

IN THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

**ALTERNATIVE REPORT FOR THE LIST OF ISSUES
BY MEMORIAL HUMAN RIGHTS DEFENCE CENTRE**

**FOR THE 73rd PRE-SESSIONAL WORKING GROUP
ON THE 7th PERIODIC REPORT OF THE RUSSIAN FEDERATION UNDER THE
INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

Introduction

This report is submitted to the UN Committee on Economic, Social and Cultural Rights (hereinafter - Committee) by Memorial Human Rights Defence Centre and Ecodefence in relation to the 7th Periodic Report of the Russian Federation. This report raises the issues under the International Covenant on Economic, Social and Cultural Rights (hereinafter - Covenant) and covers discrimination, human trafficking, violation of the right of adequate housing and the right to health of villagers in Dagestan, climate change, lack of access to education for children of refugees and labor migrant, work-related and other limitations on representatives of religious minorities.

Authors of the report

Memorial Human Rights Defence Centre is a non-governmental organization founded in June 2022 by supporters of Memorial Human Rights Centre (dissolved on 29 December 2021) to continue the work of the latter NGO. It was founded in 1993 in Moscow and became one of the first human rights NGOs in modern Russia. It worked with grave human rights violations in (post-)conflict areas, civil and political rights and vulnerable groups such as migrants.

Ecodefence is one of the oldest environmental groups in Russia established in 1989. It is campaigning to save the climate from fossil fuels and nuclear power. Ecodefence is one of the applicants in the first-ever climate case in Russia that was filed before the Supreme Court of Russia. The group is also running programs on environmental education and nature conservation. In 2014, Ecodefence became the first environmental group in Russia labeled as a “foreign agent”. In 2022, the European Court of Human Rights found that application of Foreign Agents Act to a number of Russian NGOs, including Memorial and Ecodefence, and their directors was neither prescribed by law nor necessary in a democratic society.

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I. Article 3 - Right to equality

1. In the Concluding observations on the sixth report of the Russian Federation (hereinafter - Concluding observations), the Committee noted the prevalence of societal stigma and discrimination, in particular, on the grounds of sexual orientation and gender identity and urged the Government to combat this phenomenon (paras. 22-23). It also highlighted the disadvantaged social position of women in Russia and called to eliminate every aspect of discrimination against them (paras. 24-25).
2. Women and LGBTIQ+ individuals are often subjected to discrimination in North Caucasus in access to their main social and cultural rights. They are forced to obey the local traditions, otherwise they can be subjected to violence, including honor killings. The authorities and official agencies often do not investigate such cases, referring to the local tradition of noninterference in family affairs or of the necessity to follow “traditional values”.¹
3. The authorities often interpret the traditions in such a way as to support the discrimination and violence against women. They are often subjected in North Caucasus to violent practices such as forced marriages and bride kidnappings, FGM² and forcible separation from their children in case of a divorce. Pressure is also put on the women, especially young girls, to return from foreign countries in order to live in “traditional

¹ “Killed by gossip: “Honor killings” of women in the North Caucasus. Report on the results of a qualitative study in the republics of Dagestan, Ingushetia and Chechnya (Russian Federation) “ ,

<https://www.srji.org/en/news/2018/12/honor-killings-of-women-in-the-north-caucasus-report/> ; “Killed by gossip 2 - Analysis of court sentences in criminal cases involving honor killings in the republics of the North Caucasus”, 2020:

<https://www.srji.org/about/annual/Pravovaya-initsiativa-Otchet-UBITYE-SPLETNYAMI-2020/>

² “Female Genital Mutilation of Girls in Dagestan (Russian Federation) Report based on the results of a qualitative study on female genital mutilation performed on girls ”, available on: :

chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.srji.org/upload/iblock/52c/fgm_dagestan_2016_eng_final_edited_2017.pdf ; “The practice of female genital mutilation in Dagestan: strategies for its elimination. Report based on the results of a qualitative sociological study in the Republic of Dagestan, the Republic of Ingushetia and the Republic of Chechnya (Russian Federation) ”, available on:

<https://www.srji.org/en/about/annual/the-second-fgm-report-based-on-the-results-of-a-study-in-russian-federatio>
n/ , Kommersant “FGM in Clinics ”, 13.05.20: <https://www.kommersant.ru/doc/4343082>

relationships” in the North Caucasus. All these practices negatively affect the social status of women in the North Caucasus which is often considered to be inferior to that of men. Women are often deprived of a free choice of their lifestyle, cultural values, education and work.

4. As for the LGBTIQ+ individuals, it is totally impossible for them to express their identity due to a high risk of being subjected to honor killings and other forms of violence. Traditional societal norms in the North Caucasus regions of Russia condone violence against LGBTIQ+ individuals, including torture and murder. It is still common for non-heterosexual persons to face violence, such as abduction, unlawful detention, and false accusations of criminal activity.³ Conversion therapy clinics, where victims endure physical and psychological abuse by their own relatives, are widespread.⁴ The authorities do not fight against these negative practices and often support them by their hate speech against the LGBTIQ+ individuals and about the necessity to follow so-called “traditional values”.

II. Article 6 - Right to work

5. In the Concluding observations, the Committee also indicated its concerns regarding the prevalence of societal stigma and discrimination against various minorities in the context of social and economic rights (paras. 22-23).
6. Around a decade ago, authorities in Russia’s Dagestan region introduced and still maintain a surveillance register called “profuchet”, supposedly aimed at individuals suspected of engaging in extremist activities.⁵ However, this register primarily targeted members of religious Islamic minority groups, particularly Salafis, solely based on their religious affiliation. Other individuals adhering to profound Islamic traditions are also impacted, for example, women who choose to wear the niqab. By March 2016, the register included over 15,000 individuals, along with personal and family details.⁶ The specific criteria for inclusion are undisclosed, as they are only governed by internal ministry directives that remain confidential. Moreover, despite considerable evidence to the contrary, the authorities deny the existence of this register. For that reason there are no formal mechanisms or judicial remedies for reconsideration of annulment of listing.

³ Novaya Gazeta “I cried out in pain”: abducted Chechen youths filed an application to the Investigative Committee for torture by the security forces in 2020-2021” , 25.03.21: <https://novayagazeta.ru/articles/2021/03/25/ia-krichal-ot-boli-pokhishchennye-chechenskie-iunoshi-podali-zaiavlenie-v-sk-po-faktu-pytok-so-storony-silovikov-v-2020-2021-godakh> , “Memorial” Human Rights Defence Centre considers gay men from Chechnya who criticized the authorities to be political prisoners” : https://memohrc.org/ru/news_old/memorial-schitaet-politzaklyuchyonnymi-geev-iz-chechni-kritikovavshih-vlasti

⁴ Novaya Gazeta “Not even close to suffering. The story of a gay man from Dagestan who was treated for homosexuality”, 30.07.2022: <https://novayagazeta.eu/articles/2022/07/30/dazhe-blizko-ne-stradal>

⁵ Human Rights Watch. *Invisible War. Russia’s Abusive Response to the Dagestan Insurgency*. URL: <https://www.hrw.org/report/2015/06/18/invisible-war/russias-abusive-response-dagestan-insurgency> (accessed on 1 August 2023).

⁶ International Crisis Group. *Dagestan’s Abandoned Counter-insurgency Experiment*. URL: <https://www.crisisgroup.org/europe-central-asia/caucasus/russianorth-caucasus/counter-insurgency-north-caucasus-i-dagestans-abandoned-experiment> (accessed on 2 August 2023).

7. Being placed in the register carries a range of significant outcomes with particularly pronounced effects on employment opportunities.⁷ Many employers, fearing legal implications or negative perceptions, are hesitant to hire individuals associated with extremism, regardless of the accuracy of the listing. This creates a substantial barrier to finding stable employment, often forcing those listed into precarious economic situations. For those who are already employed, advancement within their careers becomes significantly limited. The stigma of being on the register can result in reduced opportunities for promotions, raises, or lateral moves to different roles within an organization.
8. In addition, listed individuals face stigmatization within their communities and broader society. The association with extremism, even if unfounded, can lead to isolation, strained social relationships, and discrimination. It also affects family and social relationships. Relatives, friends, and community members may distance themselves due to concerns about guilt by association, further isolating the individual.

III. Article 7 - Right to just and favorable conditions of work

9. Another concern expressed by the Committee in the Concluding observations related to Russia's inadequate action against labor market exploitative practices and working conditions of migrant workers (paras. 32-33). They also noted the absence of comprehensive anti-discrimination legislation (para. 22).
10. The highlighted issues have become even more acute and widespread since then. According to the Global Slavery Index, in 2023 Russia ranked eighth in the world for the prevalence of modern slavery with 13 persons in a state of slavery for every 1,000.⁸ The victims predominantly are migrant workers from Central Asia as well as women and girls,⁹ what reveals the inherently gendered and discriminatory nature of this phenomenon. Violence and dire working and living conditions are an indispensable element of such exploitative practices. Children of trafficked women are likely to suffer as well and are at increased risk of being trafficked themselves. Yet, the Russian Government's latest periodic report indicates no concrete measures taken to address the problem. The authorities' inaction remains a significant concern.

⁷ The Foreign Policy Centre. *De-radicalisation tactics in the North Caucasus can serve as a lesson and a warning*. URL: <https://fpc.org.uk/de-radicalisation-tactics-in-the-north-caucasus-can-serve-as-a-lesson-and-a-warning/> (accessed on 2 August 2023).

⁸ The Global Slavery Index 2023, p. 25.

URL: <https://cdn.walkfree.org/content/uploads/2023/05/17114737/Global-Slavery-Index-2023.pdf> (accessed on 30 July 2023).

⁹ Izvestiya. *Krasnov spoke on the human trafficking situation in Russia*. 29 October 2021.

URL: <https://iz.ru/1242821/2021-10-29/krasnov-rasskazal-o-situacii-s-torgovlei-liudmi-na-territoriirf> (accessed on 30 July 2023).

11. First, relevant Russian criminal legislation falls short of basic international standards, allowing perpetrators to go unpunished. Articles 127.1 and 127.2 of the Criminal Code, addressing human trafficking and forced labor, lack a reference to means (such as threats, force, or coercion) as a constituent element of trafficking, contrary to international requirements, including the Palermo Protocol ratified by Russia in 2004. As a consequence, law enforcement faces challenges in accurately identifying and addressing cases of labor exploitation. Additionally, these provisions fail to address the matter of invalid consent of victims, as they solely link it to physical coercion. This results in the systematic consideration of a consent given, for example, under duress, as valid and, hence, as a factor that relieves perpetrators of their responsibility.
12. Moreover, no national action plan or comprehensive framework legislation has been adopted to combat human trafficking and other forms of labor exploitation. No framework anti-discrimination regulations were introduced either. Furthermore, specific coordination mechanisms among responsible authorities have not been established, and research and data collection activities have been neglected. Additionally, there is a lack of adequate training provided to law enforcement authorities engaged in the fight against labor exploitation.
13. Similarly, the authorities never involved specialized NGOs or other civil society representatives into activities against labor exploitation. On the contrary, they made such work even harder by declaring them “foreign agents” (paras. 7-8 of the Concluding observations) and having essentially criminalized assistance to foreigners with illegal migration status (Article 322.1 of the Criminal Code). It is now a crime to provide shelter or material assistance to persons considered to be in Russia illegally, which covers many migrant workers.
14. Given the above shortcomings, the investigation of trafficking and other forms of exploitation is not effective. According to the official statistics, from 2018 to mid-2022, an average of only sixteen people were convicted for human trafficking and two for extracting forced labor yearly.¹⁰ Most convictions do not concern cases of migrant and/or labor exploitation which are almost never qualified as such. In addition, authorities often collide with perpetrators and, in some instances, are the perpetrators.¹¹

IV. Article 11 - Right to adequate housing

15. The Committee stated that general decline in living and housing conditions, directly attributable to policy and legislative decisions by States parties, and in the absence of accompanying compensatory measures, would be inconsistent with the obligations under

¹⁰ Seventh Periodic Report on the implementation by the Russian Federation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, CAT/C/RUS/7, para. 79.

¹¹ Lenta.ru. *Two former police officers and 20 more are convicted for organization of prostitution*. 28 December 2022. URL: <https://lenta.ru/news/2022/12/28/prostit/> (accessed on 2 August 2023).

the Covenant.¹² The Russian Federation failed to ensure this right to the residents of the village of Irganai in Dagestan, who have been waiting for compensation for the loss of their homes for 14 years.¹³

16. Since the 1970s, the authorities have been building a reservoir in this village. According to the decree of the government of Dagestan No. 222 of 23 November 1998, the water depth was to be 535 meters. However, on 8 April 2008, the Government of the Republic of Dagestan, by decree No. 109, changed the filling level of the reservoir from 535 to 547 meters. This decree was not published and residents were not informed about it. Because of this, Irganai village was flooded and people were forced to abandon their homes and lands. Overall, 10 000 people were affected by the flood.
17. In 2014, the authorities of Dagestan failed to properly fill out a budget application for receiving compensation for villagers from the federal budget and remained inactive until 2020, despite various complaints from residents. On 26 July 2021, the Presnensky District Court of Moscow refused to establish the illegal inaction of the authorities.¹⁴ On 25 March 2022, the Moscow City Court overturned that decision and declared the inaction of the Government of Dagestan illegal. The court of cassation upheld this decision.
18. In February 2023, the Dagestan authorities filled out a new budget application for compensation. However, on 5 May 2023, the Ministry of Economic Development responded that for the planning period of 2024 and 2025 the entire budget has been distributed and the payment of compensation to villagers is not included. It remains unknown when compensation will be paid and the rights of villagers will be restored.

V. Article 12 - Right to health

19. The right of everyone to the enjoyment of the highest attainable standard of health requires states to adopt measures against environmental and industrial health hazards.¹⁵ Residents of the Komsomolskoye village, Kizilyurt district in Dagestan, are deprived of this right.

¹² CESCR General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant). URL: <https://www.refworld.org/docid/47a7079a1.html>

¹³ “The Most Massive Suit in the History of Russia”, 5 June 2023, Advstreet. URL: <https://advstreet.ru/columns/samy-massovy-isk-v-istorii-rossii/>

¹⁴ See more information in the website of the court:

<https://mos-gorsud.ru/rs/presnenskij/services/cases/kas/details/347db610-b3d2-11eb-84c7-f55242fa9569?participants=%D0%9F%D1%80%D0%B0%D0%B2%D0%B8%D1%82%D0%B5%D0%BB%D1%8C%D1%81%D1%82%D0%B2%D0%BE+%D1%80%D0%B5%D1%81%D0%BF%D1%83%D0%B1%D0%BB%D0%B8%D0%BA%D0%B8+%D0%94%D0%B0%D0%B3%D0%B5%D1%81%D1%82%D0%B0%D0%BD>

¹⁵ General Comment No. 14 (2000), Committee on Economic, Social and Cultural Rights, para. 36. URL: <https://digitallibrary.un.org/record/425041?ln=en>

20. For more than 15 years, they have suffered because of dust from nearby crushed stone quarries, and the authorities of Dagestan do not respond to complaints.¹⁶ Near this village, around 30 quarries are located and trucks carry crushed stone from the quarries through this village, in close proximity to residential buildings. Due to this, the level of atmospheric air pollution with dust and burning in the village is many times higher than the norm, it is impossible to breathe, go outside, take walks with children, which negatively affects the health of residents.¹⁷ This resulted in the village of Komsomolskoye being the leader in the incidence of tuberculosis in Dagestan.¹⁸ Many residents also suffer from bronchial asthma and cancer.
21. In 2010 and 2013, the Federal Service for Supervision of Consumer Rights Protection and Human Welfare (Rospotrebnadzor) examined the area and concluded that the levels of noise and industrial dust exceeded the norms, the latter by 53 to 157 times. Rospotrebnadzor stated the only solution to this problem would be to close the road and build a new one around the village.
22. On 7 February 2011, the Kizilyurt District Court concluded that the village and district administrations failed to properly exercise exploitation and control over the road and ordered to suspend the use of the road until the subsequent assessment of its technical condition. After that, the road was repaired, but the situation and tuberculosis incidence rate did not improve. Currently, the road is being exploited, no new road has been built, and people continue to suffer. Authorities continue to postpone consideration of the construction of a new road from 2020 to 2030 due to high financial costs.
23. In the Concluding observations, the Committee specifically expressed its concerns that the process of climate change might affect the enjoyment of economic, social and cultural rights by persons living in Russia.¹⁹ Consequently, the Committee recommended Russia to increase its efforts to reduce greenhouse gas (GHG) emissions and set national targets with time-bound benchmarks.²⁰ The Committee also highlighted the impact on indigenous people in particular of the granting of licenses for extractive activities and operations without appropriate social, environmental and human rights assessments.²¹
24. However, in its seventh periodic report submitted by Russia in 2022, the issues of climate change and fossil fuel policy were not addressed by Russia at all.²² At the same time,

¹⁶ “Villagers in Dagestan call complaints against quarry owners futile”, 17 May 2022, Caucasian knot. URL: <https://www.kavkaz-uzel.eu/articles/376238>

¹⁷ “The region of Dagestan was on the verge of an ecological catastrophe”, 23 March 2022, Ecosphere. URL: <https://ecosphere.press/2022/03/23/rajon-dagestana-okazalsya-na-grani-ekologicheskoy-katastrofy/>

¹⁸ “The incidence of tuberculosis and Covid-19 was discussed in the Kizilyurt district”, 20 November 2021, RIA Dagestan. URL: https://riadagestan.ru/news/kizilyurtovskiy_rayon/zabolevaemost_tuberkulezom_i_covid_19_obsudili_v_kizilyurtovskom_rayone/

¹⁹ E/C.12/RUS/CO/6, para. 42

²⁰ E/C.12/RUS/CO/6, para. 43

²¹ E/C.12/RUS/CO/6, paras. 14-15

²² E/C.12/RUS/7

Russia is the first largest GHG emitter in Europe and the fourth largest greenhouse gas emitter in the world.²³ Therefore, we would like to draw the Committee’s attention to the fact that Russia is failing to take sufficient measures to reduce GHG emissions to protect human life and health which will lead to impacts that are in violation of Article 12 of the Covenant.

25. At the end of 2020, the President signed the Decree No. 666 of 4 November 2020 “On Reducing Greenhouse Gas Emissions”. A year later, the Strategy of Socio-economic Development of the Russian Federation with a Low Level of Greenhouse Gas Emissions until 2050 was adopted by the Decree of the Government No. 3052-p of 29 October 2021. These two documents are named as the key reference point in the field of GHG emissions regulation for public authorities.²⁴
26. According to the Climate Action Tracker, the fair national GHG reduction target for Russia for 2030 is 968 million tons of CO₂eq (excluding land use, land-use change and forestry (LULUCF)), which is 31% of its emissions in 1990, and 157 million tons of CO₂eq for 2050 (excluding LULUCF), which is 5% of its emissions in 1990.²⁵ However, Russia’s current GHG emissions strategy envisions GHG emissions rising from 2119 million tons of CO₂eq in 2019 to 2212 million tons of CO₂eq in 2030, and remaining at high levels (1830 million tons of CO₂eq) in 2050.²⁶ These emissions (if replicated globally) would align Russia with a temperature increase by 2100 of 4°C compared to the pre-industrial global average temperature, i.e., more than double the goal of the Paris Agreement.²⁷
27. In September 2021, the first-ever climate case in Russia was filed before the Supreme Court of Russia, demanding the Russian authorities take measures to reduce GHG emissions necessary to keep the global average temperature rise at 1.5°C above pre-industrial levels in order to protect human life and health.²⁸ The applicants in this case include individual Russian citizens who are members of the Sami, Itelman and Udege indigenous peoples. A Supreme Court judge summarily dismissed the application considering that the rights of the plaintiffs were not affected. In December 2022 and May 2023, that dismissal decision was affirmed by two respective appellate formations of the Supreme Court.

²³ “The Carbon Brief Profile: Russia”, 22 September 2022, CarbonBrief. URL:

<https://www.carbonbrief.org/the-carbon-brief-profile-russia/>

²⁴ Find more information at: <http://agrarian.council.gov.ru/activity/activities/parliamentary/110697/>

²⁵ See data at: https://climateactiontracker.org/documents/991/CAT_AssessmentData_RUS_2011-10.xlsx

²⁶ The Strategy of Socio-economic Development of the Russian Federation with a Low Level of Greenhouse Gas Emissions until 2050, available at: <http://publication.pravo.gov.ru/Document/View/0001202111010022>

²⁷ Data available at: <https://climateactiontracker.org/countries/russian-federation/>

²⁸ <http://climatecasechart.com/non-us-case/ecodefense-other-ngos-v-russia/>

VI. Article 13 of the Covenant - Right to education

28. The Russian Federation stated in its report that the Russian Constitution and federal legislation guarantee the right of everyone to education. However, children of refugees and labor migrants, both legally staying in the Russian Federation and having an irregular migration status, often lack access to preschool and school education. In particular, children of refugees and labor migrants from Afghanistan, Syria, the Democratic Republic of the Congo, Cameroon, Uzbekistan and Tajikistan are illegally denied access to schools and kindergartens due to their lack of migration registration or the unregulated migration status of their parents in Russia. In addition, Ukrainians who have recently received Russian citizenship, but are unable to formally register their place of residence (owners of rental apartments often refuse to register their tenants) also cannot get into educational institutions.
29. Another common and illegal reason for refusal to enroll in education institutions is insufficient knowledge of the Russian language. These refusals have no legal basis, and the inability to study is detrimental to the future of children and society as a whole. Lack of access to education leads to a sharp decrease in the chances of children for a full and prosperous life in the future.
30. The prosecutor's office refuses to bring school principals and the Department of Education to administrative responsibility and restore the rights of children to education. In such cases, people are forced to go to court, which increases the period of the child's absence of education. By the time a court decision is received, the child often reaches the age of majority or (in the case of placement in kindergartens) reaches school age.

VII. Questions to the Russian Federation

31. In the light of the foregoing, we respectfully request the Committee to address these questions to the Russian Federation:
 - What measures is the Russian Federation taking to fight against the discrimination of the women and LGBTIQ+ individuals in North Caucasus in access to their social and cultural rights?
 - What measures is the Russian Federation taking to ensure the right to health and right to adequate housing in Dagestan?
 - When does the Russian Federation adopt measures against environmental and industrial health hazards in Komsomolskoye village? When will the new road be built?

- When will the Russian Federation pay compensation to the residents of Irganai in Dagestan affected by the flooding caused by the construction of the reservoir?
- How does the denial of access to education for the children of refugees and labor migrants comply with Russia's obligations under the Covenant, in particular its Article 13?
- How many children of refugees and labor migrants do not have access to kindergartens and primary education due to lack of registration or insufficient knowledge of the Russian language?
- What measures is the Russian Federation taking to combat human trafficking and forced labor? When will a relevant national action plan and framework legislation be adopted?
- Is the Russian criminal legislation concerning forced labor in line with international law, in particular, the Palermo Protocol ratified by the Russian Federation?
- Is the law enforcement provided with sufficient training in the context of combat against forced labor? Are there adequate cooperation mechanisms among the authorities?
- Have local authorities in Dagestan introduced and still maintain a special register for suspected extremists? If not, what legal grounds allow for work-related limitations and other restrictions, such as regular police checks, on representatives of the Salafi community and other religious minorities?
- Does the Government plan to increase its efforts to reduce GHG emissions to set more ambitious, scientific led national targets with time-bound benchmarks capable of protecting human life and health, i.e., reduce its GHG emissions to 31% of the 1990 level, excluding LULUCF, by 2030 and to 5% of the 1990 level, excluding LULUCF, by 2050?

We also respectfully urge the Committee to propose to the Government of Russia to increase its commitments and actions to reduce GHG emissions and set national targets with a time-bound benchmark as recommended by expert scientific assessment to protect human life and health, specifically to reduce its GHG emissions to 31% of the 1990 level, excluding LULUCF, by 2030 and to 5% of the 1990 level, excluding LULUCF, by 2050. We further ask the Committee to recommend that specialist expert assessments are conducted and acted upon in relation to the particular impact of climate change harms upon Russia's indigenous peoples.