

**SUBMISSION OF NGO YAKUTIA – OUR OPINION  
TO THE UNIVERSAL PERIODIC REVIEW (THIRD CYCLE)  
for the 30th session of the Working Group on the UPR (May 2018)  
(the state under review – Russian Federation)**

**Human rights situation in Russia is very difficult and should be considered at global level carefully.**

Focus on basic human rights divided into two conditional types:

- economic rights are rights to work, social security, an adequate standard of living, including adequate food, clothing and housing;

- legal rights are rights which exist under the rules of legal systems and ensure protection of legitimate rights and interests in state bodies, law enforcement agencies and courts.

These economic and legal rights are especially important for ensuring normal life.

We also consider rights of indigenous peoples. It is very important because Russia is multinational country with more than 190 nations.

**So the issues can be grouped on three items in accordance with the UN standards.**

**1.) Economic rights (rights to social security and to decent life).**

**2.) Legal rights (administration of justice and the judicial system).**

**3.) Indigenous rights (rights of indigenous peoples).**

Let us consider the essence of violations of economic, legal and indigenous rights.

## **1. ECONOMIC RIGHTS (RIGHTS TO SOCIAL SECURITY AND TO DECENT LIFE)**

**The main reasons of violations of economic rights in Russia are low living standard and unfair distribution of national income in violation of constitutional provisions.**

Low living standard of Russia's people consists of the undervaluation of minimum social standards, the low real purchasing power of income, the overestimation of prices and tariffs, the unreliability of average statistical data.

According to official statistics in 2016 13.3% of Russian citizens had incomes below the subsistence level (in 2005 – 18.4%). However, according to independent estimates till 80% of Russians have incomes below the subsistence level due to understatement of minimum social standards.

The actual results of the Russian social policy are very negative. It leads to the physical extinction of population and degradation of society. It may be classified as creating conditions for genocide.

**Unfortunately, russian authorities violate human rights, deceiving the international community by providing false information.**

There are differences between real situation (truth) and formal position (lies and deception of Russian government) in Russia.

1. Subsistence minimum:

- Lies and deception of Russian government: 9 889 rubles in 3rd quarter 2016.

- Truth: not less than 25 000 rubles.

Vice premier of the Russian government Olga Golodets confirmed undervaluation of subsistence minimum: "It's almost impossible to live on a subsistence minimum, it's difficult to survive, today it's a calculated figure...".

2. Average monthly wage:

- Lies and deception of Russian government: 36 703 rubles for January 1, 2017.

- Truth: In several times less than 36 703 rubles.

Wages of the majority below the average wage: 10-15 thousand rubles.

Wages of low-paid groups such as nurses, hospital registrars, janitors and others below the subsistence minimum: 7-8 thousand rubles.

3. Results of social policy of Russian government:

- Lies and deception of Russian government: Increasing of living level and welfare, reduction of poverty, supporting social policy and political course by people of Russia.

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- Truth: Growth of mass protests, disease, crime, alcoholism and drug addiction, mass suicides and murders of relatives to prevent a martyr's death from hunger, including murder of newborn child by mother.

The subsistence minimum is valuation of consumer basket and mandatory fees and charges. Consumer basket consists of the cost of minimum food and non-food goods, services.

Normal person can not live within the consumer basket in 9 889 rubles. Food expenses of the consumer basket are only 3900 rubles. It is a cost of 10-15 kilograms of meat.

We present rates of consumption of some food products for 1 person per day: bread – 347 g, potato – 275 g, vegetables – 314 g, fruits – 164 g, sugar – 65 g, meat – 160 g, fish – 50 g, milk – 795 g.

The volume of these products is very small and intended only for physiological survival in adverse climatic conditions of Russia. It is not sufficient to satisfy the dietary needs. It only allows Russian citizens not die of hunger.

Prisoners of the Second World War and modern prisoners have the better rate of consumption of some items of food products than Russian citizens.

According to the Directive of The People's Commissariat of defence of the USSR No.VEO/133 of June 26, 1941 "Daily food norms of the German prisoners of war held in places of deprivation of liberty of the People's Commissariat of internal Affairs and in transit" consumption for 1 person per day: bread – 600 g, fish – 120 g.

According to the Order of the Ministry of justice of Russia No.125 of August 2, 2005 «On approval of nutritional standards and material welfare of prisoners as well as persons suspected and accused of committing a crime, detained in remand centres of the Federal service for execution of punishment, in time of peace» consumption for 1 person per day: fish – 100 g, potato – 550 g.

Most Russian families spend on food more than half of the family budget. According to the law food basket is equal to 50% of cost of consumer basket. In developed countries, food expenditures do not exceed 20% of consumer basket.

Until exclusion of non-food products from the consumer basket in 2013, the consumer basket included 156 items of goods and services. This is much lower than in developed countries. For comparison: in Germany consumer basket includes 475 items of goods and services, in the United Kingdom – 350 items, in the United States of America – 300 items.

Social injustice in Russia led to mass poverty of Russians and social problems such as alcoholism, drug addiction, suicides and crime.

Living space in Russia (profitable business, high-paying jobs, lucrative public contracts) is distributed among officials and oligarchs, their relatives and friends. In fact feudal slavish system is approved that deprives future of further generations of Russians.

The federal authorities of Russia are well aware of the problems and ways of solution, but do not take effective measures. In many cases Russian government acts in the interests of corrupted officials and oligarchs. Considering our problems at global level is very important because the problem solution is often impossible in Russia.

Russia has enough financial, natural and other resources to improve lives of Russians. Proper redistribution of revenues from natural resources among Russians may be done by adopting Federal Law "On the rights of Russian citizens on incomes from exploitation of natural resources of the Russian Federation". But it was not done. Use of natural resources and productive forces is aimed at enriching the minority.

**Recommendations to address violations of economic rights:**

1. increase the minimum social standards of living, as well as pensions and allowances;
2. increase salaries to at least three times the adjusted cost of living, taking into account the minimization of the territorial and sectoral differentiation;
3. introduce rent payments in order to eliminate excessive profits from the use of natural resources, instead of taxes on the extraction of minerals;
4. enact a "natural rent" in order for Russian citizens to claim their rightful income from the use of the natural resources of the Russian Federation.

## **2. LEGAL RIGHTS (ADMINISTRATION OF JUSTICE AND THE JUDICIAL SYSTEM)**

### **The main reason of violations of legal rights in Russia is corruption.**

In majority of Russian regions there are organized criminal groups led by regional heads and consisting of officials, law enforcement officers and judges.

The key problem in counteracting corruption is inaction of law enforcement bodies for the suppression of corruption crimes.

The mechanism for considering citizens' complaints is that in the majority of cases reports of corruption crimes at regional level are returned to the same regional level, that is, in fact to the same regional corruptioners.

Russian judicial system allows confirming unjust judicial decisions on falsified cases.

In Russia there is no effective system for handling citizens' complaints and addressing violations by public authorities, law enforcement and judicial authorities.

Thus, exhaustion of remedies occurs, when federal government, law enforcement and judicial authorities refuse to consider citizens' complaints on human rights violations substantially in the form of submitting unmotivated come-offs as well as redirecting them to the same offenders at regional level.

**Finally, Russian citizens often can not implement their legal rights and achieve justice.**

### **Describe functions of members of organized criminal groups for commitment of crimes and persecution against persons countering crimes.**

Commitment of crimes:

- officials commit crimes through abuse of authority;
- deputies create legislative basis for crimes;
- representatives of control bodies oppose to identifying violations and countering them;
- law enforcement officers carry out legal and force support;
- judges make illegal decisions, hide and legalize the results of criminal activity.

Persecution against persons countering crimes:

- officials illegally dismiss a colleague countering crimes;
- deputies organize resignation of elected official countering corruption;
- representatives of control bodies organize inspections of entrepreneurs who spoke out against lawlessness;
- law enforcement officers falsify criminal cases (accusations of slander and insults, extremism, fraud, etc. against unwanted persons);
- judges give unjust judicial decisions (they convict those countering crimes).

In the case of functioning of organized criminal group consisting of officials, law enforcement officers and judges in region, civil activists, regional and municipal deputies are often the only persons who can resist corruption.

Such organized criminal groups operate in Republic Sakha (Yakutia), Kursk region and other Russia's regions.

Regional anticorruptioners wage unequal struggle against corruption and are subjected to unreasonable criminal prosecution.

In March 2016, due to the inactivity of regional and federal law enforcement bodies deputy of the parliament of Kursk region Olga Li made the video appeal to the Russia's President as a guarantor of the rights of citizens with a demand to take measures to persecute corrupted law enforcement officers.

However, instead of taking adequate measures, she was illegally prosecuted on charges of extremism. It was done by local law enforcement officials whom Li accused of corruption crimes. So Li had been prosecuted for executing her deputy duties to protect the rights of citizens. In October 2016, the criminal case against Li was stopped for lack of corpus delicti. Additionally, Olga Li was unjustifiably prosecuted for defamation of a judge.

Li's colleagues (Konstantin Susolkin (Berezin), Anna Bashmakova and others) are subjected to unreasonable administrative and criminal prosecution. Bashmakova was unlawfully detained and sentenced to administrative detention. Susolkin (Berezin) was unreasonably prosecuted for fraud.

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Cases against Li and Susolkin (Berezin) are investigated not objectively and with numerous violations of procedural norms.

Independent regional civil activists all around Russia such as Li and her colleagues accomplish public mission of countering corruption and need legal protection.

**Recommendations to address violations of legal rights:**

1. ensure objective consideration of statements on corruption offenses;
2. strengthen responsibility of officials, law enforcement officers and judges for human rights violations;
3. simplify criminal prosecution against judges and conduction of operational-search activities in relation to them by changing Law on the Status of Judges and Criminal Code;
4. observe section 6 of article 8 of Federal Law № 59-FZ of May 2, 2006 "On the procedures for consideration of appeals by citizens of the Russian Federation" on prohibition to send complaints for consideration to those state or local government bodies or officials, whose decision, action (or inaction) has been complained against;
5. establish effective legal tools to protect regional anticorruptioners.

**3. RIGHTS OF INDIGENOUS PEOPLES**

The world population now stands at seven billion inhabitants. There are more than 2000 nations in the world. Consider this situation on example of Russia, one of the biggest countries in the world. Russia is multinational country with more than 190 nations.

Unfortunately, Russia did not endorse of the United Nations Declaration on the Rights of Indigenous Peoples. Russian authorities only recognize rights of small-numbered indigenous peoples with less than 50 000 inhabitants. There are 47 nations in the list of small-numbered indigenous peoples. However, in spite of this, Russian authorities do not fully respect the rights of small-numbered indigenous peoples.

In these conditions, in Russia rights of other indigenous peoples with more than 50,000 members are not recognized. For example, rights of Sakha people with about 400,000 members are not recognized.

Sakha people lives in the biggest Russia's subject – Republic Sakha (Yakutia). The small-numbered indigenous peoples Evenks, Evens, Yukaghirs, Chukchis, Russia's peoples Russians, Ukrainians, Tatars and others also live in Yakutia. This region exceeds the area of France in 5 times, Italy – 10 and England in 13 times. In Yakutia 90 percents of all Russian diamonds and 24 percents of all Russian gold are extracted.

Despite the existence of natural resources majority of multinational people of Yakutia live in poverty. One reason for this is unfair tax system in Russia when more than half of the funds goes to Moscow. Indigenous and other peoples are deprived of priority access to lands and biological resources. Yakutians do not receive tangible benefits from the resources extraction. Yakutia have many problems such as unfavorable ecological situation, alcoholism, suicide, crime.

The main reason of violations of human rights in Russia is corruption. Corruption spread all levels of authorities (federal, regional and municipal). At federal and regional levels corrupted officials abuse their powers.

Russia's state priorities do not take into account interests of majority. It is aimed at enriching minority. Living space in Russia (profitable business, high-paying jobs, lucrative public contracts) is distributed among officials and oligarchs, their relatives and friends.

Natural rents - super-profits from extraction of natural resources (oil, gas, diamonds, gold and others) are distributed among officials and oligarchs. Russian high-ranking officials lobby interests of the resource extraction companies that aim to minimize costs through non-payment of compensation to local population and refusal to finance activities to ensure industrial and environmental safety. It is one of the main reasons for non-approval the UN Declaration on the Rights of Indigenous Peoples. In these conditions, people can not implement the right to take part in the government of their country.

We need use all legal tools to ensure human rights. Implementing indigenous rights can improve not only life of indigenous peoples but also others. Primarily it can be done through titling indigenous peoples' lands in order to avoid predation of resources and destruction of the

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environment. Then multinational local people can achieve fair distribution of incomes from exploitation of natural resources in Yakutia. So every Yakutia's inhabitant, regardless of nationality, can receive revenues from natural resources.

It is important to note that international law on indigenous peoples does not infringe upon the rights of other peoples. Regrettably, Russia's federal authorities do not understand it.

But in Yakutia the Constitutional court made right and honourable decision. Constitutional court of Republic Sakha (Yakutia) adopted the Decision No.4-p of October 21, 2016 in the case the interpretation of the provisions of article 42 of the Constitution of the Republic Sakha (Yakutia).

The Decision stated that the territory of Yakutia is the native land and historical homeland of the Sakha people, the source of its economic well-being, unique cultural and linguistic identity, and the constitutional and legal status of the Republic Sakha (Yakutia) is a form of its socio-political and state-legal organization as a national community in the Russian state.

The decision was supported by the public organization "Somogo Kuus (United Force)" that protect economic, legal, ecological, political rights of indigenous people Sakha and other peoples in Yakutia.

**Joint recommendations of the Chairman of the public organization "Somogo Kuus (United Force)" Dmitri Dmitrievich Ivanov and NGO Yakutia - Our Opinion to address violations of indigenous rights:**

1. recognize the status of the indigenous people Sakha;
2. approve the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), the ILO Indigenous and Tribal Peoples Convention (No. 169) and other international laws on indigenous peoples;
3. implement the rights of indigenous people Sakha and other indigenous peoples that live in Russia in according to the provisions of international law on indigenous peoples.

Due to continuing human rights violations by Russian Federation We urge the United Nations bodies and stakeholders to compel Russian Federation to respect the rights of indigenous peoples.

**FINAL CONCLUSIONS**

**On the ground of foregoing We state that the priorities of Russian government do not provide proper implementing economic, legal and indigenous rights of citizens in accordance with international human rights standards.**

Russia discredits the international protection of human rights including right to decent life that requires adoption of measures at global level.

**We urge the United Nations bodies and stakeholders to take adequate coercive measures against the Russian Federation, that is, apply diplomatic, procedural, trade, financial and other sanctions until elimination of human rights violations.**

**We need to expand targeted sanctions against Russian officials and oligarchs responsible for human rights violations.**