



**Resolution 1277 (2002)<sup>1</sup>**

## Honouring of obligations and commitments by the Russian Federation

Parliamentary Assembly

1. Referring to the two previous reports by the Monitoring Committee on the honouring of obligations and commitments by the Russian Federation ([Doc. 8127](#) (1998) and [Doc. 9396](#)(2002)), the Parliamentary Assembly welcomes the undoubted progress made by Russia towards the rule of law and democracy, and the building of a democratic multi-party state, which is resulting in increased political and economic stability. It also welcomes the significant efforts the Russian Federation has made since its accession on 28 February 1996 towards honouring the obligations and commitments contained in [Opinion No. 193](#) (1996).
2. With regard to the signature and ratification of conventions, the Assembly is pleased to note that:  
*on 5 May 1998, Russia ratified the European Convention on Human Rights as well as its Protocols Nos. 1, 2, 4, 7 and 11, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the European Charter of Local Self-Government;*  
*Russia has also ratified the European Convention on Extradition and its protocols and the European Convention on Mutual Assistance in Criminal Matters (on 10 December 1999), as well as the European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (on 28 May 2001);*  
*Russia has also ratified the European Framework Convention for the Protection of National Minorities and the General Agreement on Privileges and Immunities of the Council of Europe and its additional protocols.*
3. The Assembly expresses its satisfaction with the development of an ambitious project of reform of the judiciary system, launched by the President of the Russian Federation at the end of 2000 through the creation of a working group on the reform of the judiciary. This reform concerns the most important instruments governing the judicial system, such as the Code of Criminal Procedure, the Codes of Civil and Commercial Procedure, the laws on the judicial bodies and on the status of judges, the law on the Bar and the law on mediation and execution procedures.
4. In this respect, Russia is also to be commended on the progress made in implementing judicial reform, above all on adopting on 22 November 2001 a new Code of Criminal Procedure and a number of bills of the judicial reform package, at the third and second readings respectively. The Assembly also welcomes the fact that if the new code comes into force by January 2004 – the deadline presently set – it will finally enable the Russian Federation to lift its reservation to the European Convention on Human Rights.
5. The Assembly is pleased to underline that all these projects were subject to Council of Europe expertise and that, among the new clauses adopted by this legislation, an important part of them enhanced the consolidation and the independence of the judicial system and the enforcement of the rule of law.

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1. Assembly debate on 23 April 2002 (10th Sitting) (see [Doc. 9396](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, rapporteurs: Mr Atkinson and Mr Bindig). Text adopted by the Assembly on 23 April 2002 (11th Sitting)



6. The Assembly also welcomes the transfer of responsibility for the penitentiary system from the Ministry of the Interior to the Ministry of Justice on 31 December 1998 and encourages further demilitarisation of the prison administration.

7. The Assembly notes with satisfaction the adoption of the Law on the Office of the Commissioner for Human Rights and the ultimate election of Mr Oleg Mironov for the post of Human Rights Ombudsman on 22 May 1998. It recommends the extension of the institution of Human Rights Ombudsman throughout the Russian Federation.

8. However, the Assembly is concerned about a number of obligations and major commitments with which progress remains insufficient, and the honouring of which requires further action by the Russian authorities:

*Russia's greatest problem evidently remains its obligation and commitment to settle by peaceful means the conflict in Chechnya, for which the Assembly refers to its various resolutions, in particular [Resolution 1270 \(2002\)](#). It states that a ceasefire, introduced immediately with the consent of both conflicting sides, is the means to save human lives and the preferable precondition for a peaceful settlement, which has been consistently requested by the Assembly. It reiterates its call on the Russian authorities to conduct a proper investigation into all cases of human rights violations and abuse of power in Chechnya, and to prosecute their perpetrators, irrespective of their functions;*

*the Assembly is shocked by the vote in the State Duma on 15 February 2002, asking President Putin to re-introduce the death penalty. Whilst recognising that the official moratorium on executions introduced by President Yeltsin on 2 August 1996 is respected, the Assembly nevertheless urges the Russian authorities to abolish the death penalty de jure and to conclude the ratification of Protocol No. 6 to the European Convention on Human Rights;*

*the Assembly reminds the Russian Federation of its commitment to ratify the European Charter for Regional or Minority Languages, which it signed on 10 May 2001;*

*with regard to domestic legislation, the Assembly recognises that legal reforms have indeed advanced in many areas, but remains concerned by their lack of enforcement and recalls the need for a proper implementation of existing legislation;*

*in this respect, the Assembly expects the Russian authorities to complete the reform of the Prosecutor General's Office in accordance with Council of Europe principles and commitments entered into;*

*as concerns the armed forces, the Assembly recalls the commitment of the Russian Federation to eliminate incidents of ill-treatment of conscripts, and regrets that this has not yet been carried out;*

*the Assembly strongly urges the State Duma to finally adopt a law on alternative military service as foreseen in Article 59 of the Russian Constitution;*

*the Assembly regrets that a new law on the secret services has still not been adopted. Whilst noting the fact that the Federal Security Service's (FSB) right to run pre-trial detention centres has been withdrawn (with the exception of the pre-trial detention centre "Lefortovo" in Moscow which should be transferred from the FSB to the Ministry of Justice without further delay), it strongly urges the Russian authorities to withdraw the FSB's criminal investigative powers;*

*whilst noting the sharp decrease in the numbers of detainees in penitentiary institutions, the Assembly deplores detention conditions, in particular as regards prison overcrowding, poor health care and insufficient financing. The Assembly calls on the Russian authorities to improve without delay the conditions in prisons and pre-trial detention centres. It insists that Russia should respect the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment that it ratified on 5 May 1998, implement the recommendations made by the Committee for the Prevention of Torture (CPT) and calls on Russia to authorise publication of the reports on the CPT's visits to the country;*

*the Assembly expresses its deep concern with regard to allegations of ill-treatment or torture in penitentiary institutions. The Assembly is also alarmed by the harassment of journalists, which clearly violates the fundamental freedom of expression and urges the Russian authorities to take measures to stop these practices;*

*in this respect, the Assembly is also seriously concerned at recent events affecting the Russian media, which could be interpreted as encouraging measures to restrict the freedom of the press. It therefore expects the Russian authorities to take measures enabling the plurality of the media to be preserved and strengthened, and to conduct media policy in a way that will convincingly alleviate the fears that freedom of expression in the country is under threat;*

*whilst noting that the Russian federal authorities have achieved notable progress in abolishing the remains of the old propiska (internal registration) system, the Assembly regrets that restrictive registration requirements continue to be enforced, often in a discriminatory manner, against ethnic minorities. Therefore, the Assembly reiterates its call made in [Recommendation 1544 \(2001\)](#), in which it urged member states concerned “to undertake a thorough review of national laws and policies with a view to eliminating any provisions which might impede the right to freedom of movement and choice of place of residence within internal borders”;*

*the Assembly expresses its consternation following the measures taken by the Krasnodar authorities with a view to the expulsion of the Meskhetian population from Russian territories, and expects the authorities of the Russian Federation to seek a permanent solution by means of dialogue with the Meskhetians concerned and the authorities of Georgia;*

*the Assembly regrets the problems of the Salvation Army and Jehovah’s Witnesses in Moscow, but welcomes the decision of the Russian authorities to ensure that the problem of local discrimination and harassment of these religious communities be brought to an end;*

*the Assembly notes the ongoing withdrawal of Russian troops and heavy weaponry from the Transnistrian region of Moldova, and reiterates its expectation of a complete withdrawal of Russian troops by the deadline which was set for 1997, in accord with the request of Assembly [Opinion No. 193](#), but which was not met, leading to the new deadline set by the OSCE for 31 December 2002. It calls on the Russian authorities to ensure an early, orderly and complete withdrawal of Russian troops from the territory of the Republic of Moldova – together with the disposal of the large ammunition stockpiles – in order to create more favourable conditions for a final settlement of the Transnistrian conflict, as well as to contribute to consolidating peace and security in the region;*

*as regards the return of diplomatic property of the Baltic states transferred to the Soviet Union in 1940 and compensation for those persons deported from the Baltic states and their descendants, as stated in [Opinion No. 193](#), the Assembly urges the Russian authorities to settle these issues as quickly as possible;*

*similarly, the Assembly urges the Russian authorities to settle rapidly all issues related to the return of cultural property claimed by Council of Europe member states, directly with these states and on mutually beneficial terms taking into consideration the need to return the cultural property transferred from Russia during the second world war.*

9. In conclusion, the Assembly welcomes the progress the Russian Federation has made in the honouring of its obligations as a member state of the Council of Europe, and in particular the open and sincere dialogue that has developed on the still outstanding issues. It recognises, however, that a number of obligations, listed in paragraph 8 above, still warrant further action. In addition to the satisfactory implementation of all outstanding commitments and obligations entered into by the Russian Federation, the Assembly will need to be convinced of the establishment of radio and television channels free of influence of the state and regional government, and of the impartiality of the media in the forthcoming parliamentary and presidential elections.

10. The Assembly thus resolves to pursue, in close co-operation with the Russian delegation, the monitoring procedure in respect of the Russian Federation, with a view to advising and assisting where necessary the Russian authorities in their policy towards complying with Russia’s obligations as a member state.