expansion would extend access to jury trials to approximately half of the population.

The Moscow Center for the Promotion of Criminal Justice Reform reports that 336 cases, involving 618 persons, were tried by jury in 1996. Of these, 80 resulted in acquittals (19 percent) and around one-quarter were returned for further investigation. According to the Center's figures, the acquittal rate for nonjury trials is approximately 2 percent.

The heads of several lawyers' associations reported during the year that defense lawyers increasingly were the target of police harassment, including beatings and arrests. Professional associations at both the local and federal levels report that such abuses are increasing throughout the country. They charge that police are trying both to intimidate defense attorneys and to cover up their own criminal activities.

The Russian Lawyers' Guild cited the case of attorney Oleg Kolesnikov, who was beaten severely in a hallway in the Vykhino regional court in Moscow in September 1997. Kolesnikov said that he recognized some of his attackers as policemen. The men then took him to police headquarters for interrogation and attempted to coerce him into giving testimony against his client. Kolesnikov, who went into hiding, charged that the police attacked him because they were assisting the losing side in a property case in return for a share in the apartment at issue. A criminal investigation into the attack is being conducted by the Kuzminskiy procurator's office.

Gassan Mirzuyev, head of the Russian Lawyers' Guild, told the Moscow Times newspaper in December 1997 that bar officials in Nizhnevartovskiy, Samara, and Sverdlovsk have lodged high-level complaints in the wake of imprisonment or abuse of attorneys. He said that police rebuffed the Guild representatives sent to investigate. The newspaper also reported that Vladimir Smirnov, chairman of the Sverdlovsk Region Lawyers' Council, sent an open letter to colleagues in Moscow reporting on increased police attacks on lawyers.

There also were instances in which the right to due process and a fair trial were violated. For example, Vasilii Chaykin, an activist with the Krasnodar Provincial Association for the Protection of Human Rights, was arrested in April 1997 on charges of sexual relations with minors and the production and sale of pornographic materials. Chaykin denies the charges and claims that they stem from his vocal criticism in the press of law enforcement authorities. Human Rights Watch noted that there was "sound reason" to believe that the charges had been fabricated "as a form of revenge for his public criticism." The entire legal process against Chaykin reportedly has been marred by irregularities. In 1996 Chaykin had complained to the Procurator General of abuse of power and embezzlement on the part of the local (Krasnodar district) Procurator, A. Khrebets.

Instead of opening an investigation, the Procurator General's office reportedly forwarded Chaykin's letter to the local procurator, Khrebets himself. Local police searched Chaykin's house, then filed charges. Chaykin was denied access to a lawyer of his choice for a month after his arrest.

Since his arrest, he has been held continuously in pretrial detention. Chaykin's trial began on September 15 following numerous serious legal procedural violations. At the trial, Chaykin requested medical help, but the plea was rejected by the judge. Chaykin suffered a heart attack several days later. The case against Chaykin rests on the testimony of nine young women. During the trial, five of the alleged victims in the case appeared in court and recanted the statements they made to investigators, saying that they had been coerced by the investigating officer. The judge reportedly did not allow the court secretary to record these charges of police intimidation. Instead, he threatened the young women with criminal action for giving false testimony; finally, all agreed to confirm their previous statements. Protests by the defense attorney about these procedures were ignored and not recorded by the court secretary. The trial has been postponed while Chaykin recovers.

In April 1997 Amnesty International reported on efforts by the Government of the breakaway republic of Chechnya to establish a new criminal code based on the Islamic Shari'a code. Although the code has not been enacted formally, elements of Shari'a law already have been cited in court decisions. According to the Carnegie Endowment for International Peace Moscow Office, two persons were publicly executed in September, and numerous other were publicly punished for murder, rape, and drug-related offenses (see Section 1.a.).

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

Authorities continued to infringe on citizen's privacy rights. The Constitution states that officials can enter a private residence only in cases prescribed by federal law or on the basis of a judicial decision. It permits the Government to monitor correspondence, telephone conversations, and other means of communication only with judicial permission. It prohibits the collection, storage, utilization, and dissemination of information about a person's private life without his consent. Legislation to implement these provisions was passed as part of the country's new criminal code, which provides for criminal penalties. However, problems still remain, and no one has ever been convicted of violating those safeguards. In 1995 legislation was passed that gave broad authority for the FSB to utilize domestic surveillance and to conduct searches of private residences, with only limited oversight by the courts and the procuracy. These measures remain in force. There were reports of electronic surveillance by government officials and others. Moscow police entered residences without warrants during checks for illegal residents of the city (see Section 2.d.).

Procurator General Skuratov told a Russian newspaper in November 1997 that the problem of abuse by governmental agencies was aggravated because the list of government agencies authorized to carry out wiretaps and undercover operations has been expanded and now includes, for example, tax authorities. Skuratov also noted that while the law provides that his office must authorize wiretaps and other undercover operations by state agencies, it does not allow prosecutorial oversight once those operations have begun.

Officers in the special services, including authorities at the highest levels of the MVD and FSB, have been accused of using their services' power to gather "kompromat" (compromising materials) on political and public figures as political insurance and to remove rivals. Similarly, persons in these agencies, both active and retired, have been accused of working with commercial or criminal organizations for the same purpose.

There are credible reports that regional branches of the FSB continue to exert pressure on citizens employed by Western firms and organizations, often with the goal of coercing them into becoming informants.

## **Section 2 Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The Constitution provides for freedom of speech and of the press. However, while the Government generally respects these provisions, reports of government pressure on the media continue, particularly when coverage deals with corruption or criticism of the authorities. Federal, regional, and local governments continued to exert pressure on journalists by depriving them of access to information, using accreditation procedures to limit access, removing them from their jobs and bringing libel suits against them, and violating their legal rights. Oleg Panfilov of the Glasnost Defense Fund (GDF), a nongovernmental organization which tracks violations of journalists' rights, estimates that between 250 and 300 lawsuits and other legal actions were brought by the Government against journalists and journalistic organizations during the year in response to unfavorable coverage of government policy or operations. In most of these cases, a government body or individual (often with links to a figure in power) accused journalists of damaging its (or his or her) "reputation and honor." In some instances, judges found for the journalists, but in the vast majority of such cases, the Government succeeded in either intimidating or punishing the journalist. Typically, judges seemed unwilling to challenge powerful federal and local officials. Stiff fines for journalists were a common result of these proceedings; jail terms occasionally were handed down, as well. According to the Committee to Protect Journalists these rulings had a "chilling effect on investigative journalism," and such rulings reinforce the tendency toward self-censorship. On occasion journalists were attacked physically and even murdered, leading a

number of Russian newscasters to characterize journalism as Russia's "most dangerous profession."

Private media continued to proliferate, and by the first half of 1998, some 20 new newspapers were being registered by the Russian press committee each week. Magazines totaled about 2,000. The major print media organizations represent a broad political spectrum and provide readers with a variety of information; however, because Russian media generally are not financially self-sufficient, they are subject to manipulation by the Government and by companies that are their majority shareholders. These financial entities manipulate the media at times to further their own political and financial goals. Journalists and editors admit that the political and business interests of major shareholders are paramount, causing journalists to practice self-censorship. Prominent human rights activist Sergey Kovalev has stated that, in these circumstances, "the Russian media are free but not independent."

The concentrated structure of the ownership of major media does not encourage editorial independence. Private companies began investing heavily in the media market in 1997, even though the media generally are not yet profitable. The most powerful companies, such as Lukoil, Gazprom, and a number of banks, fought for influence in the Moscow media market and began to invest in media in the provinces.

The resulting concentration of ownership of major Russian media organizations increased in 1998. The economic crisis that began in August exacerbated the problem, weakening the financial positions of most news organizations, thereby increasing their dependence on financial sponsors and, in some cases, the federal and regional governments. Many businesses began to struggle, and as a result, advertising revenues decreased for nearly every major media organization in the country, in some cases as much as 50 percent in late August and September alone. Consequently, many media organizations saw their tenuous financial independence disintegrate. The economy was unable to sustain such a large number of media organizations (in particular, there were far too many newspapers for the size of the market).

These phenomena affected regional media organizations, those based outside Moscow, to an even greater degree. With prices up sharply, newspapers in regions in which the average family's monthly income was rarely over \$100 (1000 rubles) became even less affordable. The National Press Institute (NPI), a nonprofit organization dedicated to the development and maintenance of a free press, reported in September that "the landscape" for the regional media had "changed for the worse." Newspaper managers found that their dependence on advertising revenue could be less reliable than dependence on political patronage. Reliance on political patronage, in turn, resulted in the deterioration of journalistic objectivity. As the NPI report noted, private newspapers faced intense pressure from major financial groups in Moscow and from dominant local business interests to influence their editorial content. There was also widespread concern that state agencies would attempt to take over impoverished media organizations as commercial sponsors sought to divest themselves of these properties.

In a number of key respects, private media organizations across the country remained dependent on the Government as well. According to the GDF, four-fifths of all print media organizations continued to rely on state-controlled concerns for paper, printing, and distribution; these companies lacked their own equipment. Moreover, the cost of printing at state-controlled printing presses rose from 15 to 30 percent in most locations with the onset of the financial crisis. The GDF collected considerable evidence that throughout the year, the Government continued to manipulate these prices from time to time in an effort to apply pressure on private media rivals; the GDF notes that this practice was more common outside the Moscow area than in the capital itself.

Independent and semi-independent television stations continued to develop, and the number of small private radio stations, mostly in the large cities, continued to increase. However, television companies faced government economic pressure similar to that experienced by the print media. Many stations were

forced to rely on the State (in particular, regional committees for the management of state property) for access to airwaves and office space.

Both private print and broadcast media, like other enterprises, were vulnerable to unpredictable changes in the policy and practice of tax collection. (Tax avoidance is extremely widespread, both among commercial enterprises and individuals.) In August, federal tax authorities sought to shut down Novaya Gazeta, a Russian daily known for its relative independence and aggressive reporting on corruption at high levels, on the pretext of alleged improprieties in the organization's internal accounting. Novaya Gazeta continued to publish.

In some instances, the private media faced more direct challenges from the Government. The State owns and controls some major media organizations, such as the national television station RTR, the radio stations Mayak and Radio Rossii, the newspapers Rossiyskaya Gazeta and Parlamentskaya Gazeta, and the news agencies ITAR-TASS and RIA-Novosti. At the regional and local levels, governments operated a much higher percentage of the media than in Moscow; in many cities and towns across the country, government-run media organizations were the only media outlet, according to the GDF. Thus, in an increasing number of media markets, citizens received information only from government-owned sources.

In May the Government took steps to strengthen its control over the state media--and to a certain extent, to increase its leverage over other, private broadcast organizations--by consolidating its central and local television and radio companies into an enlarged and potentially more powerful holding company, the AllRussia Television and Radio Company (known by its Russian acronym, VGTRK). The VGTRK began to manage the sites that transmit the broadcasts of private television channels. The head of the VGTRK is appointed by and answers to the President.

On more than one occasion, senior government officials, including in one case President Yeltsin, voiced "expectations" or "suggestions" to media representatives and government officials that clearly were intended to change the way the media operated.

Local governments, also, applied pressure on media based within their jurisdictions. Radio Free Europe/Radio Liberty noted in a 1998 report on the Russian media that the mayor of Moscow, Yuriy Luzhkov, could exert pressure on distribution companies, on paper suppliers, or on the corporate parents of "any media enterprise deemed to be objectionable," and that Luzhkov had used his power "to ensure a largely compliant press in his hometown."

There were many instances in which authorities disregarded and challenged the right of journalists to investigate and publish stories. In late January, President Yeltsin signed a decree "on the List of Information that Constitutes a State Secret," widening the scope of privileged information that legally could be withheld from the public. Information pertaining to the development, production, storage, and disposal of nuclear ammunition, for example, was included explicitly in the language of the decree, with the result that it has now become much more difficult--in fact illegal--for citizens residing near disposal sites to publicize through the media the increased health risks and environmental degradation. According to this decree, information on the preparation and conclusion of international treaties, as well as information in certain economic categories, falls within the domain of state secrets.

The controversy about military journalist Grigory Pasko continued during the year (see Section 1.d). Attorneys for Pasko, an active duty officer in the Russian Pacific Fleet, claimed he is being persecuted for his environmental activism. Pasko was arrested in November 1997 on charges of revealing state secrets. He had been working on a freelance basis with Japanese television network NHK and Japanese

newspaper Asahi Shinbun to expose environmental dangers posed by the activities of the Russian Pacific Fleet, including the dumping of liquid radioactive nuclear wastes from nuclear submarines in the Sea of Japan. Pasko has remained in detention since his arrest, spending much of that time in solitary confinement. He faces a maximum of 18 years in prison if convicted.

In April Russian poet and journalist Alina Vitukhnovskaya faced trial for allegedly selling \$40 (400 rubles) worth of drugs (see Section 1.c.). At the time of her arrest, in October 1994, she was researching newspaper articles on drug use by the children of Moscow's political and business elite. In January she was sent to a psychiatric institute for tests of her sanity. Two months later, she was released when the tests found her normal. Her lawyers contended that Vitukhnovskaya was deprived of food and sleep at various points during the course of the trial; she endured what these attorneys described as "torture" at the hands of the legal authorities. Both her attorneys and the international PEN group charged that Vitukhnovskaya was being harassed for her investigative reporting.

In mid-July, the Constitutional Court rejected an appeal by well-known journalist Irina Chernova against sections of federal law on operational-investigative activities. As a correspondent for Komsomolskaya Pravda in 1994 and 1995, Chernova published several articles criticizing the Volgograd police. She subsequently was followed and detained in 1995 without being told the grounds on which she was being investigated; reportedly, police officers also tried to blackmail her by threatening to release pictures and videotapes of her engaged in sexual acts. The Constitutional Court found that the disputed articles in the law either were not relevant to Chernova's case or did not violate her rights.

Journalists publishing critical information about local governments and influential businesses, as well as investigative journalists writing about crime and other sensitive issues, were subjected to threats, beatings, and even murder.

According to the CPJ, murders and beatings of journalists were "routine" in Russia, and in particular, journalists who pursued investigative stories on corruption and organized crime found themselves at greatest risk. Police seldom found the perpetrators of crimes against journalists. The GDF's midyear report indicated that in the first half of the year, it recorded 602 actions against, or with negative ramifications for, journalists, the majority of which were related to their work as journalists (this figure included numerous legal actions and decisions with a bearing on the rights of journalists.) Sixteen killings of journalists, proved or presumed to be directly related to the journalistic work of the victims, and 10 other bodily assaults on the heads of news and media organizations were reported by the press and media NGO's.

On March 16, journalists Timur Kukuyev and Yuriy Safronov, who were working for the national ORT television station, were harassed and beaten by a group of men dressed in paramilitary uniforms as they tried to film at the Dagestani-Chechen border. The assailants destroyed the crew's camera and confiscated their video footage. Dagestani border guards who were stationed nearby reportedly failed to intervene. Later that evening, unidentified men severely beat Kukuyev, warning him against filming "on foreign territory" in the future; on March 9, the ORT had broadcast a story that showed paramilitary formations on Dagestani territory near the Chechen border. The attack on Kukuyev, which resulted in his hospitalization for broken ribs, a concussion, and a badly disfigured face, represented the tenth such attack on journalists in Dagestan in the last 2 years.

In April, Aleksey Nevinityn, the editor in chief of the Zolotoye Koltso newspaper in Yaroslavl, was beaten badly. Prior to the beating, "zolotoye koltso" had published a series of articles that documented corruption in the ranks of the local administration; specifically, a top municipal official in the pharmaceutical administration was purchasing medical supplies for the city from a company owned by the official's son. As a result of the articles, the mayor of Yaroslavl fired the senior official and a number

of lawsuits were brought against Zolotoye Koltso, though municipal judges found in favor of the newspaper. Nevinityn--and, privately, other witnesses--stated that the man who brutally beat him was the son of the fired official; however, the witnesses were reluctant to come forward. As a result, no formal investigation of the beating was initiated and no one was charged with the crime.

On May 27, police raided the offices of Radio Titan, the only independent radio station in the Republic of Bashkortostan, and arrested its manager and news director, Altaf Galejev. The police also rounded up and beat staff members and supporters. The police assault on Radio Titan came in the wake of the station's airing of interviews with three opposition candidates for president of the republic who had been banned from participating in the June 14 elections. Police also seized the station's equipment and detained the entire staff before releasing them the next day. Galejev still is being held for "hooliganism" and "illegal use of firearms" for firing several shots in the air with a handgun when police stormed the radio's offices. Two days earlier, Radio Titan had quoted several Moscow-based newspapers that alleged corruption on the part of Bashkir President Murtaza Rakhimov. Radio Titan staff members maintained that as a result of these and other similar broadcasts, local authorities had made several attempts to silence the station by shutting off the electricity, telephone lines, and water supply.

In June Larisa Yudina, editor of the Sovetskaya Kalmykia Segodnya opposition newspaper, was killed, apparently in retaliation for investigating reports of corrupt business practices by regional officials (see Section 1.a.). She disappeared on June 7. On that day she had been planning to meet a source who had promised to give her evidence of financial improprieties by local firms involved in an effort by Kalmyk president Kirsan Ilyumzhinov to set up an offshore economic zone in the republic. On June 8, she was found dead with multiple stab wounds and a fractured skull. For years Yudina had been harassed and threatened because of her exposes of local corruption and opposition to the hard-line rule of president Ilyumzhinov. Before her death, Yudina's application for press credentials had been rejected; she had been fired from her position; and her automobile had been confiscated. For several years, Yudina had been forced to print her newspaper in a neighboring oblast after president Ilyumzhinov allegedly prohibited local printing presses from publishing it. The investigation continues. The Russian procurator arrested four individuals in connection with the murder. Two of the suspects had close ties to President Ilyumzhinov. One of those arrested was Ilyumzhinov's personal representative in Volgograd. Officials in the republic denied any involvement in the murder. Yudina's death triggered a widespread reaction in Russian and international media and human rights circles, and it was perhaps the most widely publicized case in a year replete with assaults on journalists.

On August 21, Anatoliy Levin-Utkin deputy editor of the St. Petersburg weekly, Yuridichesky Peterburg Segodnya, was beaten to death in apparent reprisal for his work as a journalist. Levin-Utkin also was robbed of his money and his briefcase, in which he was carrying materials that he had gathered for the next installment of a series of investigative articles on rivalries between major local financial and political figures. The local procurator's office investigated the murder, but by the end of September, there were no arrests. Many observers believe that the killing was directly related to the investigative work Levin-Utkin was undertaking; the customs service and the secret services were subjects of his research.

Journalists maintained and strengthened associations to defend their rights and monitor governmental abuse.

Murmansk human rights activist Oleg Pazyura was arrested in May 1997. He was charged with libel, contempt of court, and threatening public officials. At his trial in January, Pazyura was found guilty, but the judge immediately granted him amnesty (see Section 4).

In 1997 the Editor in Chief and a correspondent of the Irkutsk paper, Zemlya: Novyy Poryadok, were

accused of accepting a bribe of \$20,000. These individuals were subsequently released on grounds of insufficient evidence. Reportedly new incriminating evidence emerged during the year, and the two are once again under the threat of arrest. Some observers of the case stated that the charges represented an attempt by local authorities to trump up charges in order to suppress the ultranationalist activities of the newspaper for which the two journalists worked. The matter remained unresolved at year's end.

Communist members of the Duma attempted to deflect public outcry over their anti-Semitic statements by blaming the broad condemnation that they received on a smear campaign by the media (see Section 5). At a November 5 joint press conference at the Duma with Communist Party leader Gennadiy Zyuganov, the head of the Moscow Municipal Committee of the Communist Party, Aleksandr Kunayev, publicly called for a campaign against Moscow-based television journalists whom he accused of "active and conscious complicity with the present regime and criminal activities." He declared that he would seek the resignation of a number of leading television journalists.

In 1997 Duma Deputy Vladimir Zhirinovskiy, leader of the Liberal Democratic Party of Russia (LDPR) faction, and his bodyguards physically attacked Moscow television journalist Yulia Olshanskaya and Valeriy Ivanov, a cameraman from the 2X2 television channel. As of the end of 1997, the case against Zhirinovskiy's bodyguards was still pending. During the year, the case was dropped; no one was prosecuted for the beatings.

Violations of journalists' rights in Chechnya, rampant in 1997, decreased markedly during the year, according to the Glasnost Defense Fund. Nonetheless a number of serious abuses were reported. For example, the Maskhadov Government took actions against opposition television stations. In May acting prime minister Shamil Basayev ordered the confiscation of transmitter equipment used by opposition leader Salman Raduyev. The Chechen authorities tried to restrict reporting critical of President Maskhadov's administration.

On July 22, authorities in the republic of Chechnya declared a "state of emergency" and banned the activities of all non-Chechen state television and radio companies and newspapers and magazines. During the state of emergency, only state-owned television channels were permitted to broadcast programs. The authorities announced that they would strip the broadcast rights and confiscate the equipment of any media organization that attempted to violate this order. A Chechen military official explained that the decision to close down the independent media was taken because these media spread "unreliable and often provocative and biased information," which destabilized the social and political situation in the republic.

The Government respects academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides citizens with the right to assemble freely, and the Government respects this right in practice. Organizations must obtain permits in order to hold public meetings. The application process must begin between 5 and 10 days before the scheduled event. Citizens freely and actively protested government decisions and actions. Permits to demonstrate were granted readily to both opponents and supporters of the Government.

In April students in Yekaterinburg had a permit to demonstrate against cuts in student subsidies, yet when the crowd left the designated protest site and marched to the oblast administration building it was met by special OMON militia units who beat demonstrators with clubs. Fourteen students required minor medical treatment, and a militia member was injured seriously (see Section 1.c.).

The Constitution provides for freedom of association, and the Government respects this right in practice. Public organizations must register their bylaws and the names of their leaders with the Ministry of Justice. In 1995 a registration law was passed specifying that organizations had until 1999 to reregister.

In addition to submitting their bylaws and the names of their leaders, political parties must present 5,000 signatures and pay a fee to register. The Constitution and the Law on Elections ban the participation in elections of organizations that profess anticonstitutional themes or activities.

### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, although the Constitution also provides for the equality of all religions before the law and the separation of church and state, in practice the Government does not always respect the provision for equality of religions.

In December 1990, the Soviet Government adopted a law on religious freedom designed to put all religions on an equal basis. (After the breakup of the Soviet Union, this law became part of the Russian Federation's legal code.) The law forbade government interference in religion and established simple registration procedures for religious groups. Registration of religious groups was not required, and some evangelical and other religious groups have continued to operate while choosing not to register officially with the Government. However, by registering groups obtained a number of advantages, for example, the ability to establish official places of worship or benefit from tax exemptions.

During the early and mid-1990's, the sharp increase in the activities of well-financed foreign missionaries disturbed many sectors of society, particularly nationalists and many members of the Russian Orthodox Church, some of whom advocated limiting the activities of what they termed "nontraditional" religious groups and what were sometimes called "dangerous" or "totalitarian" sects.

In October 1997, the Government enacted a new, restrictive, and potentially discriminatory law on religion, which raised questions about the Government's commitment to international agreements honoring freedom of religion. Passage of the law prompted concern in the international community, because for the first time since the break-up of the Soviet Union, the Government had adopted legislation that could abridge fundamental human rights. This law replaced the progressive 1990 religion law that had helped facilitate a revival of religious activity.

The new law ostensibly targeted so-called "totalitarian sects" or dangerous religious cults. However, the intent of some of the law's sponsors appears to have been to discriminate against members of foreign and less well-established religions by making it difficult for them to manifest their beliefs through organized religious institutions.

The law is very complex, with many ambiguous and contradictory provisions. On its face the law creates various categories of religious communities with differing levels of legal status and privileges. The law draws distinctions between religious "groups" and "organizations," two mutually exclusive registration categories, and creates two categories of organizations: "regional" and "centralized." A religious "group" is a congregation of worshipers that does not have the legal status of a juridical person, meaning that it cannot open a bank account, own property, issue invitations to foreign guests, or publish literature, among other things. Groups are permitted to rent public spaces and hold services. Moreover, the law does not purport to abridge the rights of individual members of "groups." For example, a member of a religious group could buy property for the group's use, invite personal guests to engage in religious instruction, and import religious material. However, in this case, the group would not enjoy tax benefits

and other privileges extended to religious organizations, such as proselytizing.

The most controversial provisions are those that limit the rights, activities, and status of religious groups existing in Russia for less than 15 years. Groups that have been in existence for 15 years have the right to obtain the status of "local religious organizations." Similarly, congregations that existed for 15 years when the new law was enacted also are eligible for registration as an organization. Organizations, both local and centralized, are juridical persons, enjoy tax exemptions, and are permitted to proselytize, establish religious schools, host foreign religious workers, and publish religious literature.

Under the the 1997 religion law, representative offices of foreign religious organizations are required to register with state authorities, and they are barred from conducting liturgical and other religious activity unless they have acquired the status of a group or organization. Although the law officially requires all foreign religious organizations to register, in practice foreign religious representatives' offices (those not registered under Russian law) have opened without registering or have been accredited to a registered Russian religious organization. However, these representative offices cannot carry out religious activities or have the status of a religious organization.

A "centralized religious organization" can be founded by a confession that has three functioning "local organizations" in different regions. A centralized organization apparently has the right to establish affiliated local organizations without adhering to the 15-year rule. In implementing this provision, the Government has extended this definition to include "a registered centralized managing center." Centralized organizations also have been accorded the right to organize affiliated local organizations, which themselves do not comply with the 15-year rule.

Critics of the law have claimed that it violates the Constitution's provision of equality before the law of all confessions. In particular, many religious groups criticized the law's requirement that religious groups be in existence for 15 years before they can qualify for "organization" status. Also, many groups feared the consequences of the law's provisions limiting the actions of foreign religious missionaries. Representatives of some religions, such as the Mormon Church and some Pentecostal and Charismatic Christian groups, have said that their activities in Russia could be halted under the law. Critics of the have also expressed concern that local authorities could abuse the new law by interpreting and implementing it more strictly than intended by the Federal Government.

Between February 12 and June 3 the Government issued three sets of regulations governing implementation of the new law. While providing procedural guidelines for registration, the regulations fail to clarify many key definitional points in the law.

International and well-funded Russian religious organizations, in particular, began the reregistration process soon after the publication of the regulations governing reregistration. Russian Pentecostal groups, which have a solid and growing network of churches throughout the country, sought guidance from the Ministry of Justice on reregistration as early as November 1997. One of the larger organizations, the Russian Unified Fellowship of Christians of the Evangelical Faith (which traces its origins back to the early 1900's) reregistered as a centralized religious organization by late March. It has since incorporated many smaller, newer Pentecostal groups within its structure. As of the end of July over 26 confessions had reregistered at the federal level, including the Apostolic Administration of Latin-rite Catholics, the Church of Jesus Christ of Latter-Day Saints (Mormons), and the Seventh-Day Adventists. Some religious groups were reregistering successfully at the local level by year's end. The delay in reregistration is due in part to the slow pace at which the federal Ministry of Justice has disseminated the regulations and guidelines to local authorities. It also is due to the fact that smaller, minority confessions sometimes fear the registration process. Many of the 89 regions' laws and decrees on religion contradict federal law; presumably they would have to be changed. In the meantime, many

local religious organizations continue to try to seek means of affiliating themselves with centralized organizations or confessions that can meet the 15-year rule and provide a protective legal cover. However, some individual local churches, citing their theological and administrative independence, are reluctant to make themselves part of a larger organization. Under the new system, such religious communities face considerable legal disadvantages.

President Yeltsin and other high-ranking Russian officials have stated consistently that the law would be applied in a liberal, tolerant manner, thereby preserving religious freedom and the equality of confessions. They insist that no mainstream religion already operating in Russia would see its activities curtailed as a result of the new law. Although the full effect of the law on minority confessions or religions considered nontraditional may not be clear until the end of 1999, the time before which organizations registered under the old law are required to obtain new registration, no religious organization has ceased operations as a result of the law. However, despite the federal Government's efforts to implement the law liberally and to provide assurances that religious freedom would be observed, restrictions continued at the local level.

The vagueness of the law and regulations, the contradictions between federal and local law, and varying interpretations furnish regional officials with a pretext to restrict the activities of religious minorities. For example, Jehovah's Witnesses report that local authorities are refusing to register some local Jehovah's Witness organizations, pending resolution of the case against the Moscow Jehovah's Witnesses, under Article 14 of the 1997 religion law. Discriminatory practices at the local level are attributable to the increased decentralization of power, as well as to government inaction and discriminatory attitudes that are widely held in society.

Furthermore, since 1994, 22 out of 89 regional governments have passed restrictive laws and decrees intended to restrict the activities of religious groups. The Federal Government has not sought to challenge the constitutionality of these restrictions. There are reports that some local governments prevented religious groups from using venues, such as cinemas, suitable for large gatherings. As a result, in some instances denominations that do not have their own property effectively have been denied the opportunity to practice their faith in large groups.

As of year's end, some local executive authorities continued to cite the new law or local laws to obstruct religious groups' activities or to rescind their existing local registrations. Reports of harassment and punishment for religious belief or activity continued. For example, in January and February, the Khakasiya Lutheran Church, the Khakasiya Christian Center and the Yaroslavl New Generation Church received orders from local officials to suspend production and distribution of religious videos and publications and religious education. Yaroslavl officials in January refused to register the New Generation Church, previously an unregistered underground church. Local officials cited the new law as the basis for their actions. Some members of these churches reported being fired from their jobs, beaten, and imprisoned for their religious affiliations. Based on a complaint from the Committee to Save Youth From Totalitarian Cults, a Moscow municipal procurator is seeking liquidation of the Moscow Jehovah's Witnesses organization under the 1997 religion law. This is the first proceeding in the judicial branch that attempted to suspend the operations of an existing religious organization at a local level.

The Khakasiya and Yaroslavl cases form the basis of the constitutional challenge to the law on religion, filed with the Constitutional Court in May by the Institute of Law and Religion, an NGO. The petition challenges the constitutionality of the 15-year requirement and the limitations on the rights and activities of confessions that do not meet that requirement. Constitutional Court officials say that the case is under review to determine whether the Court has jurisdiction to hear the case. The Constitutional Court accepted the case for review in November, but a court date had not been set by year's end.

Human rights activists contend that only 15 percent of actual violations of religious freedom are reported. They maintain that most citizens, especially those living in the regions, are still skeptical about the protection of religious freedom and are reluctant to make public complaints due to fear of retaliation. Federal authorities did not take sufficient action to reverse discriminatory actions taken at the local level, or to discipline those officials responsible.

Property disputes are some of the most frequent complaints cited by religious groups. For the most part, synagogues, churches, and mosques have been returned to communities to be used for religious services. The Federal Government has met the requirements of the 1993 presidential decree on communal property restitution, and the decree continues to guide the ongoing process. However, jurisdiction in most cases is at the regional level, and there is no centralized source of information on these cases. Nonetheless, there continue to be reports of religious property that has not been returned. The Moscow Patriarchate has claimed and taken possession of properties owned by other branches of Orthodoxy and, in certain cases, property of other religions. In some property disputes, religious buildings have been "privatized," and there are long delays in finding new locations for the current occupants. Local authorities often refuse to get involved in property disputes, which they contend are between private organizations. Even where state or municipal authorities still have undisputed control of properties, a number of religious communities continue to meet significant obstacles when they request the return of religious buildings or when they seek to acquire land and necessary building permits for new religious structures.

Some Protestant faiths have suggested that the Russian Orthodox Church influences the Government regarding land allocated for churches of other sects. The Jewish community, which has met with some success on communal property restitution, faces the same obstacles as other religious communities and has concerns about the return of Torah scrolls.

In its preamble (which government officials insist has no legal standing), the Religion Law recognizes the "special contribution of Orthodoxy to the history of Russia and to the establishment and development of Russia's spirituality and culture." It accords respect to Christianity, Islam, Buddhism, Judaism, and certain other religions as an inseparable part of the country's historical heritage. Russian Orthodoxy is considered in conservative circles as the de facto official religion of the Russian Federation. Many Russians firmly believe that at least nominal adherence to the Russian Orthodox Church is at the heart of what it means to be Russian.

The Russian Orthodox Church was involved actively in the development of the new Law on Religion and has special arrangements with government agencies to conduct religious education. These arrangements do not appear to be available to other religions. The head of the Moscow Patriarchate, the Patriarch of Moscow and all Russia, participates in most highlevel official events and appears to have direct access to and influence with officials of the executive branch. The traditional view that Russian soil is an exclusively "Orthodox domain" leads to frequent criticism and intolerance of foreign religious groups that proselytize in the country. Many Orthodox Church officials condemn such "sheep stealing" when practiced by other Christian churches. Even well-established foreign religious organizations have been characterized by the Orthodox leadership as "dangerous and destructive sects."

Although Jews and Muslims continue to encounter prejudice and societal discrimination (see Section 5), they generally have not been inhibited by the Government in the free practice of their religion. Other religions, including Buddhism and Shamanism, are practiced in specific localities where they are rooted in local traditions.

At two public Communist Party rallies in October, Duma Deputy and retired General Albert Makashov made blatantly anti-Semitic remarks, threatening to take the Jews "to the next world." In an October 20

newspaper article he blamed the financial crisis on the country's Jews. The Duma's Communists blocked a November 4 motion to censure Makashov.

On December 15, Viktor Ilyukhin, a Communist Party Duma member and Chairman of the Duma Security Committee, accused President Yeltsin of "genocide" against the Russian people, "which would not have been possible if the entourage of Yeltsin and the country's previous governments had consisted basically of members of the native peoples rather than only members of the Jewish nation." In a December 23 statement, Communist Party leader Zyuganov explained his party's position as "anti-Zionist," not anti-Semitic. Jewish groups believe that the Communists are using anti-Semitism as a political tool to build populist support.

The President's administration, the Government, and, in particular, the Russian media reacted immediately to the Communist Party's expressions of anti-Semitism. Communist Party leaders accused the press of conducting a smear campaign and threatened retribution (see Section 2.a.). A December 16 presidential statement delivered to the Duma declared that "any attempt to insult ethnic groups, to limit the rights of citizens on the basis of origin, will be stopped in accordance with the Constitution and the laws of the Russian Federation." On December 30, Yeltsin ordered cabinet officials responsible for law-enforcement issues to prepare a comprehensive federal program against political and religious extremism by March 1, 1999.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides citizens with the right to choose their place of residence freely. However, some regional governments continue to restrict this right through residential registration rules that closely resemble the Soviet-era "propiska" (pass) regulations. Although the rules, which came into effect at the beginning of 1996, were touted as a notification device rather than a control system, their application has produced many of the same results as the propiska system.

Although citizens are free to travel within the country, the Government also imposes registration requirements on domestic travel. All adults are issued internal passports, which they must carry while traveling and use to register with local authorities for visits of more than 3 days (in Moscow it is 24 hours). However, travelers not staying in hotels usually ignore this requirement.

Citizens must register to live and work in a specific area within 7 days of moving there. Russian citizens changing residence in Russia, as well as citizens of former Soviet republics who decide to move to Russia, often face enormous difficulties or are simply not permitted to register in some cities. The UNHCR and refugee rights NGO's have cited Stavropol, Krasnodar, Moscow, and St. Petersburg as being the least open to migrants. The UNHCR reports that the cost of registration is no longer prohibitive. Permanent registration costs only \$0.50 (5 rubles). Temporary registration is renewable every 3 months but costs only \$10 (100 rubles), according to the UNHCR's legal counsel.

While federal law provides for education for all children in the Russian Federation, regional authorities frequently deny access to schools to the children of unregistered persons, asylum seekers, and migrants because they lack residential registration. Similarly, while the Moscow procurator's office has upheld the right of migrants to receive publicly available medical care, unregistered persons, migrants, and asylum seekers frequently are denied these services.

The Government and residents of Moscow and other large cities defend registration as necessary in order to control crime, to keep crowded urban areas from attracting even more inhabitants, and to gain revenue.

The city of Moscow frequently is cited for violating the rights of nonresidents and ethnic minorities as well as the rights of those legitimately seeking asylum. Human rights groups complained in June that City of Moscow authorities were conducting a mass deportation of "undesirables" prior to the July 13 opening ceremony of the World Youth Games.

Mayor Luzhkov has been quoted in the past as calling for the expulsion from Moscow of Chechens and other persons from the Caucasus. Moscow police, particularly special duty OMON units, conduct frequent document checks, particularly of persons who are dark-skinned and therefore appear to be from the Caucasus or elsewhere. Such checks on many occasions have involved police entering residences without warrants. There are many credible reports that police have fined unregistered persons in excess of legal requirements and have not provided proper documentation of the fine.

Mayor Luzhkov signed a resolution in 1996 ordering the deportation of all unregistered persons living in Moscow back to the place where they last were registered to live. City of Moscow authorities have released no figures on the number of individuals who have "voluntarily" departed from Moscow but readily admit that some 20,000 to 25,000 annually are deported against their will. This procedure consists of being taken to special shelters, checked for criminal records, then escorted 100-150 kilometers out of town. The authorities complain that these deportations are only temporary measures because deportees steadily find their way back to Moscow. The resolution was still in effect during the year, and the practice, reportedly often aimed at extorting money, continued.

On February 2, the Constitutional Court again addressed the issue, declaring unconstitutional the most restrictive aspects of the propiska system. It ruled that a city may only "certify the act of the free expression of the will of a citizen" to live there. The city could not "grant permission" or limit where people choose to live, nor could it dictate how long a person could live in a particular place. However, Moscow Mayor Luzhkov stated in a March 11 television interview that he was refusing to implement the Court's decision. He announced that he had instructed the city's police to continue to enforce the old registration regulations. Luzhkov's actions were clearly illegal, as the Constitution states that the Constitutional Court's rulings are final and mandatory for all state officials. On July 20, the Supreme Court made a ruling repealing both temporary and permanent residence permits. Nevertheless, City of Moscow authorities have made clear their intention to oppose the ruling and, by the end of the year, seemed to have persuaded the Federal Government that Moscow merits an exception to such decrees. The federal authorities have demonstrated little enthusiasm for enforcing the court rulings. However, the Moscow City regulations have had little if any impact on the numbers of such persons in Moscow.

The Constitution provides all citizens with the right to emigrate. The Government imposes nominal emigration taxes, fees, and duties. On average it takes 3 months to process a passport application, although it can take much longer if documentation is needed from elsewhere in the former Soviet Union.

Some liberal principles regarding emigration procedures were codified formally in the August 1996 law Concerning Exit from and Entry into the Russian Federation. This law abolished the old Soviet requirement that, in order to emigrate, citizens must receive a stamp permitting "permanent residence abroad" ("PMZH") essentially a propiska for those living outside Russia. The law required the Ministry of Internal Affairs, through its Office of Visas and Registration (OVIR), to establish regulations for eliminating this practice within 6 months of the passage of the law. As of March, the law went into effect and regulations established that exit permission would not be required. However, despite the existence of the law, border guards continued to refuse selectively emigration to those who had not received the stamp.

Another feature of the law is the codification of the legal grounds for denying foreign travel documents to citizens who had access to state secrets. Under the new law, access to such classified material can

occur only with the consent of the citizen, established in the form of a written contract that states that the signatory understands that he has been given access to state secrets and that his ability to travel abroad may be restricted. The law envisions a maximum period of delay under normal circumstances of 5 years, and it grants the interagency Commission on Secrecy the right to add an additional 5-year term to the period of delay if the Commission finds that a person had access to particularly sensitive materials. This latter provision has raised serious concerns among human rights advocates concerned about arbitrary and excessive powers on the part of the Government to restrict foreign travel. However, there were no reports that the provision has been restrictive in practice.

If a citizen had access to classified material, police and FSB clearances are necessary to receive an external passport. Persons denied travel documents on secrecy grounds can appeal the decision to an interagency commission chaired by the First Deputy Foreign Minister (until his promotion in September to Foreign Minister, this was Igor Ivanov--hence the commission commonly is referred to as "the Ivanov Commission"). The Ivanov Commission cannot rule on whether the material should or should not be classified, but it can rule on the legality of travel restrictions imposed and on whether or not the traveler actually had access to materials requiring a travel restriction. Since it was established in 1994, the Ivanov Commission has granted travel permission to approximately 90 percent of appellants.

Other grounds for denial of the right to travel abroad are military conscription or assignment to civilian alternative service (although in fact the Duma has failed to pass legislation implementing the constitutionally provided right to civilian alternative service), being under investigation for or serving a sentence for a crime, evasion of a court-ordered obligation, or providing false information on a passport application. The requirement that citizens satisfy obligations to immediate relatives, such as material support for parents, has been eliminated except for court-ordered obligations, such as alimony payments.

Emigrants who have resettled permanently abroad have been able to visit or repatriate without hindrance. However, visiting emigrants who departed without first obtaining a "PMZH" stamp have been stopped at the border and prevented from departing Russia (though they may enter without difficulty), as they could present neither a nonimmigrant visa to another country nor evidence of permission to reside legally abroad.

The Supreme Court in August overturned two Soviet-era regulations that limited the movement of foreigners within the country. The Court stated that foreigners no longer have to notify police before traveling to another part of the country. In addition, the Court ruled that organizations and private citizens no longer have to report the visits of traveling foreigners. However, the Court left standing the threat of deportations for foreigners who violate registration regulations. Starting in October, the Foreign Ministry no longer required that Russian visas list the cities that foreigners are allowed to visit. President Yeltsin had signed a decree in 1997 that permitted foreigners to move freely around the country regardless of which cities were listed on their visas. However, a few local officials continued to enforce the visa limitation, sometimes denying entrance to foreigners--including missionaries--they considered undesirable. The Federal Government at times intervenes in cases of local noncompliance but only on a case-by-case basis.

In July 1997, President Yeltsin signed the federal law, Concerning Making Changes and Additions to the Law of the Russian Federation Concerning Refugees. This law offers substantially fewer benefits to refugees than the original 1993 law it replaced. The earlier law's fairly generous commitments of resettlement support for refugees had been cited by some observers as discouraging the Federal Migration Service (FMS), which has few resources to meet this obligation, from adjudicating the cases of asylum seekers. With the passage of the new law, the FMS had been expected to expedite its procedures for adjudicating asylum claims. However, this did not occur. In the first 6 months of the year, the FMS granted refugee status to only 44 persons from countries outside the former Soviet Union;

all but one of these persons were from Afghanistan. The UNHCR reported that the FMS still was declining to grant refugee status to qualified individuals, based on its decision that such persons were not refugees. However, the FMS decision making process is considered to be flawed by many NGO's, and UNHCR officials consider many of those refused to be in fact refugees.

The Government cooperates to a limited extent with the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). Both organizations assist the Government in developing a humane migration management system; this includes effective and fair refugee status determination procedures. The UNHCR recognizes some 30,000 asylum seekers who originate from outside the territories of the former Soviet Union.

At year's end according to the UNHCR, the Government granted first asylum in only 323 cases since 1994 to persons from outside the former Soviet Union (including the Baltic states); all but 7 of those individuals were from Afghanistan. By contrast, the comparable figure for former citizens of the Soviet Union (mainly ethnic Russians) granted refugee status by the FMS is 172,925. The Government acts more expeditiously for the latter group and applies a more lenient standard.

Despite some progress by the regional branches of the FMS in adjudicating non former Soviet Union asylum claims, there are still major concerns about the ability and willingness of the Moscow office to process asylum seekers from outside the former Soviet Union. Human rights organizations claim that this lack of progress is part of intentional efforts by the authorities to rid the city of foreign asylum seekers. Local legislation in Moscow, St. Petersburg, Rostov, and other major population centers prohibits the settlement of refugees within these cities.

There were unconfirmed reports that the Russian Federal Migration Service has attempted to have asylum seekers unwittingly sign an "application form," supposedly to extend the validity of their registration documents but which instead renounces their claims for asylum in the Russian Federation.

A large number of workers and students from Africa and Asia, who came to work or study in accordance with treaties between their countries and the former Soviet Union, remain in Russia. The Government has not deported them but encourages their return home. Their numbers have increased in recent years due to the recent arrival of persons seeking refugee status.

The UNHCR and Amnesty International are working with the FMS and border officials to ensure that interviews of potential refugees are conducted in a timely fashion, that the UNHCR is allowed access to potential refugees in airport transit lounges, and that deportations of potential refugees are delayed until cases are adjudicated. Despite these efforts, it appears that the Government is more concerned with creating a disincentive for future asylum seekers from outside the territory of the former Soviet Union than with meeting its international obligations.

The case of Sheremetyevo 2 airport is one example. The physical layout of the airport hinders an individual from exercising his right to claim asylum. The FMS established a Point of Immigration (PIC) at Sheremetyevo 2 in 1996. PIC officials are responsible for processing requests for refugee status. The PIC office is located outside the transit zone. No PIC or UNHCR phone number is listed in the transit zone nor is any other information provided that would assist an asylum seeker. Undocumented travelers are not allowed to leave the transit zone and often are returned to the carrier on which they entered the country. Legally bound to provide food and emergency medical care for undocumented travelers, the airline returns them to their point of departure as quickly as possible. (Airlines are fined if an undocumented passenger is admitted to Russia, but not if returned to the country of origin.) Human rights organizations allege that Aeroflot deports hundreds of asylum seekers. In cases where asylum

seekers from Sheremetyevo 2 have accessed the PIC, FMS officials reportedly never have granted an individual refugee status. Deportations of those waiting for a decision on their cases have been documented by the UNHCR.

In May an Iraqi Kurdish refugee, who was registered with the UNHCR, reportedly was repatriated forcibly to Iraq.

In the past, the UNHCR has had limited access to the transit areas of Moscow's airports. Access to the Sheremetyevo 2 transit lounge eased somewhat in October 1997 but remains sporadic.

Armenians evacuated from Baku in the wake of late 1980's ethnic violence are recognized as refugees, although their credentials require annual renewal. The vast majority of those evacuated either have emigrated from Russia or found some way to live in Russia. However, a group of about 1,400 to 2,000 still are housed in the "temporary quarters" assigned after the evacuation, usually in Moscow hotels or workers' dormitories in the greater Moscow area. They are unable to return to Azerbaijan and are not accepted by Armenia. Since they lack residency permits for Moscow, they cannot apply legally for work and effectively are denied the ability to register their children for public schooling. They have declined offers of Russian citizenship on the grounds that they would lose even the meager benefits they presently receive (although such a step would allow them to establish legal residence, seek work, and apply for benefits such as foreign travel passports). They also have rejected offers of relocation to other regions of Russia because they allege that the alternative residences they are offered frequently are not habitable, still are occupied by others, or simply do not exist. Their situation remains precarious as the formerly state-owned hotels in which many reside are privatized and the new owners exert financial and other pressure on them to depart. A number of eviction orders already have been served in such cases. The courts are required legally to appoint a new residence, but have been uneven in meeting this requirement.

The Constitution states that the Russian Federation does not permit the extradition to other states of persons who would be persecuted there for their political beliefs or for their actions (or inactions) that are not considered a crime in the Russian Federation. However, in the past there were instances in which opposition figures were deported to countries of the former Soviet Union to face charges that were political in nature. Under the 1993 Commonwealth of Independent States Convention on Legal Assistance in Civil, Family, and Criminal Affairs, persons with outstanding warrants can be detained for periods of up to 1 month while the Procurator General investigates the nature of outstanding charges against the detainee. This system is reinforced informally but effectively by collegial links among senior law enforcement and security officials in the various republics of the former Soviet Union. Human rights groups allege that this network is employed to detain opposition figures from the other former Soviet republics without actual legal grounds.

### **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

The Constitution provides citizens with the right to change their government, and citizens exercise this right in practice.

The Federal Assembly comprises two chambers. The lower chamber, the State Duma, consists of 450 deputies, half elected in single-mandate constituencies, half by party lists. In the 1995 parliamentary elections, 43 political blocs appeared on the ballot. The upper chamber, The Federation Council, has 178 members--the 89 chief executives of regional administrations and the 89 chairpersons of regional legislatures, all of whom are elected popularly. The Constitution provides the President and the Prime Minister with substantial powers which they used to dominate most areas of administration and day-to-

day policy making and to limit the independence of the judicial branch. However the opposition of a majority in the Duma has checked administration initiatives in a number of areas, including basic changes in property ownership and legal reform.

A democratic election for the President of the Russian Federation took place in 1996 for the first time in the history of Russia as an independent state. President Yeltsin was reelected in a generally free and fair election.

In 1998 the State Duma amended the law On the Basic Guarantees of Electoral Rights and the Right of Citizens to Participate in a Referendum (Voting Rights Act) and the federal law on public associations. These amendments clarify which political public associations may participate in elections; add restrictions on preferential media coverage, donations, and financial or material support from foreign entities for campaign related activities; introduce measures to reduce the number of noncompetitive political parties and candidates on the ballot, such as financial deposits and other financial penalties alongside signature-collection provisions; increase the level of information available to voters about candidates' financial and criminal history; introduce provisions allowing multicandidate constituencies; and add other provisions affecting federal level and regional level elections and referendums.

Changes to the Voting Rights Act affect legislation on both the federal and regional levels of the Russian federation. The regionally oriented Federation Council continued to express its dislike for the level of detail in the law, but its veto was overridden by the State Duma in September 1997. In June the Constitutional Court ruled against a complaint brought by the Federation Council that alleged that the Voting Rights Act contradicts the federal Constitution by not allowing the regions the right to adapt electoral procedures unique to their situations. The Constitutional Court also is expected to rule on Voting Rights Act provisions that pertain to holding referendums, which may compel lawmakers to reconsider the law.

Elections to local and regional offices continue to be marred in some cases by interference from federal authorities and less than democratic practices by incumbent governors. For example, President Yeltsin and former First Deputy Prime Minister Boris Nemtsov expressed dissatisfaction that an ex-convict suspected of embezzling a federal loan had been elected mayor of the country's third largest city. The local election commission in Nizhniy Novgorod canceled the results of the city's mayoral election under pressure from federal authorities. Mayor-elect Andrey Klimentyev had served a 9-year prison term during the Soviet era, and was at the time of the election under investigation for embezzling \$2 million (20 million rubles) of a federal loan. Following the cancellation of the election results, Klimentyev was arrested, convicted, and sentenced to a 6-year prison term; he was not allowed to run in the new elections, which took place on September 27.

The reelection of Murtaza Rakhimov as president of Bashkortostan also drew criticism. Only one minor alternative candidate was allowed to run, while two major opposition candidates were denied registration by the regional Subject Election Commission (SEC), despite a Supreme Court decision to reinstate them. News sources reported that the electorate voiced its dissatisfaction with a 17 percent vote "against all candidates." In the capital city of Ufa, this vote was nearly 35 percent. Both of the candidates denied registration contested the election results in the Supreme Court. According to various news sources, they argued that the elections were called early illegally, that regional-level legislation violated federal legislation, and that the Bashkiria SEC illegally denied them registration. However, federal authorities rarely try to enforce their own decisions in the regions; often they are unable to do so. Although the Central Election Commission is investigating the case, it has no legal power to make or enforce any binding decisions related to regional-level elections.

In 1997 gubernatorial elections were held in 13 federation regions. Some of these elections were

complicated by extensive residence requirements, age requirements, or local language requirements in federal republics, which the Central Electoral Commission (CEC) has ruled to be illegal. The OSCE monitored the 1997 elections in the breakaway republic of Chechnya and found them to reflect the will of the voters. The Russian Government recognized the election of Aslan Maskhadov as republic President.

Women are underrepresented in government and politics. In the December 1995 elections, 46 female deputies were elected to the 450-member Duma, a decrease from the 58 female deputies in the Duma elected in 1993.

#### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Many domestic and international human rights groups operate freely. Most groups investigated and publicly commented on human rights issues, generally doing so without government interference or restrictions. However, some local officials harassed human rights monitors, going so far as to arrest and convict them (See Section 1.d.). In 1998 Human Rights Watch again criticized the Procurator General's response to these incidents. Several NGO's are headquartered in Moscow and have branches throughout the country. Some of the more prominent human rights organizations are the Moscow Center for Prison Reform, the Society for the Guardianship of Penitentiary Institutions, the Glasnost Public and Defense Funds, Memorial, the Moscow Research Center for Human Rights, the Soldiers' Mothers' Committee, the Mothers' Rights Foundation, and the Moscow Helsinki Group. Several of these groups are recognized by government and legislative officials for their expertise in certain fields, and such groups participate (with varying degrees of success) in the process of drafting legislation and decrees.

Various types of regionally based human rights groups are being established. Socioeconomic rights groups are the most numerous and monitor issues such as unpaid wages and benefits. There are fewer civil-political rights groups, but according to one NGO, Memorial, these are growing in number. These groups include "generalist" organizations that cover the range of human rights issues and "specialist" organizations that cover only one issue. Public legal centers have been formed, due to the critical lack of legal advice that is available to the general public. These centers usually are run on a part-time basis by lawyers who, while they cannot afford to offer trial counsel or actual legal work, offer advice at no cost on legal rights and recourse under the law.

Regional groups, which generally receive little if any international support or attention, reported that local authorities have obstructed their work and that law enforcement officers have begun criminal investigations based on fabricated charges against certain regional human rights groups' leaders (see Section 1.d.). With these exceptions, criticism of the Federal Government and regional authorities usually is permitted without hindrance. The threshold appears to be criticism of a specific political leader in the region (usually the governor or a senior law enforcement official). Regional human rights advocates have been charged with such offenses as libel, contempt of court, and interference in judicial proceedings, along with other crimes, in cases with distinct political overtones (see Section 1.d.). Local human rights groups have far fewer opportunities to interact with legislators in developing legislation than their Moscow counterparts; some are excluded from the process entirely by local authorities.

The importation of copies of the NGO report "Russia's Northern Fleet: Sources of Radioactive Contamination," authored in part by former Naval Captain Aleksandr Nikitin (see Section 1.d.), still is blocked by the FSB. Copies of the report in English and Norwegian are available on the Internet through Russian providers, but the Russian version is blocked out. Bellona Foundation employees continue to experience difficulties when applying for visas to enter the country, a situation that the Government has declined to explain fully (see Section 1.d.).

Murmansk human rights activist Oleg Pazyura was arrested in May 1997. He was charged with libel, contempt of court, and threatening public officials. At his trial in January, Pazyura was found guilty, but the judge immediately granted him amnesty (see Section 1.d.).

Because of the risk of kidnaping and other criminal attacks (see Section 1.b.), NGO's largely have withdrawn from Chechnya since the murder of six International Committee of the Red Cross personnel in 1996. Chechen authorities generally have discouraged NGO's from returning to Chechnya, although the motive for such discouragement appears to be based more on security concerns than unwillingness to submit to nongovernmental human rights monitoring.

In 1996 the Glasnost Defense Fund established an "International Intergovernmental Tribunal on Crimes Against Humanity and War Crimes in Chechnya," to conduct investigations and forward its findings to the Procurator General, the Council of Europe, and the European Court of Human Rights. The Tribunal's members include prominent human rights activists from throughout the world. Results of its deliberations have not been released publicly.

The Government's human rights institutions lack independence. The President's Human Rights Commission is composed primarily of government officials (unlike the 1993-96 commission under Sergey Kovalev, which included a large number of human rights activists). Some human rights groups continued to complain that the Commission's focus has changed from advocacy of human rights to defending the Government's policy. Commission Chair Vladimir Kartashkin has indicated to the press that his role is mainly consultative and investigatory, without powers of enforcement. The Commission examined and was often critical of the Government on issues such as prison conditions, human rights violations and amnesties in Chechnya, and human rights in the military, and was involved in the planning of "Human Rights Year" for 1998. While the Commission addressed these and other issues throughout the year, it cannot yet be determined whether or not the Commission's work has delivered concrete results.

The constitutional law establishing the position of a human rights ombudsman entered into force in March 1997. The law establishes a two-stage election process in selecting a human rights ombudsman. To be on the slate of candidates, a nominee must receive support from two-thirds of the Duma. Deputies can vote for multiple candidates. The ombudsman then is selected from the candidates by a simple majority. Despite language in the law requiring an ombudsman to be elected by the Duma within 30 days after the law's promulgation, the Duma was unable to agree on a candidate throughout 1997. The Duma finally approved the candidacy of Duma Deputy Oleg Mironov on May 22. A member of the Communist Party, Mironov resigned from both the Party and the Duma after the vote, citing the law's stipulation that the Ombudsman be nonpartisan. Because of his party affiliation, and because Mironov had no evident expertise in the field of human rights, his appointment was widely criticized at the time by human rights activists. One liberal Duma deputy termed the appointment "a slap in the face to the entire human rights movement." Mironov's appointment largely was seen as part of a larger deal-making process involving a number of committee posts in the Duma. In his statements to the press, Mironov, a constitutional law professor and a former police investigator from Saratov, tended to focus on violations of socioeconomic rights, such as wage arrears. On July 5, Mironov told journalists that his office had received 3,000 complaints over the preceding month. On July 24, Mironov and Procurator General Yuriy Skuratov signed an agreement to cooperate to eliminate human rights violations committed against prison inmates, citizens involved in criminal investigations, and workers. The two also agreed to conduct joint actions to monitor possible violations of citizens' rights in the regions.

In 1996 President Yeltsin signed a decree entitled "On Certain Measures of State Support for the Human Rights Movement in the Russian Federation," which called for a high degree of coordination between federal structures and the human rights community. Specific measures laid out in the decree included the

creation of three entities: An interregional human rights center to coordinate human rights activities; a human rights training center; and a center to publish human rights literature. In addition, regional administrations were instructed to establish bodies analogous to the federal Human Rights Commission. Progress on establishing the bodies has been slow, and there were some reversals during the year. In direct contravention of the 1996 presidential decree, new governors elected in Pskov, Irkutsk and Chelyabinsk abolished the commissions that had been working effectively in their regions. By September there were 58 commissions, compared with 66 in 1997. Of those, only 8 to 10 are working effectively, according to the Moscow Helsinki Group, compared with 12 effective commissions in 1997.

In 1996, President Yeltsin established by decree a Political Consultative Council (PCC) to assist in the creation of a legal framework for economic and political reforms with 12 standing chambers, including a human rights chamber, headed by Duma Deputy Valeriy Borshchev, and a legal chamber, headed by Boris Zolotukhin, a former Duma Deputy. The PCC meets monthly. The Human Rights Chamber includes representatives of the various Duma factions as well as 10 members of the human rights NGO community. The Chamber has held hearings on issues such as conditions in the nation's prisons, the situation of refugees, and freedom of conscience. The Chamber's hearings on a variety of human rights areas have given greater public exposure to such problems. However, human rights organizations criticize the Government for being unresponsive to the Chamber's recommendations. Groups point out that the Chamber itself has not been responsible for any significant human rights improvements or legislation.

In April 1997, President Yeltsin signed a decree declaring that, in recognition of the 50th anniversary of the Universal Declaration of Human Rights, 1998 was to be the Year of Human Rights in the Russian Federation. A committee was established to make preparations for the year under the chairmanship of Human Rights Commissioner Kartashkin. The committee's membership was broadly representative of the human rights community. One stated goal was to establish programs in human rights education. However, the Government budgeted only a small amount for commemoration of the year of human rights, which meant that much of the committee's action plan was not realized.

In April Parliament ratified the European Convention on Human Rights. (Russia had undertaken to ratify the Convention when it joined the Council of Europe in 1995.) Accession to the accord enables citizens to file appeals to the European Court of Human Rights (ECHR) about alleged human rights violations. However, only alleged violations committed after Russia's formal accession to the Convention can be addressed to the ECHR. In addition, prospective complainants first must exhaust all appeals in Russian courts before they can turn to the European Court.

## **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

The Constitution prohibits discrimination based on race, sex, religion, language, social status, or other circumstances. However, both official and societal discrimination still exist.

### **Women**

Domestic violence remains a major problem, as victims rarely have recourse to protection from the authorities. Police frequently are reluctant or even unwilling to involve themselves in what they see as purely domestic disputes. Many women are deterred from reporting such crimes because of this and because the housing system makes it difficult either to find housing outside the family dwelling or to expel an abusive spouse, even after a final divorce action. The underlying problem that remains is the fact that much of society, including some leaders in the human rights community, do not acknowledge domestic violence as a problem, or do not believe it to be an area for concern outside the family.

According to a December 1997 Human Rights Watch report, the Government reported that almost 11,000 women reported rape or attempted rape in 1996. In September Human Rights Watch's Europe researcher for women's rights estimated that only 5 to 10 percent of rapes are reported to police. Human Rights Watch further reported that Yekaterina Lakhova, President Yeltsin's adviser on women's issues, estimated in 1997 that 14,000 women are killed by husbands or family members each year. However, Human Rights Watch notes that these statistics underestimate the extent of the problem, due to the underreporting of these crimes by victims. In 1996 the MVD estimated that 80 percent of violent crimes occurred in the home.

Hospitals and members of the medical profession provide assistance to women who have been assaulted. However, some doctors are reluctant to ascertain the details of a sexual assault, fearing that they may be required to spend long periods in court. While noting that the Government had begun to address the seriousness of the problem of violence against women, the 1997 Human Rights Watch report criticized the Government for failing to afford victims of violence "the protection of the law." The report also criticized law enforcement officials for not ensuring effectively that incidents of violence against women are investigated and prosecuted and for sometimes obstructing their investigation and prosecution. The report further noted that the discrepancy "between the law as written and the law as applied" demonstrated the Government's "failure to fulfill its international human rights obligations." The report also criticized the Duma for its "seriously flawed" drafting of a law on family violence. It noted that many women's groups had faced considerable difficulty in gaining access to and commenting on drafts of the law. There are only 32 women's crisis centers in the country, and there are only a few shelters for battered women.

In October the Russian Government cosponsored an international conference on domestic violence against women, the first conference on this subject in the country. Conference participants discussed the root causes of domestic violence and cooperation among NGO's, academics, and government officials to address the problem.

Particularly because of lack of adequate employment opportunities, a significant number of women are victims of international trafficking for sexual exploitation. Reliable statistics on the number of women involved are difficult to obtain. NGO's allege that Russian organized crime is increasingly involved in trafficking in women and children, but reliable data are not available. Often, women respond to advertisements promising wellpaying jobs abroad, where they are forced into prostitution. The Global Survival Network, an international NGO, completed a comprehensive 2-year study of trafficking in the former Soviet Union in 1997. The study concluded that most women being trafficked are unwitting participants who respond to advertisements while searching for legitimate work. Some government officials and law enforcement agencies acknowledge that a trafficking problem exists. However, the belief that women are aware of the risks involved is still pervasive. NGO's charge that exploited women are commonly refused help by Russian consular officials abroad.

There is credible evidence that women encounter considerable discrimination in employment. At a 1996 Duma-sponsored roundtable, representatives of 53 women's associations appealed to the Duma to improve the legal status of women by creating a council to assess all draft legislation to ensure that it provides for equal opportunities for women and men. In their appeal to the Duma, the women's associations' representatives raised their concerns that women form a disproportionately high percentage of the officially registered unemployed, that women are discriminated against in hiring and firing, that the differences between the salaries of men and women had increased sharply, and that few women attain senior positions. Conditions have not improved significantly since the hearings were held.

Human Rights Watch in 1996 accused the Government of participating in discriminatory actions against women, contending that the Government seldom enforces employment laws concerning women.

Employers prefer to hire men, thereby saving on maternity and child care costs, and avoiding the perceived unreliability that accompanies the hiring of women with small children. In 1996 a change in the Labor Code prohibited women between the ages of 15 and 49 from being hired for jobs that are considered to be harmful to their health, including working on the night shift. Many of these jobs pay more, allow early retirement, or both. Women continue to report cases in which they are paid less for the same work that male colleagues perform. Moreover, women have reported sexual harassment in the workplace, with employers frequently requesting female employees "without complexes," meaning that they should be receptive to liberties taken by their employers.

Job advertisements often specify sex and age groups, and sometimes physical appearance as well. The Government does not collect statistics on wages or income by sex; however, women's average incomes generally are estimated to be significantly below average male incomes. Professions dominated by women are much lower paid than those dominated by men. Moscow human resources managers privately admit that discrimination against women in hiring is common. Unemployment, at 13 percent of the work force at year's end, also disproportionately affects women.

## **Children**

The Constitution assigns the Government some responsibility for safeguarding the rights of children. The State endeavors to provide, within its limited means, for the welfare of children.

A new family code regulating children's rights and marriage and divorce issues came into effect in 1996. Although the President has stated that government policies to improve the situation of children were a top priority, the Government had not begun any significant programs in this area by year's end. Many Moscow charitable organizations have established productive relations with the city government to address the needs of disabled children, as well as other vulnerable groups.

The position of many children has deteriorated since the collapse of communism because of falling living standards, an increase in the number of broken homes, and domestic violence. According to press reports, 40 percent of all children live below the poverty line. In 1995 Duma Deputy Mariya Gaydash stated that 2 million children under 14 years of age suffer from physical or mental abuse, with as many as 200,000 dying each year from injuries received at home, usually from parental abuse or neglect. About 50,000 children run away from home each year, Gaydash asserted, and 2,000 commit suicide. Children on the street often become dependent on illegal narcotics. To combat the growing number of children being abducted, police organizations are establishing programs to protect children.

In August a group of prominent Russians signed an appeal calling on the President to take "energetic measures" to help the country's homeless children, estimated to number between 1 and 2 million, including some 60,000 each in Moscow and St. Petersburg. (The Russian Red Cross puts the figure for Moscow at 50,000.)

The most vulnerable groups of children in society are orphans and the mentally disabled, who often are given up by their parents to state-run institutions. Human rights activists allege that children in state institutions are poorly provided for (often because funds are lacking) and in some cases are abused physically by staff.

In September a Moscow orphanage director convicted of repeatedly raping the children in his care over a 3-year period was pronounced clinically insane by the judge trying the case. The judge ruled that the director, who ran the small Alpha orphanage in Moscow, would not serve a prison sentence. Prosecutors had charged that the director had raped at least five girls (then between the age of 12 and 13) in his care

between 1993 and 1996. They also said that he regularly had beaten at least three boys at the orphanage with metal rods.

Human Rights Watch released in December "Abandoned to the State," a highly critical report that documented the dismal conditions that persist in many, although not all, orphanages. According to the report, children emerge from the orphanage system undereducated, physically underdeveloped, inadequately socialized, and unprepared for life outside an institution. The report contains photographs of severely emaciated children in special state orphanages for the disabled. Being orphaned, abandoned, or disabled is still a serious social stigma in the country, an attitude that profoundly influences how institutionalized children are treated. Many physically or mentally disabled children are considered ineducable, even those with only minor birth defects. According to the report, many disabled children are confined to beds around the clock or to rooms that are inadequately lit, heated, and furnished. The children are given only minimal care by low-paid unskilled workers with no training in the care of the disabled. Boris Altshuler, head of the Moscow Human Rights Research Center's "Rights of the Child" Program, has said that these problems are caused less by funding shortages or malfeasance than by inherent defects in the state orphanage system, which provides little oversight and no formal recourse for orphans who have been misdiagnosed, abused, or neglected.

Some children are improperly diagnosed and evaluated as being either mentally ill or retarded. Facilities to which such children are remanded frequently use unprescribed narcotics to keep children under control. The Moscow Human Rights Research Center's "Rights of the Child" project has called for the establishment of an ombudsman for the rights of children with the power to enter and inspect children's facilities at any time of day or night without advance notification.

There were no reports of children working in violation of labor laws.

Trafficking in children/young girls is a problem, but there are no reliable estimates of its scope.

### **People With Disabilities**

The Constitution does not address directly the issue of discrimination against disabled persons. Although laws exist that prohibit discrimination, the Government has not enforced them. The meager resources that the Government can devote to assisting disabled persons are provided to veterans of World War II and other military conflicts. Special institutions exist for children with various disabilities. The Government does not mandate special access to buildings for the disabled. The NGO Society for the Defense of Invalids is working to broaden public awareness and understanding of issues concerning the disabled.

A 1995 law established a requirement that firms with over 30 employees either reserve 3 percent of their positions for persons with disabilities or contribute to a government fund to create job opportunities for the disabled. The law also removed language defining an "invalid" as a person unable to work. However, the Government has not implemented this law. Some persons with disabilities have found work within factories run by the All-Russian Society for the Disabled, but the majority are unable to work and frequently are discouraged from working rather than subsisting on social benefits.

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### **Indigenous People**

Until its abolition by presidential decree on September 22 (as part of a larger cabinet restructuring), the Moscow-based State Committee for the Development of the North was charged with representing and advocating the interests of indigenous people. With only a small staff, its influence was limited. The Committee's functions were transferred to the new Ministry for Regional Policy, which is directed by the presidential decree to take "into account the need for singling out the most important issues of northern territories" as one of its priorities. Local communities have organized in some areas to study and make recommendations regarding the preservation of the culture of indigenous people. People such as the Buryats in Siberia; the Tatar and Bashkiri in the Urals; the people of the North, including the Enver, Tatarli, and Chukchi; and others have worked actively to preserve and defend their cultures, as well as the economic resources of their regions. In this context, some groups in the far eastern part of the country have criticized the Federal Government for not developing an overall concept for the development of indigenous people. Most believe that they are treated equally with ethnic Russians, although some groups believe that they are unrepresented or underrepresented in regional governments. The principal problems for indigenous people center on distribution of necessary supplies and services, particularly in the winter months for those who live in the far north.

### **Religious Minorities**

Muslims, who comprise approximately 10 percent of the population, continue to encounter societal discrimination and antagonism in some areas where they are a minority.

There are between 600,000 and 700,000 Jews in Russia (0.5 percent of the total population). Jews continue to encounter societal discrimination, and government authorities have been criticized for insufficient action to counter it. There were several isolated reported incidents of major crimes or acts of intimidation linked to anti-Semitic groups or motives during the year. For example, a large bomb exploded at the Marina Roshcha Synagogue in Moscow on May 13. While the blast injured several construction workers at an adjoining construction site, none of the congregants was hurt. A previously unknown anti-Semitic organization proved their responsibility for the act with a videotape provided to television broadcasters. The attack was condemned by President Yeltsin, Moscow Mayor Luzhkov, the Patriarch of the Russian Orthodox Church, and other national leaders. The city of Moscow offered to pay for repairs to the synagogue. However, no arrests have been made in the case. In another incident, 149 graves were desecrated at a Jewish cemetery in Irkutsk in May. Swastikas were painted on the graves. No progress was reported in investigations of several incidents that occurred in 1996.

The ultranationalist Russian National Unity (RNE) paramilitary organization, led by Aleksandr Barkashov, appeared to extend its presence beyond its southern Russian stronghold during the year. Although reliable figures on its membership are not available, it claims a membership of 50,000 in 24 federation chapters. According to various pollsters, the radical movement appears to have won some degree of national name recognition and may enjoy the support of up to 3 percent of the population. RNE "uniformed" members were increasingly visible during the year at political and cultural public gatherings, but their day-to-day visibility on the streets and in public areas of Moscow has not been as obvious.

As an increasingly visible expression of extremism across the country, the activities of the RNE and other extremists prompted government efforts to address the problem of extremism more forcefully. Moscow authorities banned the RNE from convening a congress in December, citing the RNE's lack of credentials as a legally registered public organization (the Ministry of Justice twice has denied the RNE's registration).

Anti-Semitic themes continued to figure prominently in hundreds of extremist publications, and some politicians made anti-Semitic remarks. Communist Duma members Makashov, Ilyukhin, and Zyuganov made anti-Semitic remarks (see Section 2.c.), blamed Russia's Jews for the economic crisis, called for quotas limiting the number of Jews in public office, and claimed that President Yeltsin's entourage is made up only of members of the "Jewish nation." Communist Duma members blocked a Duma motion to censure anti-Semitic remarks. Some Russian Jews believe that these public statements may have contributed to increased societal anti-Semitism.

President Yeltsin has spoken out repeatedly against anti-Semitic and extremist attitudes, including at the September dedication of a new memorial synagogue in Moscow. He said that it was "bitter to see that our own home-grown Fascists have emerged with their racial and national intolerance." Government reaction to the anti-Semitic statements was strong and immediate, in particular from President Yeltsin's administration. A December 16 presidential statement delivered to the Duma declared that "any attempt to insult ethnic groups, to limit the rights of citizens on the basis of origin, will be stopped in accordance with the Constitution and the laws of the Russian Federation." Communist Duma Deputies Makashov and Ilyukhin contributed to a climate of intolerance with their public anti-Semitic remarks. Despite an outcry against Makashov in the mass media, both the Duma and the Communist Party refused to censure him. On December 30, Yeltsin ordered cabinet law enforcement officials to prepare a comprehensive federal program against political and religious extremism by March 1, 1999 (see Section 2.c.).

Another prominent public figure who regularly engaged in anti-Semitic remarks was Krasnodar Kray governor Nikolay Kondratenko. Because of his position, Kondratenko has a seat in the upper house of Parliament. The governor's public speeches in the Kray often contain crude anti-Semitic remarks and stereotypes and blame Jews and alleged Jewish conspiracies for the country's problems. For example, Kondratenko has said that the essence of Russian history is the Russian battle against Jewish domination. He has blamed "Zionists" for the war in Chechnya, for the destruction of the Communist Party, for attacks on the Russian Orthodox Church, and for introducing homosexuality in the country. In addition, there have been credible reports that Kondratenko has urged the firing of Jewish public employees in the region. In July during a tour of the North Caucasus region, Justice Minister Krashennnikov criticized Kondratenko's statements, saying that they were meant to foment ethnic strife in the area, and were scaring away foreign investment and destabilizing the entire region.

A report issued in October 1997 by the human rights group Memorial criticized Krasnodar government officials for "encouraging radical nationalist groups" including the Cossacks, and "indirectly inciting them to violence" against ethnic minority groups in the area.

After his 1996 election, Kondratenko adopted a new regional charter that declares Krasnodar Kray the "place of residence for the (ethnic) Russian people." He appointed Cossack "hetman" Vladimir Gromov as deputy governor of the region. In April 1997, Kondratenko and Gromov issued a resolution making Cossack groups subordinate to the regional government instead of to the State, according to the Center for Human Rights Advocacy. The Center reported that President Yeltsin suspended this resolution in September 1997 on the grounds that it was unconstitutional. According to the statements of the radical Cossack Chieftain Ivan Bezguly, reported in the media, he has 44,000 Cossacks at his disposal ostensibly to enforce law and order. Estimates of the total number of Cossacks in Krasnodar are as high as 300,000. The Cossacks' tactics appear designed to brutalize and intimidate the area's ethnic

minorities, and to bring about the group's stated goal of cleansing the area of all nonslavic Russians.

The situation in Krasnodar drew the attention during the year of the Human Rights Chamber of the President's Political Consultative Council. The Chamber held hearings on the situation, and demanded that federal law enforcement agencies intervene in Krasnodar and that criminal proceedings be launched against local authorities for inciting racial hatred. In December the Ministry of Justice launched an investigation into the reported distribution of anti-Semitic leaflets in Krasnodar calling on the population to destroy the homes of Jews. The extent or effectiveness of federal investigations of racial or ethnical provocations in Krasnodar is thus far unknown.

Despite legal registration, members of some religions, including some Protestant groups, Jehovah's Witnesses, and the Church of Jesus Christ of LatterDay Saints (Mormons), continued to face discrimination in their ability to rent premises and conduct group activities (see Section 2.b.).

Occasionally, opposition to the dissemination of information came from religious groups. In Yekaterinburg in early May, Bishop Nikon of the Russian Orthodox Church reportedly issued an oral order to burn books that he considered to be heretical, authored by murdered Archpriest Aleksandr Men. The books were taken from the library of the diocesan parochial school and were burned in the yard of the church school. The Bishop reportedly explained that his action was an attempt to protect Russian Orthodoxy from free interpretations of the teachings of Jesus Christ. Eyewitnesses to the book burning included pupils of the church school. From time to time, the Russian Orthodox Church also criticized the press for what it called "anti-church publications," but stopped short of imposing any church sanctions against particular authors or editors. However, the Church appealed to authors of what it considered inaccurate accounts of church history to "realize the sinfulness of their evil deeds."

### **National/Racial/Ethnic Minorities**

In July the presidential Human Rights Commission issued an official statement noting that "the increase in the threat of fascism" was "taking on visible and ominous features," and that the incitements of national, racial, and religious enmity was "taking on an increasingly organized nature." It noted the increasing number of extremist groups that advocated racial supremacy and "national xenophobia," and commented that such groups were moving with increasing frequency from combat training (under the guise of sports training) to "acts of direct terror, hoodlum attacks on persons of 'unwelcome' nationality, the desecration of cemeteries, and explosions of monuments." The statement followed a number of well-publicized incidents in the spring, including several racially motivated attacks on members of minorities, particularly Asians and Africans. Attacks generally appeared to be random, inspired by racial hatred, and carried out by private individuals or small groups, some of whom were known to local law enforcement authorities for their racial intolerance or criminal records.

The report also warned that the legalization of the activity of extremists on the part of a number of local authorities and lawenforcement agencies under the pretext of "providing assistance in restoring law and order" and in "the patriotic indoctrination of youth," had become a "new and dangerous phenomenon." This apparently referred to, among other things, the use by authorities in the Kuban area of southern Russia of Cossack paramilitary units to assist law enforcement authorities.

In July the President's Human Rights Commission, created in 1997 under the auspices of the Ministry of Justice, called for stepping up the work of police to combat expressions of extremism. At the same time, the Minister of Justice called for necessary legislation to allow the prosecution of extremist organizations. However, the Commission's recommendations did not carry the force of law. In December President Yeltsin criticized the Minister of Justice and Procurator General for failing to deal

with extremist groups more vigorously.

Roma from the Caucasus and Central Asia face widespread societal discrimination, which often is reflected in official attitudes and actions. In addition, since 1993, discrimination against persons from the Caucasus and Central Asia increased concurrently with new measures at both the federal and local levels to combat crime. Law enforcement authorities targeted persons with dark complexions for harassment, arrest, and deportation from urban centers (see Section 2.d.). In Moscow such persons--including refugees from Africa as well as darker-skinned citizens from the North Caucasus--are subjected to far more frequent document checks than lighter-skinned persons, and frequently are detained or fined in excess of permissible penalties, often without formal documents recording the infraction being drawn up and presented by police. Reports also suggest a pattern, at least tacitly supported by city authorities, of extortion and beatings by law enforcement officials.

During the year, dark-skinned individuals were increasingly the victims of beatings by "skinheads" and members of other racist and extremist groups. In one well-publicized case, skinheads on May 4 attacked and beat a person of African-American heritage in a Moscow park. Police quickly arrested and charged one of the attackers. However, arrests seldom are made in most such attacks, many of which have been reported by human rights organizations. Many victims, particularly refugees, choose not to report such attacks due to fear of the police.

In Stavropol Kray, the local branch of Aleksandr Barkashov's neo-Nazi RNE and a parallel organization called Russian Knight claim support from local leaders, members of the armed services, and law enforcement officials. The stated goal of the organizations is to develop Russian youth to establish "Russian order," a vision of a great Russia with Orthodox values, a goal for which they claim to be ready to shed blood. The group runs kindergartens in Stavropol and trains youths of various ages. The group reportedly has several hundred followers in the kray and claims to have 24 branches throughout the country and 50,000 members.

The RNE was named by the Presidential Commission on Countering Political Extremism, created in October 1997, as one of the first two extremist groups it would investigate. However, in making the announcement, then-Justice Minister Sergey Stepashin, Chairman of the Commission, added that the RNE no longer existed officially, since it had lost a court case in December 1997 to renew its registration with the Ministry of Justice. However, the RNE still is active as an unofficial organization.

No cases involving charges of inciting racial hatred (a crime defined in the Criminal Code) were completed successfully during the year, and there were no statistics available on how many such cases (if any) were filed.

## **Section 6 Worker Rights**

### **a. The Right of Association**

The law provides workers with the right to form and join trade unions, but practical limitations on the exercise of this right arise from governmental policy and the dominant position of the Federation of Independent Trade Unions of Russia (FNPR), the successor organization to the Communist trade unions. Approximately 63 percent of the work force is unionized, and approximately 8 percent of union members belong to independent unions. In response to the blockades of the railroads by miners protesting nonpayment of wages, the Government threatened the Free Miners' Union (NPG) with decertification, began criminal investigations of leaders for engaging in political activities, and audited miners' unions in the FNPR and the NPG.

The FNPR claims to represent 80 per cent of all workers and largely dominates the trade union movement and, thus, still provides a practical constraint on the right to freedom of association. The FNPR inherited the bulk of the property of its predecessors, including office and recreational property. The majority of its income comes from sources other than dues, such as rental income and fees for member services. Its unions frequently include management as part of the bargaining unit. The FNPR and other trade union federations act independently on the national political level, but FNPR unions sometimes are affiliated closely with local political structures. Political parties often act in parallel with unions, for example, in calling for a national day of protest.

Benefits vary depending on union affiliation, and generally discourage the formation of new unions. Although in 1996 the Government took control of the FNPR social security fund, FNPR unions often still control access to the fund by arbitrarily deciding who receives benefits, such as the child subsidy and vacations, based on the politics or affiliation of union members of the federation. FNPR unions enjoy a privileged position with regard to distribution of state funds at the municipal, oblast, and federal levels. For example, families normally would pay 60 percent of the cost of summer camp for children while FNPR members would pay only 20 percent.

Court rulings have established the principle that nonpayment of wages--by far the predominant grievance--is an individual dispute and cannot be addressed collectively by unions. As a result, a collective action based on nonpayment of wages is not recognized as a strike, and individuals are not protected by the labor law's protection against being fired for participation.

As part of bargaining, the right to strike is difficult to exercise. Most strikes are considered technically illegal, because the procedures for disputes are exceedingly complex and require coordination of information from both sides, even before courts are involved. Strikes may be reviewed by a civil court to establish their legality. The civil court has the right to order the confiscation of union property to settle damages and losses to an employer if a strike is found to be illegal. As a result, an increasing number of strikes are organized by strike committees, rather than unions. Reprisals for strikes are common. Union leaders have been followed by the security services, detained for questioning by police, and subjected to heavy fines, losses of bonuses, and demotions. During one strike, 65 workers were fired for After successful negotiations with the air traffic controllers' union to avoid a strike, the Government drafted a regulation to ban all strikes in the air traffic sector. In 1995 transportation unions had complained that, because transportation can be considered an essential service that must be provided under law, their right to strike was denied. The Constitutional Court agreed and found that banning industrywide strikes is unconstitutional, and that each needs to be considered on a case-by-case basis. However, a subsequent 1995 federal law on collective labor dispute resolution banned railway strikes.

Several notable strikes occurred during the year. Teachers and medical personnel went on strike--including hunger strikes--in various regions. Coal miners camped outside the White House (government administration building) from June to September, demanding President Yeltsin's resignation. Coal miners in all of the country's coal mining regions blocked rails during the summer and were joined by government workers. A nationwide general strike was held on October 7, although participation was low throughout the country.

#### b. The Right to Organize and Bargain Collectively

The law protects collective bargaining and the Ministry of Labor indicates that 23 percent of officially registered trade unions and 11 percent of enterprises have collective bargaining agreements. However, a gap in Russian law, which fails to establish the employer's legal identity, often makes these agreements ineffective.

Various employers have refused to negotiate collective bargaining agreements, particularly for unions not affiliated with the FNPR. Despite a legal requirement to do so, management also frequently refuses to provide the financial information demanded by trade unions.

There are no export processing zones. Worker rights in the special economic zones/free trade zones are covered fully by the Labor Code.

#### c. Prohibition of Forced or Compulsory Labor

The Labor Code prohibits forced or compulsory labor by adults and children, however, there were some reports of its use. Soldiers regularly are sent to work on farms to gather food for their units. There are documented cases of soldiers being sent by their superior officers to perform work for private citizens or organizations. Such labor also may violate military regulations. There were no reports of forced or bonded labor by children.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code prohibits regular employment for children under the age of 16 and also regulates the working conditions of children under the age of 18, including banning dangerous, nighttime and overtime work. Children may, under certain specific conditions, work in apprenticeship or internship programs at the ages of 14 and 15. While in some instances children can be found selling goods on street corners, accepted social prohibitions against the employment of children and the availability of adult workers at low wage rates combine to prevent widespread abuse of child labor legislation. Homeless children are at risk for exploitation in prostitution or criminal activities. Other children are used by their parents to lend credence to their poverty when begging. The mayor of Moscow in August issued a decree that required enterprises with more than 15 employees either to hire a young intern or disabled person or to contribute \$140 (1,400 rubles, or the average monthly wage of a metallurgical worker) per month to the Employment Fund. The absence of a program to implement the decree encourages the hiring of fictitious employees to avoid contributing to the Fund. The Government prohibits forced and bonded labor by children, and there were no reports that it occurred (see Section 6.c.).

#### e. Acceptable Conditions of Work

The monthly minimum wage of roughly \$8.30 (83,000 rubles) is well below the living wage of \$53 (530 rubles) per month, and is insufficient to provide a decent standard of living for a worker and family. In May a total of 21.8 percent of workers earned less than the living wage. However, most workers receive several times the monthly minimum, and the minimum wage is essentially an accounting reference for calculating university stipends, pensions, civil service wages, and social benefits. It is not a number used for real salaries. Enterprises often use this number to avoid taxation by reporting the number of employees paid at the minimum wage instead of reporting actual salaries. Various sources estimate that from 50 to 70 percent of the working population have extra jobs, the incomes from which are not reported. In addition, much of the population continues to reside in low-rent or subsidized housing and receives various social services from enterprises or municipalities.

The Labor Code provides for a standard workweek of 40 hours, with at least one 24-hour rest period. The law requires premium pay for overtime work or work on holidays. Workers have complained of being required to work well beyond the normal week, that is, 10- to 12-hour days, of abrogations of negotiated labor agreements, and of forced transfers.

Nonpayment of wages continues to be the most widespread abuse of the Labor Code. As of August 1,

official statistics showed that workers were owed roughly \$12 billion in accumulated wage arrears. Wage arrears, generally between 3 and 9 months, especially affect workers in the education, medicine, industry, and energy/coal sectors. Toward the end of 1997, the Government succeeded in lowering wage arrears in the state sector, but did not create a mechanism to keep the payments current. As a result, in 1998 wage debt in the state sector increased more than twice as fast as in the private sector. Many enterprises were forcing employees to take wages in barter, sometimes in goods with limited appeal. In one extreme case, workers were paid in pistols.

Although a small but increasing percentage (perhaps 6 percent) of workers owed back wages seek relief through the court system, this has proved to be a lengthy process. Courts often are willing to rule in favor of employees, but the collection of back wages is difficult. Courts often insist that cases be filed individually, in contradiction to the law on trade unions, thereby undercutting union attempts to include the entire membership in one case. This insistence also makes the process lengthier and more difficult for the affected workers and exposes them to possible retaliation. It is widespread practice to remove the names of workers who win judgments for back wages, but have not yet received the wages, from the list of those who can buy food on credit from the company store.

The problem of wage arrears is aggravated by limitations on labor mobility. For various reasons, many workers are not able to move to other areas of the country in search of work. Many say they are constrained economically: Their savings were destroyed by the rampant inflation of the early 1990's; they have not been paid for periods of 5 to 9 months; and their freedom to move in search of new employment is limited further by the system of residency permits (see Section 2.d.). These workers effectively are tied to enterprises that can give them only credits at the company cafeteria and grocery and the hope of future salary payments. The knowledge that workers cannot easily move across regions and find employment made managers in some one-factory towns reluctant to lay off workers. Other factors, such as the availability of subsidized housing and cultural ties to locations, also inhibited the movement of workers. By decriminalizing the nonpayment of wages and by maintaining the system of residency permits, the Government has restricted even further the mobility of labor. Approximately 4 million workers were considered "underemployed" due to involuntary leave or curtailed hours.

The law establishes minimal conditions of workplace safety and worker health, but these standards are not enforced effectively. Workers wear little protective equipment in factories, enterprises store hazardous materials in open areas, and smoking is permitted near containers of flammable substances. As economic activity continued to decline during the year, funds were not available for safety and health in the workplace. The pressure for economic survival displaced concern for safety. For example, trade union sources reported that it has become commonplace for miners to remove the supports from mineshafts and sell them for scrap metal.

Workers were still at high levels of risk of industrial accidents or death. Reliable, recent statistics on accident and death rates for workers were not available. However, according to official government statistics, the construction industry had the highest reported death rates of workers at 0.262 deaths per 1,000 in 1996. The agricultural sector reported the highest injury rates of workers at 12.4 accidents per 1,000 workers in 1996.

The Labor Code establishes workers' right to remove themselves from hazardous or life-threatening work situations without endangering their continued employment and entitlements to such compensations as shorter hours, increased vacations, extra pay and pension benefits for working under such conditions.

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