All human beings are born free and equal in dignity and rights.

Universal Declaration of Human Rights, 1948
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Human rights and freedoms are the cornerstone of any society. The extent to which human rights are respected and protected defines the social climate and the level of social stability in the country. Therefore, resolving social, economic, political and moral problems primarily relates to sustainable development of human rights and freedoms, as set out in the Universal Declaration of Human Rights, the 2030 Agenda for Sustainable Development, the Constitution of the Russian Federation and the Russian legislation.

Fundamental civilizational changes that the world is undoubtedly experiencing globally and nationally depend to a great extent on the essential understanding of protection of human rights and freedoms, which have been developed in the course of the historical evolution of society and enshrined in international documents and national legal norms.

It should be noted that the clauses of the Universal Declaration of Human Rights still retain their inherent value aiding to formulate moral guidelines in “individual-government” and “citizen-state” relations.

We witness more frequently now how the conceptual ideas enshrined in this outstanding document are distorted by countries which claim special roles in using human rights protection issues to suit their own vested political interests. This state of affairs encourages the erosion of the “rights and freedoms” concept transforming it into a mere figure of speech. The rhetoric of hatred and unfounded allegations by a number of foreign politicians exploiting human rights keep people apart and increase violations of human rights and even the rights of whole nations. One can thus see that it leaves almost no room for optimism and hope to prevent the destruction of a socio-cultural space where there is a place for a civilized discussion, pluralism and solidarity.

Striking examples of this are the violation of the right of the Russian athletes to compete under the flag of the Russian Federation at the Winter Olympic Games in

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Pyeongchang and obstruction to exercise electoral rights of those Russian citizens who reside in the Ukraine.

There are still examples of forced extradition of Russian citizens, contrary to the principles of the international law, to third states for unwarranted and unjust criminal prosecution. This situation has proved a major problem among other external human rights challenges and threats as it is directly linked to the potential denial to exercise such basic rights as the right to peace, the right to security, the right to life and the right to freedom of movement. In these circumstances, it is therefore important to focus on the consolidation of inner strength to ensure Russian citizens’ rights and freedoms as well as to develop cooperation with ombudsmen of other countries, who acting in the capacity of independent institutions, tend to distance themselves from destructive political processes.

In 2017, Russia continued to strengthen the legal framework of human and civil rights and freedoms, including the direct engagement of the institution of the High Commissioner for Human Rights in the Russian Federation, while remaining committed to the underlying ideas of the Universal Declaration of Human Rights.

Russian human rights legislation adopted during the contemporary period of Russian history (from 1991), though not perfect but robust and comprehensive, meets the highest international standards and is constantly being further improved. Accordingly, in 2017 new laws were passed which introduced state benefit payment upon the birth of a first child, an extended maternity capital programme with broader opportunities for using maternity capital funds, increased minimum wage, and adopted amendments to the Criminal Code providing punishment for establishment of so-called “death groups” pushing the underaged towards suicide.

The recent laws adopted in 2017 established legal framework for renovation of dilapidated housing in Moscow and introduced measures for the reform of housing and communal services with the establishment of the state compensation fund for shared-equity construction.

According to the Tax Code of the Russian Federation (Art. 391 (5)), the retirees, disabled persons and veterans were exempted from tax on land “with respect to a plot of land which is in the ownership, permanent (indefinite) use or lifetime inheritable possession”. The text of an oath for foreigners accepting Russian citizenship was endorsed as well as the law was adopted to simplify acquisition of Russian citizenship and a resident permit for Ukrainian nationals.

With a view to strengthening the democratic foundation of the state, Russian electoral legislation was improved by the introduction of criminal liability for ballot box stuffing, “repeat” voting, canceled absentee ballots and the institution of the Public Electoral Observers of Russian Civic Chambers was established.

However, more must be done to ensure Russia’s further development and its citizens’ true happiness and prosperity. In this regard, Vladimir Putin, the President of the Russian Federation, stressed in his annual address to the Russian Federal Assembly that “to move forward, to develop dynamically, we must expand the scope of freedom in all areas. We must also strengthen institutions of democracy, local govern-
FOREWORD

The structure of civil society and courts. Russia should be open to the world, to new ideas and initiatives.1

The High Commissioner for Human Rights in the Russian Federation (hereinafter referred to as “the High Commissioner”) has a vital contribution to make to that process. Since its establishment, the national human rights institution helped to restore the rights of thousands of people; contributed to legal education, and fight against legal nihilism, improvement of legislation on rights and freedoms, and enhancement of Russia’s international standing.

The aim of the 20th annual report by the High Commissioner is not only to inform the President of the Russian Federation, the highest legislative, executive and judiciary authorities as well as the society as a whole on the human rights situation in Russia in 2017, but also to present proposals for the development of that important part of public life in our country. In 2017, the High Commissioner received 41,840 complaints and petitions, a 46% increase compared to 2015. This are just cold statistics. What is most important in the work of the High Commissioner is the “human factor”, the commitment to do everything in her power to help a particular individual, to restore justice and make people believe again that they do not exist for the sake of the state, but rather the state exists for the sake of the people. This approach has translated into an effective increase in the number of restored rights compared to 2016.

A total of more than 250,000 citizens have had their rights restored. Such results are made possible by the support of the state authorities. Without authorities’ support it would be impossible to effectively address the systemic issues of currency mortgage holders, disabled people, retirees, families with many children, military ex-servicemen in the Crimea and the city of Sevastopol, and Russian citizens residing in Baikonur (Kazakhstan). Sustainable positive results have been achieved through new forms of practice — reception of applicants from remote areas of the country via videoconferences, joint inspections with representatives of the law-enforcement agencies, appeals to courts for the institution of administrative proceedings against officials for the violation of human rights.

In 2017, a landmark development in the field of human and civil rights international cooperation was the establishment of the Eurasian Ombudsman Alliance, which brought together ombudspersons of Armenia, Kirgizstan, Iran and Russia. The integrational association will mean more efficient use of the High Commissioner’s tools to protect the rights of compatriots abroad. Additionally, active development of human rights diplomacy helped to protect the rights of many Russian citizens in difficult circumstances while abroad.

The analysis of the received complaints demonstrates that the problem of poor human rights education still remains relevant especially among the youth. In this regard, of significance was the All-Russian Open Lesson on human rights held at schools across the country with the assistance of the Ministry of Education and Science of the Russian Federation and development of the “Human Rights” educational

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programme for the Russian higher education establishments. I am confident these measures will increase legal culture and awareness of our youth of the rights and means of their protection.

During the past year there have been secured considerable initiatives concerning housing rights upon implementation of the Moscow renovation programme of the dilapidated housing, regarding the rights of retirees and disabled persons as well as the improvement of regulations of deputies’ meetings with the voters within the constituencies.

The work on the improvement of legislation on the status of institutions of Commissioners for Human rights in the constituent entities (subjects) of the Russian Federation (hereinafter referred to as “the regional Commissioners”, “the regional ombudsmen”) continued jointly with the Federation Council of the Federal Assembly of the Russian Federation (hereinafter referred to as “the Federation Council”) and the State Duma of the Federal Assembly of the Russian Federation (hereinafter referred to as “the State Duma”). Additionally, the High Commissioner collaborated with the chambers of the Russian parliament on the amendments to legislation on remission of penalty for seriously ill prisoners and on the right to serve one’s sentence in a place of detention close to the family home. Due to the support of the legislators, for the first time in the history of the Russian national human rights institution, the Regulations of the Federation Council and the State Duma were supplemented with the guidelines for the presentation of the High Commissioner’s annual reports to the chambers of the parliament.

A key area of the High Commissioner’s work has been the strengthening of Russia’s human rights protection system at the level of regional Commissioners.

A significant development in this field has been a seminar-meeting organized for the regional Commissioners for Human and Children’s Rights with the participation of the heads of the executive, legislative, and judicial branches in December, 2017.

In 2017, there was an increase in the number of complaints against the violations of the rights to free healthcare, the housing, education, et cetera, as compared with 2016. Thus, according to the poll data provided by the Public Opinion Foundation, the public is most concerned about the lack of effective implementation of the right to free healthcare (as compared with the previous year, the number of those who are concerned about the right to healthcare increased from 78% to 81%). The respondents also indicated the high relevance of the right to housing and fair payment for housing (increased from 53% in 2016 to 55% in 2017), the right to employment and fair remuneration (increased from 48% in 2016 to 52% in 2017).

The poll rating demonstrates high importance of cultural rights (the rights to education and teaching, the right to free creative activity). In general ratings of human and civil rights and freedoms, the right to free education has the second highest rate (60%). Also, the priority of the right to fair trial significantly increased in 2017 as compared to 2016 (from 27% to 36%), thus reaching the level of 2014. The citizens lodge claims about violations of above-mentioned and other rights or come for personal receptions with the High Commissioner complaining against state officials.
The present Report on the activity of the High Commissioner for Human Rights in the Russian Federation in 2017 (hereinafter referred to as "the Report") maintains continuity in many aspects with previous annual reports. As in the past, the Report contains information on human rights situation in Russia; measures taken by the High Commissioner and the High Commissioner’s Office to restore infringed citizens’ rights; measures to improve Russian human rights legislation and bring it into line with the commonly accepted principles and standards of international law; information on human rights education and international cooperation as well as on measures to create an effective human rights protection system in the constituent entities of the Russian Federation.

The Report consists of a foreword, ten chapters (which include 35 paragraphs) and an annex. There is a new chapter in the Report entitled “Protection of rights and freedoms of individual categories of citizens”, which includes the issues of rights protection of disabled people, retirees, veterans, women, minors, military personnel and persons of equivalent status, compatriots residing abroad and Russian citizens while abroad.

There is an independent chapter in the Report, which addresses the High Commissioner’s best practices and results of the High Commissioner’s collaboration with the state bodies, regional Commissioners and the institutions of civil society.

The recommendations to the state bodies, which conclude the Report, contain proposed measures for the improvement of the legislation and its application to ensure the unconditional implementation of human and civil rights and freedoms.

The annex to the Report includes a “Human Rights Map of Russia”, which is an informational and educational project and an electronic database with statistics, results of sociological research, information on the activities of the High Commissioner and regional Commissioners. It also contains texts and listings of federal and regional legislation establishing mandates of Commissioners, and compilation of best practices.

I would like to express my sincere gratitude to all citizens, state bodies and public associations that have provided assistance in the preparation of the present Report.

High Commissioner for Human Rights in the Russian Federation
Tatiana Moskalkova
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HUMAN AND CIVIL RIGHTS AND FREEDOMS: PUBLIC PERCEPTION, MONITORING OF APPEALS, AND OUTCOME OF THEIR EXAMINATION
1.1. Public Perception of Human Rights and Freedoms

Public opinion is an important indicator of human rights and freedoms in terms of their observance and a tool to evaluate effectiveness with regard to their protection. In 2017, following the High Commissioner’s request, the Public Opinion Foundation (FOM)\(^1\) continued to study public opinion to understand how citizens of the Russian Federation perceive their human rights and freedoms in terms of their observance and protection.

2017 human rights opinion polls show positive trends. Majority of the respondents (41%) think that human rights in modern Russia are observed, while 39% of the respondents say that human rights are not observed in the country. By contrast, in 2016, majority of the respondents (46%) were skeptical about the human rights situation, with only 39% being positive about human rights observance in Russia.

In 2017, positive public perception of human rights was high in the North Caucasus, with 49% of the respondents having a positive attitude versus 35% having a negative attitude, in the Southern Federal District, with 43% versus 35%, and the Northwestern Federal District, with 42% versus 35%. At the same time, negative public perception dominates in the Central Federal District, with only 38% of the respondents reporting that human rights are observed versus 42%; in the Siberian Federal District, with 39% versus 43%; and the Far Eastern Federal District, with 40% versus 43%. One out of five respondents (20%) was undecided.

Still, in 2017 as in 2016, the overwhelming majority of the respondents (51%) think that the human rights situation in Russia has not changed and hold a neutral view.

The results of the survey were used to create a human and civil rights and freedoms ranking in terms of their importance (hereinafter referred to as “the ranking”) which is introduced in Figure 1.

The results of the polls are described below. The respondents most often ranked first the right to free healthcare that directly affects the quality of life. According to the Russian Federal State Statistics Service (hereinafter referred to as Rosstat), in 2016, the number of healthcare institutions providing specialized treatment for in-

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\(^1\) From November 20 to December 12, the Public Opinion Foundation conducted a poll of 500–800 respondents aged 18 and older, in each of the 85 constituent entities of the Russian Federation, with a net sample size of 60,500 and the margin of error no more than 1%.
patients went down by 43% compared to 2005, from 9,479 hospitals in 2005 down to 5,357 in 2016. This may be a reason why, for the fourth year in a row, the right to free healthcare ranks first, with its importance score going up to 81% in 2017 from 78% in 2016.

There is still work to be done to protect the right to free healthcare in the Chuvash Republic (93% of the respondents), the Republic of Mari El (91%), the Nizhniy Novgorod Region (91%), the Novgorod Region (90%), the Republic of Altai (90%). The highest percentage of the respondents who cite this as a concern is among those over the age of 60 (86%) and those residing in towns with a population of at least 50,000 people and in urban-type settlements (83%).

The statistics of the appeals addressed to the High Commissioner attest that the situation is complicated: after a drop in 2015, the number of complaints regarding healthcare and healthcare services grew by 30% in 2016 and 2017.

The right to free education ranks second, selected by 60% of the respondents. Most of them reside in the Khanty-Mansi Autonomous Area –Yugra (77%), the Republic of Altai (76%), the Lipetsk Region (74%), the Republic of Mari El (72%), and the Astrakhan Region (72%). It is considered a priority by respondents aged 18–30 (68%), as well as those aged 31–45 (66%). Access to education is perceived both as a cultural and social feature. It is also perceived as investment in one’s own future and well-being, an opportunity to provide for oneself financially, to achieve a certain quality of life that meets modern social standards.

Traditionally, citizens of the Russian Federation prioritize the right to housing and fair rental payment, ranking it third. Its importance score grew from 53% in 2016 to

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2 See 1.2.
Figure 1. 2017 human rights and freedoms ranking

- right to free medical care
- right to free education
- right to housing and fair residential rental payments
- right to labour and fair pay
- personal liberty and security
- right to social security
- right to a fair trial and equality before the law
- right to inviolability of one’s property and home
- right to private land ownership
- freedom of speech
- right to favorable environment
- right to personal and family secrets
- right to qualified legal assistance
- freedom of movement and residence
- freedom of conscience, freedom of opinion
- freedom of enterprise
- right to participate in government
- right to direct individual and collective appeals to state bodies
- right to determine and indicate one’s nationality
- freedom to create and teach (creative and academic freedoms)
- freedom of assembly and manifestations (rallies and demonstrations)
- freedom of association (to create or participate in activities of associations)
55% in 2017. It is considered a priority in the Volgograd Region (76%), the Khanty-Mansi Autonomous Area – Yugra (74%), the Khabarovsk Territory (72%), the Republic of Bashkortostan (70%), and the Tula Region (70%). Just as the case with the right to free healthcare, the right to housing is regarded as one of the most important rights by all the respondents regardless of their social and demographic characteristics. However, this concern is most often raised by residents of cities with one million inhabitants or more (60%), as well as cities with a population of 250,000–500,000 people (60%).

According to another survey,¹ high utilities prices are reported by respondents in the Kamchatka Region (71.8%), the Stavropol Territory (68.8%), the Khanty-Mansi Autonomous Area – Yugra (68.3%), the Murmansk Region (68%), the Nizhniy Novgorod Region (66.8%), the Lipetsk Region (65.8%), and the Voronezh Region (62.3%). According to Rosstat, 8.7% of households had financial problems and were not able to pay their utilities bills by the due date in the second quarter of 2017 (as percentage to all the households in the country).² Of 2,542,400 households on waiting lists for new housing, only 4.9% of households were able to improve their housing conditions.³

A similar situation exists with regard to labour rights. In 2017 the right to labour and fair pay was ranked fourth, the same as in 2016, with an increase from 48% in 2016 to 52% in 2017. It was ranked important by respondents from the Volgograd Region (76%), the Khabarovsk Territory (69%), the Chuvash Republic (67%), the Khanty-Mansi Autonomous Area – Yugra (67%), the Astrakhan Region (65%), most of them aged 31–60 (57%). But it is also highly valued by those aged 18–30 (55%). Respondents report low wages as a serious concern in the Republic of Ingushetia (63.6%), the Altai Territory (61.9%), the Kabardino-Balkar Republic (59.8%), the Republic of Mordovia (59.5%), and the Stavropol Territory (57.6%). The low level of pensions, scholarships, and benefits is the most serious concern of residents in the Republic of Daghestan (45.8%), the Kamchatka Territory (44.2%), the Kursk Region (40.8%), the Rostov Region (39.4%), and the Bryansk Region (39.4%). Besides, an overall high level of negative attitudes concerning the problems of employment and unemployment was registered in the Karachay-Cherkess Republic (53.6%), the Republic of Kalmykia (53.4%), the Republic of Ingushetia (51.5%), the Republic of Mordovia (47.4%), the Volgograd Region (47.4%), the Altai Territory (41.5%), and the Republic of Altai (40.0%).

¹ In March – April 2017, the Public Opinion Foundation conducted a poll of 500–800 respondents aged 18 and older, in each of the 85 constituent entities of the Russian Federation, with a net sample size of 60,500 and the margin of error no more than 1%.


The right to liberty and security is ranked important by 51% of the respondents. It ranks fifth, the same as in 2016. It is valued most by the citizens of the city of Sevastopol (79%), the Volgograd Region (78%), the Kabardino-Balkar Republic (75%), the Primorye Territory (73%), the Republic of Adygeya (67%), and the Republic of Kalmykia (65%). Analysis of the appeals addressed to the High Commissioner shows that in securing this right, problems most often arise at detention facilities, penal institutions, and pretrial detention centers.  

The right to social security, pensions and social insurance ranks sixth with benefits regarding old-age, survivor, disability insurance, maternity leave, sickness and medical care and work-related injuries, as well as social security services offered by social services providers. A total of 46% of the respondents nationwide prioritize the right, most valued by non-working pensioners (60%). Most of the respondents who consider it as one of the most important are registered in the Khabarovsk Territory (64%), the Lipetsk Region (62%), the Oryol and Kursk Regions (59% each), and the Republic of Bashkortostan (57%).

In 2017, the right to a fair trial moved up in the ranking by almost 10% to 36% from 27% in 2016, recovering to the level of 2014, ranking seventh in the overall index of human rights and freedoms. The trend shows a growing interest of people in ensuring the fairness of the proceedings, higher legal consciousness and awareness of those participating in trial proceedings, as well as dissatisfaction with court decisions. In the High Commissioner’s practice of investigation most often complaints concern violations of due process rights in criminal procedure. For many years, complaints relating to violations of the criminal procedure legislation account for the largest share of the mail addressed to the High Commissioner. The right to a fair trial was most prioritized by respondents residing in the Nizhniy Novgorod Region (59%), the Republic of Crimea (51%), the Voronezh Region (47%), the Stavropol Territory (46%), Moscow (46%), the Kemerovo, Tver, and Sverdlovsk Regions (46%).

In the eighth place is the constitutional right to inviolability of one’s home, protecting it against breaking into and entering against the will of the persons residing in it, along with the related principle of inviolability of property. Overall, it is considered important by 33% of the respondents nationwide, with most votes coming from the residents of the Novosibirsk Region (48%), the Yaroslavl Region (46%), the Altai Territory (45%), the Primorye Territory (43%), the Rostov Region (43%). This right and its protection are especially prioritized by entrepreneurs (38%).

In the ninth place is the right to private ownership of land (27%), with the highest percentage registered in the Republic of Mordovia (47%), the Republic of Altai (44%), the city of Sevastopol (43%), and the Republic of Buryatia (42%). From socio-demographic perspective, it is most valued by farmers (58%).

The right to freedom of speech ranks tenth, with 23% considering it most important nationwide. It is prioritised by the residents of the Chechen Republic (50%), the
Murmansk Region (39%), the Republic of Daghestan (36%), the Kaluga Region, and the city of Saint Petersburg (34% each). The largest share of the respondents who consider it important is among those aged from 18 to 30 (30%). These figures correlate to the Rosstat data where the above-mentioned age group is among the most active users of the Internet.¹

One out of five respondents (21%) (28% of the respondents from cities with one million inhabitants or more) prioritized the right to a favourable environment as a socially important right. In 2017, within the Year of Ecology Programme, Russia conducted sociological surveys regarding concerns about environmental safety, security and comfort. Weekly surveys conducted in August 2017² show that people are most concerned by litter in the streets, illegal dumping, municipal waste (26%), water contamination, poor-quality drinking water (16%), impact of industry on the environment, lack of waste treatment facilities (12%), air pollution (11%), the ever-increasing number of cars, proximity to motorways, exhaust gases, as well as deforestation, lack of green spaces and parks (8%), climate change, fires and floods (7%).

The right to personal and family secrets is also highly appreciated, with one-fifth of the respondents (20%) considering it important. It is most often mentioned in the Novosibirsk Region (34%), the Kamchatka Region (31%), the Pskov Region (30%), and the Magadan Region (29%). It is noteworthy that implementation of this right is a serious concern among young people. From socio-demographic perspective, it is most valued by those aged from 18–30.

The social surveys conducted in 2017 show that people highly value social, economic and cultural rights. They are not fully satisfied with how well their rights are guaranteed and protected in the social sphere, especially in healthcare, education, housing and labour relations. Statistics show that appeals regarding social rights violations account for one-third of all appeals addressed to the High Commissioner.³

According to the survey, political rights are less prioritized, with 4% of the respondents indicating the right to participate in governing the state and society, 3% indicating the right to send collective and individual appeals to state bodies, 2% indicating the freedom of assembly and manifestation (rallies and demonstrations), and 1% identifying the freedom of establishing of associations and their activities (trade unions, parties, and civil society organizations).

The ranking makes it possible to monitor stability in the country through identifying areas of social tension. The figures that reflect the importance of specific human rights make it possible to identify in what regions and areas human rights are prone to social tension, levels of social tension, whether this tension is stable or unstable and why.

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² A FOMnibus weekly poll (August 19–20, 2017) was conducted in 53 constituent entities of the Russian Federation: 104 communities, 1,500 respondents, the margin of error no more than 3.6% // the Public Opinion Foundation (FOM) website. Available at http://fom.ru/obraz-zhizni/13693 (accessed March 12, 2018).

³ See 1.2.
Both rights and categories of rights at the top of the ranking require close attention from makers and administrators of the law, human rights defenders and experts, society as a whole, and each and every citizen, as these are the areas of human rights that require additional guarantees and protection.

### 1.2. Appeals: Scope, Trends and Categories

The scope, geography, and subjects of the appeals (complaints, inquiries, and proposals), as well as the results of the public opinion polls make it possible to identify the most critical issues and problems in our society in protection of human rights and freedoms both across the country as a whole and its territories, regions and districts with regard to socially urgent problems to be resolved.

In 2017, the High Commissioner received more than 41,841 appeals, including over 2,000 collective complaints. There was a big rise in the number of petitions received at face-to-face meetings with the High Commissioner and officials from the High Commissioner’s Office. We received more than 4,000 people, including meetings during our trips to the Republic of Tatarstan, the Chechen Republic, the Khabarovsk Territory, and the Republic of Crimea. Reaching out through video conferencing opens up new possibilities for meeting face to face, made it easier and sped up the process to coordinate the discussion of relevant issues, expanding the boarders of communication between the High Commissioner and the people of the Russian Federation, and enhancing collaboration with regional Commissioners. The High Commissioner used videoconferencing to hold face-to-face meetings with citizens of the Jewish Autonomous Region, the Kabardino-Balkar Republic, the Chechen Republic, the Sverdlovsk, Yaroslavl and Ivanovo Regions.

Figure 2 shows changing trends in the number and structure of appeals sent to the High Commissioner in 2017 with regard to branches of legislation.
### 1.2. APPEALS: SCOPE, TRENDS AND CATEGORIES

#### Figure 2. Subjects of appeals by branches of legislation, 2015–2017

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<th>Branch of Legislation</th>
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<th>2016</th>
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<td>Criminal procedure legislation</td>
<td>12,779</td>
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<td>Housing law, housing and utilities legislation</td>
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<td>Penal and correctional legislation</td>
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<td>Labour legislation</td>
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<td>Social security and social support legislation</td>
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<td>Marriage and family legislation</td>
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<tr>
<td>Total</td>
<td>13,833</td>
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</table>

*Figure 2. Subjects of appeals by branches of legislation, 2015–2017*
At the top of the bar chart there are branches of legislation whose norms and standards are violated most often, with criminal procedure law, housing, and penal law ranking first. The High Commissioner received **12,779 appeals regarding criminal procedure legislation**, which accounts for 30.5% of all the appeals. This category shows a growing number of complaints concerning refusals to initiate criminal proceedings – 2,280 in 2017 vs 2,133 in 2016, as well as unfounded prosecution – 1,670 in 2017 vs 1,456 in 2016. In addition to this, petitioners indicate violations of statute of limitations by preliminary investigation bodies, a formalistic approach and failure to safeguard the rights of crime victims. Most of the complaints concerning violations of rights in criminal proceedings came from Moscow (1,903), the Krasnodar Territory (633), the Moscow Region (599), the Rostov Region (380), the Sverdlovsk Region (354), and the Orenburg Region (238).

As for violations of the **housing legislation**, the High Commissioner received 7,251 complaints, which accounts for 17.3% of all the mail received. Among the issues that are still high on the agenda is joining the housing register and housing provision, providing housing to certain categories of the population, rent and utilities payments, rehousing people from dilapidated and emergency stock buildings. Most of the complaints come from Moscow (1,783), the Moscow Region (610), the Krasnodar Territory (439), the Sverdlovsk Region (208), the Rostov Region (117), and the Volgograd Region (108).

There was a big growth in the number of appeals concerning violations of the **penal law**. The number of appeals concerning conditions in detention centers and pretrial detention facilities grew by 46.4% (823). The number of appeals regarding violations of prison/custodial sentences execution, including transfer to another prison grew by 16.9% (671). Most of the complaints concerning conditions in detention facilities are about their inappropriate state, bad quality of food, inappropriate minimum sanitary space, poor condition of equipment and bedroom accessories, or lack thereof, as well as other welfare issues. Refusals to transfer prisoners to different prisons are still high on the agenda. Most of the complaints concerning violations of the penal law came from inmates held in correctional system facilities in Moscow (217), the Saratov Region (165), the Krasnoyarsk Territory (151), and the Sverdlovsk Region (142).

The bar chart in Figure 3 shows that that the largest number of appeals (15,303) is registered in the Central Federal District, which accounts for 36.5% of the total number of appeals, while the Far Eastern Federal District has the least number of appeals — 1,173, or 2.8%. Compared to the previous year, there is a growing number of appeals coming from the Ural Federal District (+11.9%), the Siberian Federal District (+7.0%), and the Volga Federal District (+3.7%).

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1. See 4.1 and 4.2.
2. See 3.2
3. See 4.3.
As for the entities of the Russian Federation, there is a growing number of appeals from the Kemerovo Region (+96.6%), the Orenburg Region (+92.8%), the Tomsk Region (+84.2%), the Republic of Bashkortostan (+31.4%), as well as the Chelyabinsk (+27%) and Sverdlovsk (+16.2%) Regions (Figure 4).

In 2017, there was an average of 2.85 appeals per 10,000 people, which is 0.05 percentage points lower than in 2016. There were fewer appeals from the North Caucasian Federal District, the Far Eastern Federal District, the Northwestern Federal District, the Southern Federal District and the Central Federal District, however it grew in other regions (Figure 5).
Chapter 1. HUMAN AND CIVIL RIGHTS AND FREEDOMS: PUBLIC PERCEPTION, MONITORING OF APPEALS, AND OUTCOME OF THEIR EXAMINATION

Figure 5. Intensity of appeals from federal districts in 2016 and 2017

Above-average indicators were observed in the Central Federal District (3.90 per 10,000 people) and the Southern Federal District (3.23). Other federal districts had lower indicators.

Figures 6–22 show the overall intensity of appeals to the High Commissioner across the country and certain constituent entities.

Figure 6. Intensity of the total number of appeals per 10,000 people
1.2. APPEALS: SCOPE, TRENDS AND CATEGORIES

Figure 7. Choropleth map of appeals: Central Federal District

Figure 8. Appeals intensity ratio: Central Federal District
Chapter 1. HUMAN AND CIVIL RIGHTS AND FREEDOMS: PUBLIC PERCEPTION, MONITORING OF APPEALS, AND OUTCOME OF THEIR EXAMINATION

Figure 9. Choropleth map of appeals: Volga Federal District

Figure 10. Appeals intensity ratio: Volga Federal District
1.2. APPEALS: SCOPE, TRENDS AND CATEGORIES

Figure 11. Choropleth map of appeals: Southern Federal District

Figure 12. Appeals intensity ratio: Southern Federal District
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Figure 13. Choropleth map of appeals: Siberian Federal District

Figure 14. Appeals intensity ratio: Siberian Federal District
1.2. APPEALS: SCOPE, TRENDS AND CATEGORIES

Figure 15. Choropleth map of appeals: Northwestern Federal District

Ratio of appeals per 10,000 people

Average across the country 2.79
Northwestern Federal District 2.48

Nenets Autonomous Area 0.91
Leningrad Region 1.34
Murmansk Region 1.94
Vologda Region 1.98
Saint Petersburg 2.19
Kaliningrad Region 2.42
Novgorod Region 2.50
Pskov Region 2.51
Arkhangelsk Region 3.21
Republic of Karelia 5.07
Komi Republic 5.16

Figure 16. Appeals intensity ratio: Northwestern Federal District
Chapter 1. HUMAN AND CIVIL RIGHTS AND FREEDOMS: PUBLIC PERCEPTION, MONITORING OF APPEALS, AND OUTCOME OF THEIR EXAMINATION

Figure 17. Choropleth map of appeals: Ural Federal District

Figure 18. Appeals intensity ratio: Ural Federal District
Figure 19. Choropleth map of appeals: North Caucasian Federal District

Figure 20. Appeals intensity ratio: North Caucasian Federal District

<table>
<thead>
<tr>
<th>Location</th>
<th>Ratio of appeals per 10,000 people</th>
</tr>
</thead>
<tbody>
<tr>
<td>Republic of North Ossetia-Alania</td>
<td>0.95</td>
</tr>
<tr>
<td>Republic of Ingushetia</td>
<td>1.25</td>
</tr>
<tr>
<td>Republic of Dagestan</td>
<td>1.29</td>
</tr>
<tr>
<td>Kabardino-Balkar Republic</td>
<td>1.31</td>
</tr>
<tr>
<td>Karachay-Cherkess Republic</td>
<td>1.33</td>
</tr>
<tr>
<td>Republic of North Ossetia-Alania</td>
<td>2.06</td>
</tr>
<tr>
<td>Stavropol Territory</td>
<td>2.52</td>
</tr>
</tbody>
</table>
### Chapter 1. HUMAN AND CIVIL RIGHTS AND FREEDOMS: PUBLIC PERCEPTION, MONITORING OF APPEALS, AND OUTCOME OF THEIR EXAMINATION

#### Figure 21. Choropleth map of appeals: Far Eastern Federal District

#### Figure 22. Appeals intensity ratio: Far Eastern Federal District

<table>
<thead>
<tr>
<th>Region</th>
<th>Ratio of appeals per 10,000 people</th>
</tr>
</thead>
<tbody>
<tr>
<td>Republic of Sakha (Yakutia)</td>
<td>1.20</td>
</tr>
<tr>
<td>Amur Region</td>
<td>1.31</td>
</tr>
<tr>
<td>Jewish Autonomous Region</td>
<td>1.40</td>
</tr>
<tr>
<td>Kamchatka Territory</td>
<td>1.59</td>
</tr>
<tr>
<td>Chukotka Autonomous Area</td>
<td>1.61</td>
</tr>
<tr>
<td>Sakhalin Region</td>
<td>1.68</td>
</tr>
<tr>
<td>Primorye Territory</td>
<td>2.08</td>
</tr>
<tr>
<td>Khabarovsk Territory</td>
<td>2.55</td>
</tr>
<tr>
<td>Magadan Region</td>
<td>3.37</td>
</tr>
</tbody>
</table>
The number of constituent entities of the Russian Federation with appeals ratio above average went down by a third (from 18 to 14) YoY. However, 11 Russian regions do not show any changes in the ratio, including Moscow (5.58), the Orenburg Region (5.54), the Moscow Region (4.39), the Vladimir Region (3.21), the Komi Republic (5.16), Karelia (5.07), the Republic of Adygeya (4.74), Mordovia (4.07), the Republic of Crimea (3.65), the Krasnodar Territory (3.94), and the city of Sevastopol (4.90).

A more detailed analysis of appeals by groups of rights, territorial location of petitioners, intensity of appeals, as well as cases of rights restoration in 2017 are given in the Human Rights Map of Russia, an Annex to this Report.  

1.3. Appeals Examination: Summary

When assuming office, the High Commissioner takes an oath and swears to protect individual rights and freedoms, and in doing so, be guided by the legislation, justice and the voice of conscience. As the old wisdom goes, he who saves one life, saves the world entire, which is why the High Commissioner’s work should be evaluated by his/her ability to render assistance to those who need it. The High Commissioner should always seek to restore the violated rights of as many petitioners as possible, to make sure that government bodies in their action and decisions are guided not only by the letter of law but also by justice and mercy, when dealing with people, irrespective of the offences they committed, irrespective of their social status, religion, and nationality, to make sure that officials perceive human beings with all their troubles and problems complexity rather than mere paperwork.

While addressing systemic human rights issues, the High Commissioner contributes to achieving the goals and objectives of the 2030 Agenda for Sustainable Development.

Of all the appeals received, the High Commissioner considered a total of 10,123 appeals using the whole range of tools at her disposal to respond to complaints about violations of individual rights and freedoms: requests for additional documents, audits and inspections, including on-site audits and inspections, examination of criminal cases with sentences imposed; requests to court or the Prosecutor’s Office to examine the final decision, sentence, court ruling, or court order; opinions on violations of human rights and freedoms sent to courts, and other tools and powers.

1 Human Rights Map of Russia posted on the High Commissioner’s official website is recorded on a DVD. Section “Russian Federation”, subsection “The High Commissioner’s Activities in 2017: Handling of Appeals” contain data on appeals by categories of rights, and a breakdown of appeals by federal districts. The “Analytics” subsection has seven maps showing the number and the type of appeals from every region. A detailed analysis of the appeals from every constituent entity of the Russian Federation is given in the section “Federal Districts”, subsection “Handling of Appeals from Residents of the District”. Information about appeals sent to regional ombudsmen is given in “Constituent Entities of the Russian Federation” sections, in choropleth maps of appeals, and in the pages of the constituent entities in the subsections “Activities of the Regional Commissioner in 2017”.
In 2017, the appeals were handled and addressed more effectively compared to the previous years. The number of decisions in favour of petitioners grew by 30% to 1,038 from 784 in 2016 and 227 compared to 2015, which is 4.5 times higher.

The rights of more than 250,000 were restored after the High Commissioner considered and investigated individual and collective complaints concerning large-scale violations of the rights of disabled people, pensioners, multi-child families, violations of individual rights at public events, in the process of rehousing people from unfit buildings, as well as petitions regarding violations against the environment.

34 officials and 32 legal entities were held administratively liable for breaches of human rights and freedoms, while 40 officials were subject to disciplinary action.

26,038 petitioners received clarifications and explanations with regard to the scope of their rights, their implementation and protection. The High Commissioner has also implemented a number of measures and projects to raise legal awareness, including the All-Russian Open Lesson “HUMAN RIGHTS” that was conducted for the first time in 2017 in secondary and higher educational establishments across the country, a “Legal Marathon for Pensioners”, as well as publishing of articles on human rights issues in periodic press, special bulletins, etc.

1 See 6.2.
The analysis of the petitions received by the High Commissioner shows that it is necessary to initiate a range of proposals to improve the laws on human rights and freedoms. To this end, the High Commissioner has submitted 35 legislative recommendations to subjects of legislative initiative and other competent authorities.¹

Much was done to protect labour rights, with a special focus on rendering assistance in eliminating wage arrears. Following the consideration of collective and individual complaints concerning labour rights, we helped more than 13,400 people to protect their labour rights: in 37 cases we managed to pay wage arrears to 12,500 workers, including construction workers form the Vostochny Cosmodrome (6,000 people), workers at PAO Sibneftegeofisika in the Novosibirsk Region (1,088 people), GK King coal in the Rostov Region (more than 2,400 people), ООО BTS-Gydrostroy (783 people) in the Republic of North Ossetia-Alania, ООО BTS-Gydrostroy in Moscow (783 people), ООО Zarechniy (183 people), ZAO Trest SZSSM in St. Petersburg (981 people).

In September 2017, during her business trip across the Khabarovsk Territory, the High Commissioner received petitions from workers of FGUP “The Main Military Construction Department No. 6”, in charge of the Vostochny Cosmodrome construction. More than 6,000 workers were owed over 400 mln roubles in unpaid wages. The High Commissioner asked the Chairman of the Government of the Russian Federation to take all the relevant measures to remedy the situation. In December 2017, wage arrears payments began, with 303,860,000 roubles paid by the middle of December and sources for ongoing payment of outstanding wage arrears identified.

Acting in close cooperation with relevant government agencies, the High Commissioner helped more than 140 people to protect their right to housing, with 52 of them receiving housing.

Upon the High Commissioner’s petition, the Supreme Court of the Russian Federation reversed the decision of lower courts regarding the withdrawal of apartments from bona-fide purchasers and retaining them as the municipal revenue. The multi-child family of S. from the Tula Region was deprived of their apartment after the court ruled in favor of the Tula authorities who had filed a claim against the family to retrieve the apartment as all the previous transactions with the apartment had been fraudulent. Following the High Commissioner’s request, the Judicial Division for Civil Cases of the Supreme Court of the Russian Federation ruled to satisfy the cassation appeal. The Tula Regional Court granted the applicants’ claims, thus recovering their right to the housing that they had bought.

The High Commissioner rendered assistance to 83 pensioners and veterans: 13 citizens in need received material assistance, 26 were provided with social benefits, pensions, or insurance; 38 received assistance with access to medical treatment and medicine; 4 were provided with rehabilitation equipment, 2 were awarded vouchers to health resorts to undergo medical treatment.

¹ See 6.1.
The High Commissioner received a complaint from military pensioner Sh., who had not been able to receive a one-time payment she was entitled to from the Solnechnogorsk Office of the Pension Fund of Russia, the Moscow Region, for more than a year. Upon the High Commissioner’s request to the Directorate of the Pension Fund of Russia, an audit was conducted, after which she was paid pension savings worth 122,225 roubles.

While addressing human rights violations in criminal proceedings, the High Commissioner upheld 162 petitions to protect the rights of suspects and defendants. Upon the High Commissioner’s request, prosecution authorities issued 38 orders to dismiss criminal proceedings, 2 criminal proceedings were initiated, 2 orders to suspend investigation were reversed, 39 requests and 23 submissions were made to prevent violations of human rights legislation.

In September 2017, the High Commissioner received petitions from human rights advocacy groups to defend citizen D. who was held in custody and on whom the Municipal Court of the city of Petrozavodsk ordered a comprehensive forensic examination of mental health, social-cultural behavior as well as a fine art appraisal. The examination was delegated to a non-government panel of experts, which, according to human rights activists, being a private non-government organization, could call into question impartiality of the investigation and the judgment. The High Commissioner addressed the Head of the Petrozavodsk Municipal Court, the Republic of Karelia. The examination was entrusted to the Serbsky Federal Medical Research Center for Psychiatry and Narcology. The court dismissed the public prosecutor’s motion to extend the period of D.’s detention and selected recognisance not to leave as a measure of restriction. After the examination, D. was released from custody.

The High Commissioner helped to cancel 155 orders of investigators and interrogating officers with regard to their refusal to initiate criminal proceedings, as well as to cancel 52 decisions to suspend preliminary investigation or police inquiries, and 12 decisions to dismiss a criminal case; the High Commissioner helped to reopen preliminary investigation for 62 criminal cases. Pretrial investigation authorities initiated 14 criminal cases, submitted 100 remedial action requests and 104 remedial action orders, and brought 5 officials to disciplinary responsibility.

The High Commissioner’s petition to the Prosecutor of the Ivanovo Region to defend pensioner S. helped to reverse the unlawful refusal to institute criminal proceedings on his statement regarding misappropriation of his deceased wife’s money. Following further investigation, the Investigation Department of the Ministry of Internal Affairs for the Lenin District (the City of Ivanovo), two criminal proceedings were initiated for misappropriation of money and false evidence before the court. S. was recognised as an injured party.

In 2017, together with the Federal Penitentiary Service of Russia and the prosecution authorities of the Russian Federation, the High Commissioner managed to redress 139 complaints concerning rights violations in detention facilities, thus helping a total of 9,500 people.
Relatives of inmate R., diagnosed with cancer and serving her sentence in a prison in the Perm Region, as well as human rights advocacy groups filed a number of complaints and petitions with the High Commissioner with regard to denial of access to medical treatment. The High Commissioner addressed the Head of the Federal Penitentiary Service of Russia with a request to provide inmate R. with the necessary medical treatment and asked the regional ombudsman to visit her in prison. As a result, R. went through a comprehensive cancer screening, clinical examination and laboratory tests, she was prescribed medication, examined by a senologist from the local Oncology Centre and given a follow-up scheme.

Upon the High Commissioner’s request, Moscow City Court granted the petition of convict M., a disabled man who cannot care for himself, by commuting the sentence of imprisonment to a fine.

The High Commissioner has stepped up work to monitor protection of rights of military personnel, law-enforcement officers, their family members, and civilian (employed) personnel of military units. 29 petitions have been investigated, with 1,640 people from that group receiving our support and assistance in protecting their rights. 47 families received housing, 574 people were paid wage arrears, 606 people were paid pensions and social benefits. We helped more than 300 citizens of the Russian Federation, former military men of the Ukrainian Armed Forces living in the Crimea to resolve their problems with resident registration.

In October 2017, the High Commissioner received a complaint from military pensioner T. and his family, bona fide purchasers of an apartment. They had bought it with their own money and a government housing certificate, issued to T. after he retired from military service. The military pensioner complained about the judgment of the Podolsk Municipal Court (the Moscow Region). The Court had ruled to retrieve the apartment from the family and to strike the pensioner off the housing register, as the apartment was property of the Ministry of Defense and had been sold as a result of fraudulent schemes of public officials who were prosecuted. After the audit conducted by the Chief Military Prosecutor’s Office upon the request of the High Commissioner, the Court of the Moscow Region revoked the judgment of the Podolsk Municipal Court and recognized the apartment as the property of the military pensioner’s family.

Behind every statistical figure there is the life of an individual and the welfare of his or her relatives. Effective handling of citizens’ appeals and an individual approach to every petitioner enable the High Commissioner to render assistance to those who need it.

The High Commissioner’s mandate also includes protection of the rights of foreign citizens in the territory of the Russian Federation. In 2017, the High Commissioner managed to protect the rights of 46 foreign citizens by helping to receive citizenship of the Russian Federation to 16 of them; lifting the previously imposed ban to enter Russia from 11 petitioners; issuing temporary residence permit or per-
manent resident card to 7 foreign citizens; providing asylum to 6 foreign citizens and extending the term of temporary residence for another 6 foreign citizens.

As a result of cooperation with the Ministry for Foreign Affairs of the Russian Federation and ombudspersons from other countries on protection of rights of our fellow citizens abroad, the High Commissioner has resolved 45 complaints, thus satisfying the interests of more than 500 people.

In 2017, one of the priorities was to help people to exercise their political rights. In 2017, there were fewer complaints related to elections and the electoral system than in previous years (50 complaints), that is why the High Commissioner has focused her attention on preventive measures, public visibility, awareness and transparency of election campaigns. As part of the agreement with the Central Election Commission, the High Commissioner and her Office monitored whether and how the right to vote was observed and protected.

Despite what has been achieved, the results of the High Commissioner’s work could be more substantial and fundamental, and that is a task for the future. To do this, it is necessary to address some systemic problems related to the legal status of the High Commissioner and the High Commissioner’s Office. It concerns such things as, for example, regulation of the High Commissioner’s rights and their realization in criminal, civil and administrative proceedings, the mechanism of the High Commissioner’s audits and inspections, procedures for admitting the staff to detention facilities upon the High Commissioner’s request to protect the rights of inmates.

To resolve legislative issues, the High Commissioner has sent a request to the State Duma and the Federation Council to set up a working group that will include the High Commissioner to develop relevant amendments to the Federal Constitutional Law “On the Commissioner for Human Rights in the Russian Federation” and to relevant legal acts.
The High Commissioner will continue to improve the legal mechanism and tools at her disposal to exercise the powers to effectively protect human rights and freedoms, to help as many people as possible to find truth and justice in the situation of unstable law enforcement.

The High Commissioner also needs support in terms of research and analysis. This task could be entrusted to the Federal Center for Human Rights. This research institute would have conducted relevant research in human rights and freedoms, coordinate development and implementation of government human rights programmes and projects, provide support, resources and methodology for training human rights professionals, to develop educational programmes with regard to human rights, train regional Commissioners as well as the staff of their offices, members of public monitoring commissions and other human rights activists, to organize open public fora for government officials and civil society to discuss issues of human rights protection.
Единый день голосования
10 сентября 2017
Выборы
2
PROTECTION OF CIVIL
AND POLITICAL RIGHTS
AND FREEDOMS
2.1. Right to Elect and be Elected

The Constitution of the Russian Federation grants citizens the constitutional right to elect and be elected to the bodies of state power and local self-government bodies (Article 32), which they exercise by participating in elections as voters, candidates, their representatives, delegates of electoral and public associations, members of the election commissions. The state and local government bodies are obliged to ensure the realization of the constitutional right of citizens through the organization and conduct of free democratic elections.

On a single voting day on September 10, 2017, there were held 5,810 election campaigns of various levels in the Russian Federation, 242 local referendums in 82 constituent entities of the Russian Federation — in all entities besides the Republic of Ingushetia, the Magadan Region and the city of St. Petersburg. There were also held direct elections of the heads of 16 constituent entities of the Russian Federation while one head of the constituent entity was elected by local legislature.

Furthermore, there were held elections of deputies to 6 regional legislative bodies and the Russian State Duma by elections in two single-member parliamentary constituencies.¹

One of the important indicators of citizens’ participation and their activity in the electoral process is their turnout at polling stations on the election day. And in this regard, it should be noted that the election campaigns of 2017, despite the absence of systemic violations of the voting procedure, caused a wide discussion in society precisely because of the low voter turnout in a number of regions.

In 15 territorial entities of the Russian Federation out of 16, where the gubernatorial elections took place, the turnout was lower than in previous similar elections. The exception was the Sverdlovsk Region. The voters of the Republic of Karelia and the Tomsk Region demonstrated the lowest turnout — 23.5% and 22.56%, respectively. On average, the turnout in the election of governors in 16 constituent entities of the Russian Federation on September 10, 2017 was 35.39% (Figure 23).

Many voters did not know the number, location, telephone of the precinct election commission and the address of the polling station. The High Commissioner was able to verify this while meeting with citizens on the election day in the city of Moscow. Additionally, instances of a lack of public awareness were reported to the High Commissioner by her colleagues, regional ombudsmen.

Information on the low awareness of voters in Moscow was communicated to the Head of the Moscow City Electoral Commission, who drew the attention of the heads of territorial election commissions to the need to improve voters’ awareness campaigns in the subsequent election campaigns. The High Commissioner will keep monitoring this issue.

It is necessary to raise public awareness about election campaigns using information stands and banners, a direct dialogue with the voter, mass media and text-messages as well as distributing leaflets with information about the times and voting stations in mailboxes.

The problem of ensuring the suffrage of persons with disabilities is of particular importance. At the request of the Chairperson of the Central Election Commission of the Russian Federation Ella Pamfilova, within the framework of the Agreement on Cooperation between the Central Election Commission of Russia and the High Commissioner during the period of preparation and conduct of the election campaigns and referendum campaigns in the Russian Federation, an inspection of
the premises assigned for voting was conducted in regard to their accessibility for persons with disabilities.

In recent years, an enormous amount of work has been done to create conditions for the unhindered access for disabled people and other low-mobility groups to social, transport and engineering infrastructure facilities, recreation facilities and the services provided therein. The state program of the Russian Federation “Accessible Environment” for years 2011–2020 is being implemented, providing for equal opportunities for disabled people and other citizens in all spheres of life, including the execution of electoral rights.¹

The analysis of information received from the results of special inspections has shown that the majority of polling stations are equipped in accordance with the requirements of the current legislation, which has enabled voters with disabilities to participate in the voting. At the same time, in some regions, the authorities either do not take these requirements into account when allocating the relevant premises to the electoral commissions, or the election commissions do not show proper perseverance. An accessible environment for voting for disabled people at some sites was provided only after the intervention of the regional ombudsmen.

The Commissioner for Human Rights in the Tver Region established a commission to monitor the polling stations in the city of Tver. Of the 48 sites examined, only 15 polling stations were accessible to people with disabilities, including three stations with removable ramps and lifts. Following the monitoring by the election commission of the region and the administration of the city of Tver, the local government has been recommended to include facilities without wheelchair access into the “Accessible Environment” programme.

¹ See 5.3.
Citizen D. complained to the High Commissioner about the absence of proper conditions of voting for wheelchair users at polling station No. 2667 in Nizhny Novgorod, with the latter sending correspondent inquiries to the Prosecutor’s Office and the election commission of the Nizhny Novgorod Region. The information on the complaint was confirmed and the prosecutor’s office then sent a proposal to eliminate violations of legislation to ensure the realization of the rights of citizens with disabilities into the Territorial Election Commission (TEC) of the Soviet district.

The High Commissioner together with the colleagues from the regions intends to continue monitoring the premises allocated for the election commissions to ensure that they meet the requirements of an accessible environment for people with disabilities during the election campaigns of 2018.

Altogether 50 requests were submitted to the High Commissioner concerning implementation of electoral rights, which was much less than in previous periods, what was explained by the absence of the federal elections in the year 2017. In their requests, citizens and representatives of public organizations often noted the facts of their names missing from the voter lists, compulsory voting, bribing voters, multiple voting, and lack of accessibility for voters with disabilities.

In some cases, information about the violation of electoral rights of citizens was justified and proved to be correct.

So, on the eve of the Single voting day, the High Commissioner was approached by a member of the Altai Territory Public Supervisory Commission with a complaint about violation of the rights of people in the pre-trial detention centers SIZO-1, SIZO-2 of the UFSIN (Administration of the Federal Penitentiary Service) of the Altai Territory, regarding the implementation of active suffrage. As a result of the prompt response of the High Commissioner for the protection of the rights of this category of persons, ballot boxes were delivered to all pre-trial detention centers in the region, which provided the opportunity to realize the voting rights of over 300 citizens.

Immediately during the election campaigns, the High Commissioner monitored the observance of citizens’ electoral rights. On the Single voting day on September 10, 2017, the High Commissioner’s Office organized a working group that on a daily basis analyzed the citizens’ complaints about violations of electoral legislation, examined publications in printed media and on the Internet, maintained contact with regional Commissioners, exchanged information with the Administration of the CEC of Russia. In addition, the representatives of the High Commissioner participated in the work of the Information Center of the CEC of Russia.

During the period from September 7 till September 10, 2017, dozens of telephone calls with reports about violations of electoral rights were received through the High Commissioner’s “hot line” with some of the facts which were subsequently confirmed. In all cases of violations of the electoral rights of citizens that demanded verification, requests were sent to the competent authorities.
The High Commissioner sent a request to the Prosecutor’s Office of the Koverninsky District of the Nizhny Novgorod Region to verify the information on bribery of voters in the village of Anisimov in the Koverninsky District of the Nizhny Novgorod Region and intimidating candidates for deputy. As a result of the prosecutor’s inspection, it was established that the promoters of the deputy candidate at the Khokhloma Village Council B. offered voters financial incentives for voting in his favor. Based on the results of the consideration of the case of an administrative offense, the magistrate of Judicial Division No. 2 of the Gorodetsky judicial district of the Nizhny Novgorod Region issued a ruling according to which D. was found guilty of committing an administrative offense under Art. 5.16 of the Code of Administrative Offences of the Russian Federation.

In order to increase the competitiveness of the election of heads of constituent entities of the Russian Federation, proposals for improving the so-called "municipal filter"¹ (introduced in 2012) deserve discussion. This can be done by reducing the maximum number of signatures of municipal deputies required to register a person as a candidate for the post of head of a constituent entity of the Russian Federation, as well as by giving each deputy an opportunity to support several candidates.

Improving voter trust is facilitated by the automation of vote counting using ballot processing centers. It is important to introduce the practice implemented by CEC of Russia and which has been established in all regions, of drawing up a protocol of the precinct election commission using a machine-readable barcode (QR code).

It is important to make the voting process as open as possible that can be realized not only through video monitoring, but also by expanding the practice of public control over the preparation and conduct of elections.

Currently, in accordance with Article 30 of Federal Law No. 67-FZ as of June 12, 2002 “On Basic Guarantees of the Electoral Rights and the Right to Participate in a Referendum of Citizens of the Russian Federation”;² an election observer may be appointed by a registered candidate, an electoral association that nominated a registered candidate, or an electoral association that registered the list of candidates. The law may provide the opportunity of appointing observers by other public associations. This right is granted, in particular, to public associations and groups of voters in case of elections to local self-government bodies.³

Federal Law No. 374-FZ as of December 5, 2017 “On Amendments to the Federal Law On Elections of the President of the Russian Federation”⁴ granted the right to appoint observers to be the subjects of public oversight.

It seems that the practice of public oversight (the nomination of observers by public associations and subjects of public control) should be expanded to all elections of representative bodies of state authorities, conducted in the territory of the Russian Federation. This can become a real guarantee of ensuring publicity of the work of the election commissions. Hence it is important that the selection of observers from public associations and public chambers should be objective and should ensure the representation of all public institutions sincerely concerned about election fairness.

2.2. Right to Citizenship of the Russian Federation

In recent years, the Russian state policy for regulation of migration flows has allowed to keep the tendency of growth of the number of foreign citizens receiving Russian citizenship and this continued in 2017. According to the Ministry of Internal Affairs of the Russian Federation, during the year, 256.5 thsd. foreign citizens received Russian citizenship. Most of them are the citizens of the member states of the Commonwealth of Independent States (over 94%). There is also an increase in the Russian citizenship conferment in a simplified procedure for foreign citizens who have parents who are citizens of the Russian Federation residing in the territory of the Russian Federation (+10.7%), individuals who were born in the territory of the RSFSR and had citizenship of the former USSR (+21.6%), foreign citizens married to citizens of the Russian Federation (+10.9%), people who are disabled, but have a capable son or daughter under the age of 18 years and are citizens of the Russian Federation (+9.8%), and individuals recognized to be native Russian speakers (+47.9%).

One of the reasons for the current trend of increase in statistical indicators of Russian citizenship conferment was the simplification of the procedure for its registration and the elimination of bureaucratic barriers. For these purposes in recent years a number of legislative acts have been adopted; in particular, Federal Law No. 243-FZ as of July 29, 2017 “On Amendments to the Federal Law ‘On Citizenship of the Russian Federation’ and Art. 8 and 14 of the Federal Law ‘On the Legal Status of Foreign Citizens in the Russian Federation’”, simplifying the procedure for Russian citizenship conferment for citizens of Ukraine, as well as wider employment opportunities for citizens of the Russian Federation who have citizenship of a foreign state.

1 Review of the Migration Situation in the Russian Federation as at January 1, 2018 and the Fulfillment of Responsibilities for Migration Issues by Internal Affairs Agencies of the Russian Federation in 2017 (Letter issued by the Ministry of Internal Affairs of the Russian Federation No. 1737 as of February 8, 2018)
This law incorporated the proposal of the High Commissioner, contained in the High Commissioner’s Report on the Activity for 2016, in terms of adjusting the practice of conferment of nationality of native Russian speakers, who for objective reasons cannot give up their existing citizenship of a foreign state.

At the same time, despite the development of guarantees of the right of foreign citizens and stateless persons to acquire Russian citizenship, a number of problems remain relevant. In 2017, the High Commissioner received 988 requests on issues of citizenship, which was somewhat less than in 2016.

Out of the total number of these requests, the majority (97.5%) came from persons living in neighboring countries, mainly from citizens of Ukraine (29%), the Republic of Uzbekistan (11.5%), the Republic of Kazakhstan (6.9%), the Republic of Tajikistan (6.2%) (Figure 24).

Following the consideration of these requests, the High Commissioner assisted 21 applicants to resolve issues of citizenship.

Convicted B., serving his sentence in the Penal Settlement of the Federal Penitentiary Service of Russia in the Republic of Bashkortostan, appealed for assistance in establishing his belonging to the citizenship of the Russian Federation. In connection with the request of the High Commissioner to the Ministry of Internal Affairs of the Republic of Bashkortostan, the circumstances indicating the presence or absence of citizenship of the Russian Federation were checked. As a result, citizen B. was recognized as a citizen of the Russian Federation and documented with a Russian passport.

The analysis of the received appeals concerning the conferment of citizenship has identified different shortcomings in implementation of the legislation (Figure 25).
To obtain the supporting documents on the renunciation of citizenship of another state (the beginning of the procedure of such renunciation) for the further acquisition of citizenship of the Russian Federation continues to be a problem, most often faced by citizens of Ukraine and the Republic of Uzbekistan, recognized as native Russian speakers.

Adopted in July 2017, the Federal Law solved this problem to some extent. Since September 1, 2017, the renunciation of a citizen of Ukraine recognized as a native Russian speaker from his/her citizenship is carried out by sending an application for the renunciation of citizenship of Ukraine to the authorized body of this state. Now, the document confirming the renunciation of Ukrainian citizenship is a notarized copy of his/her application. Thus, the obstacles to the implementation of the right to acquire the citizenship of the Russian Federation in a simplified procedure by the citizens of Ukraine recognized as native Russian speakers were eliminated.

Similar difficulties face citizens of the Republic of Uzbekistan and some other states whose authorities have been considering applications for renunciation of citizenship for a long time, sometimes for years. We believe it would be fair for the citizens of these countries to introduce a declarative procedure for renouncing their current citizenship, similar to the one established for the citizens of Ukraine.

The problems of obtaining supporting documents in case of renunciation of foreign citizenship also concern duly recognized native Russian speakers — foreign citizens and stateless persons permanently residing in the territory of the Russian Federation, speaking Russian and using it daily in family, household and cultural spheres. However, as the analysis of the legal status of this category of citizens

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demonstrates that the process of obtaining the citizenship for our compatriots, for those who are culturally and spiritually close to Russia, has become even more difficult than for citizens living in foreign countries. Even at the early stage of obtaining a residence permit, they are asked to submit a document issued by a foreign state on the acceptance of an application for renunciation of their current citizenship. Moreover, the residence permit for the category of recognized native Russian speakers is issued for three years without the right of extension, though for other categories — for five years and with the possibility of multiple extension. In addition, if a native Russian speaker with a valid residence permit does not receive Russian citizenship within two years, he/she shall be stripped of a residence permit without the right to obtain it again.

As a result, people find themselves in a difficult situation — they have nowhere to go, as they had come to Russia for permanent residence, while in the country of origin they have neither work nor housing. The mentioned problems could have been partially resolved by the draft law No. 69201–7, introduced in December 2016\(^1\) by a group of deputies of the State Duma. It gives foreign citizens rights equal to those of Russian speakers in obtaining a residence permit, and simplifies the procedure for granting them the Russian citizenship. However, as of today, the law is still at the drafting stage in the respective Committee of the State Duma. The High Commissioner looks forward to its early adoption.

Unfortunately, the adoption of by-laws intended to ensure the operation of Federal Law as of July 29, 2017 No. 243-FZ is also delayed. The procedure for registration and transfer of applications for renunciation of citizenship of another state to the migration authorities has not yet been established. This means that the law remains without the necessary mechanisms for its implementation. Taking into account the above, the High Commissioner requests the Government of the Russian Federation to speed up the adoption of relevant regulatory legal acts intended to improve the lives of thousands of people.

The High Commissioner received 58 appeals on the issue of invalidation of previously issued Russian passports. Often, citizens’ passports are withdrawn because

they were issued in breach of the established procedure. By and large, this is how it should be if the procedure for acquiring citizenship of the Russian Federation established by law is violated. But the fact is that in most cases, passports are withdrawn from citizens of the former USSR who arrived for permanent residence in Russia before 2002. Thus, it is very difficult to establish the reason why the fact of the issuance of a passport is not documented on the databases of the migration authorities.

Currently, Chapter VIII.1 of Federal Law as of May 31, 2002 No. 62-FZ “On Citizenship of the Russian Federation” provides the procedure to recognize this category of individuals as Russian citizens and to protect the rights and legitimate interests of such persons. The provisions of this Chapter are valid until January 1, 2020¹ and are only a temporary solution to the problem, given that the practice of passports withdrawal is still in place. In addition, a number of persons whose passports are withdrawn because they were issued in breach of the established procedure are not covered by these provisions. Thus, there is no guarantee of rights in the withdrawal of passports issued in breach of the established procedure for persons who arrived in Russia for residence after November 1, 2002.

The practice of actual deprivation of the citizenship of persons with faulty documents due to mistakes made by employees of migration authorities is in non-compliance with the position of the Constitutional Court of the Russian Federation which stated that the decision to grant citizenship may be revoked only in cases of absence of legal basis for the acquisition of Russian citizenship and the emergence of a stable legal connection of a person with the Russian Federation.²

Particular difficulties are faced by children whose parents were deprived of passports of a citizen of the Russian Federation issued in violation of the established procedure. While parents are once again in the process of acquiring Russian citizenship and obtain passports, their children who have reached the age of majority, when trying to acquire Russian citizenship face the need to submit documents issued by foreign countries, which in some cases is an impossible task.

**Russian Citizen M. told the High Commissioner during a face-to-face interview that she had been trying for several years to solve the issue of obtaining a Russian passport for her 20-year daughter E. It is impossible to get a job, to go to university, to be registered to a clinic, etc. without citizenship and, accordingly, a passport. In view of this situation, the High Commissioner submitted a request to the Directorate-General for Migration of the Ministry of Internal Affairs of Russia for possible assistance to E. in the acquisition of Russian citizenship, taking into account the fact that all the members of her family are citizens**


of the Russian Federation. The application of the High Commissioner was supported, and due to the decision made by the Directorate-General for Migration of the Ministry of Internal Affairs of Russia in Moscow, in August 2017 E. acquired the citizenship of the Russian Federation.

In connection with the receipt of appeals about difficulties in documenting under-aged citizens of Ukraine studying in educational institutions of the Crimea, the High Commissioner, at the end of 2017, sent appeals to the Heads of the Republic of Crimea and Sevastopol, the Heads of the relevant territorial bodies of the Ministry of Internal Affairs of Russia. According to information received from the Council of Ministers of the Republic of Crimea, state budgetary institutions of the Republic of Crimea in 2017 provided assistance to 841 families with children in the preparation of identity documents. In 2018, work will be organized to assist in the registration of Russian passports for 1,413 students of general education organizations, boarding schools, social rehabilitation centers that have reached the age of 14, but have not received a passport of a citizen of the Russian Federation. The High Commissioner will continue to monitor the situation with the acquisition of Russian citizenship in the Republic of Crimea and Sevastopol.

Another pressing problem is the acquisition of the Russian citizenship by persons serving sentences in prison, who despite available grounds for assuming the existence of citizenship of the Russian Federation or the preconditions for its acquisition cannot provide documents confirming the relevant circumstances. According to the Federal Penitentiary Service of Russia, in 2017 the institutions of the penal system held 40,625 persons who did not have a passport of a citizen of the Russian Federation. This number includes persons who do not have any documents showing their identity and citizenship.

The High Commissioner received an appeal from convict B., serving his sentence in the Federal State Institution — Penal Settlement 4 of the Federal Penitentiary Service of Russia in the Republic of Bashkortostan with a request for assistance in establishing his belonging to the citizenship of the Russian Federation. As it followed from the submitted materials, from July 13, 2016 the Department of Russian Federal Migration Service in the Republic of Bashkortostan in Salavat was checking B.’s belonging to the citizenship of the Russian Federation, but at the time of his application to the High Commissioner, the applicant was not aware of its results. In response to the petition of the High Commissioner, the Directorate for Migration of the Ministry of Internal Affairs in the Republic of Bashkortostan informed that in respect of B., the circumstances that could indicate his belonging to citizenship of the Russian Federation were additionally checked. According to the results of verification, on the basis of the conclusion of the Ministry of Internal Affairs of the Republic of Bashkortostan B. was recognized as a citizen of the Russian Federation and documented by Russian passport in July, 2017.

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1 Statistic Digest on the status of human rights in the penal system (Letter issued by the Ministry Of Justice No. 1444 as of February 2, 2018).
The red tape in solving the issues of identification and of belonging to the citizenship of the Russian Federation is an acute problem for persons held not only in institutions of the penal correction system but also in the temporary detention centers for foreign nationals and psychiatric institutions. Complaints about this situation are common.

The Commissioner for Human Rights in the Leningrad Region appealed to the High Commissioner for assistance in establishing the identity of B., who has been held for more than 22 years in psychoneurological institutions of the Leningrad Region without any documents. In February 2017, Gatchina City Court of the Leningrad Region, having considered the application of the High Commissioner, established the facts of the birth and permanent residence of B. in the territory of the Russian Federation. On the totality of the documents submitted by the Department of the Russian Federal Migration Service in the city of St. Petersburg and the Leningrad Region in March 2017, the disabled person got back his name and Homeland: he was issued a passport of a citizen of the Russian Federation.

The High Commissioner continues to receive complaints about the difficulties associated with the Russian Federation citizenship conferment for foreign citizens whose family members reside in the territory of Russia and are Russian citizens.1

The above-mentioned problems, related to the acquisition of Russian citizenship, indicate a lack of protection of the rights of persons seeking to become citizens of the Russian Federation on a legal basis. The timely adoption of measures aimed at solving these problems can increase the guarantees of observance and protection of the right to citizenship of the Russian Federation, as well as the prestige of the Russian Federation in the international arena. At the same time, as practice shows, in the course of improving the regulations, special attention is required to implement the principle of reducing the number of stateless persons established by P. 6 of Art. 3 of Federal Law No. 62-FZ as of May 31, 2002 “On Citizenship of the Russian Federation”,2 as well as to ensure the right to Russian citizenship for persons who are recognized native Russian speakers and are closely related to Russian traditions and culture.

2.3. Freedom of Conscience and Religion

The Universal Declaration of Human Rights in its Article 18 proclaims that everyone has the right to freedom of conscience and religion, without which the normal existence of a civilized society is impossible. In a democratic state, a person should be able to form independently his/her moral principles, define duties, exercise internal self-control and moral self-assessment of his/her actions. In this regard, the Constitution of the Russian Federation guarantees to everyone freedom of conscience.

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1 See 5.7.

Chapter 2. PROTECTION OF CIVIL AND POLITICAL RIGHTS AND FREEDOMS

and religion, including the right to profess individually or jointly with others any religion or not to profess any religion, to freely choose, to have and to disseminate religious and other beliefs and to act in accordance with them, while rejecting any form of restriction of the rights of citizens on grounds of religious affiliation and does not allow coercion to express one’s views and beliefs (Art. 28, 29).

The consolidation and observance of these fundamental constitutional values are especially important for a country that has survived the historical periods of atheism and mono-ideology, rejection of pluralism of opinions, persecution of “dissidents” and forced expulsion of those who did not accept party guidelines of the time. Today, the Russian state treats believers of all faiths and people of atheist beliefs with equal respect.

In modern Russia, all the necessary state and legal guarantees of freedom of conscience and religion have been created. The legislation has been formed, which allows to ensure freedom of conscience and to act as a stabilizing factor in the dialogue between national and religious groups of Russian society. The legal basis for all this is provided by Federal Law No. 125-FZ as of September 6, 1997 “On Freedom of Conscience and Religious Associations”,¹ which establishes the basic principles and guarantees in this area. In Russia, administrative and criminal liability is established for violation of the right to freedom of conscience and religion (Art. 5.26 of the Administrative Code of the Russian Federation and Art. 148 of the Criminal Code of the Russian Federation). Also, the law serves as a safeguard against attempts to escalate religious extremism, parasitize citizens’ religious feelings for the sake of violent and

2.3. FREEDOM OF CONSCIENCE AND RELIGION

selfish crime, and other means of using people's faith to cover socially dangerous activities. In the High Commissioner's opinion, all these measures are justified and relevant for the present stage of world development, especially in terms of suppressing religious terrorism and extremism.¹

The High Commissioner received 810 appeals on the issues of freedom of conscience and religion in 2017, which is somewhat less than in 2016, when 1,128 appeals were registered including 22 collective appeals. The applicants and public associations raised a wide range of issues related to the right to freedom of conscience (Figure 26).

In 2017, as in previous years, a significant part of the appeals (234) concerned the problem of personal electronic identification, registration and processing of personal data of believers. Citizens pointed at the inadmissibility of forced use of electronic registration technologies, the need to provide them with an unhindered opportunity to use alternative means of collecting, processing, recording personal data and confidential information on a voluntary basis. This problem is not as harmless as it seems at first glance. If believers avoid the use of new electronic technologies used for interaction with state institutions and commercial organizations, it leads to negative economic consequences both for believers and for their families. They are deprived of

pensions, benefits, grants, maternity capital subsidies, employment and other socio-economic and cultural rights. This was reported by believers from the Leningrad, Kostroma Regions, the Republic of Crimea, the city of Sevastopol and other constituent entities of the Russian Federation.

In accordance with the Russian legislation, the registration of citizens in the territorial offices of the Federal Tax Service and of the Pension Fund of the Russian Federation and, accordingly, the assignment of certain individual numbers allows them to carry out technically this registration and is a necessary condition for the normal work of state institutions, thus ensuring the interests of citizens. The numbers of issued documents do not replace the personal data of the citizen, but only perform a technical function. The state, by introducing general registration and control procedures, including those with the use of modern electronic technologies, does not seek to restrict anyone’s rights, since these requirements apply to all citizens, regardless of their ideological beliefs, belonging or non-belonging to a particular religion. They are established by law and aimed at ensuring the maximum rights and freedoms of citizens. The task of the state is to ensure that technological tools do not interfere with the implementation of the rights and freedoms guaranteed by the Constitution of the Russian Federation, but provide their unconditional implementation and protection.

It should be noted that the Russian Orthodox Church has already formed a position on this issue. In a statement of March 7, 2000 the Holy Synod of the Russian Orthodox Church emphasized that: “No external sign violates the spiritual health of a person, if it is not the result of a conscious betrayal of Christ and profanation of the faith.”

Since the issue has not been fully resolved, it is necessary to have a civil, moral and theological understanding of the problem.

The second group of appeals was devoted to the issues of registration and liquidation of religious organizations. In particular, the High Commissioner received 143 similar appeals on the inadmissibility of registration of satanic cults and the prohibition of the activities of the religious group “Satanic Church”. In these appeals, citizens asked to assist in the verification of the legality of the state registration of the Satanic Church and the publication of its magazine.

In the course of consideration of these appeals, information on the official registration of the religious organization “Satanic Church of the Russian Federation” was not confirmed, as citizens act as part of a religious group.

18 complaints were received from members of “Jehovah’s Witnesses” in connection with the appeal on March 15, 2017 of the Ministry of Justice of the Russian Federation to the Supreme Court of the Russian Federation with a claim to recognize

the religious organization “Jehovah’s Witnesses Management center in Russia” as an extremist one, and to ban its activity and liquidate the organization.\(^1\)

Considering these appeals, the High Commissioner sent requests to the supervisory authorities for inspections, the results of which did not confirm the arguments of the applicants about the violation of their rights. All applicants were given appropriate explanations.

The opinion poll conducted by the All-Russian Public Opinion Research Center indicates that the attitude toward the Association of “Jehovah’s Witnesses” in Russian society is predominantly negative, and the decision of the Supreme Court of the Russian Federation on the recognition of the organization as extremist and banning its activity on the territory of the Russian Federation has been supported by 76% of respondents. At the same time, fears and hostility towards representatives of a particular religion and religious groups in general are not typical for Russians: such feelings, by their own admission, are experienced by only 11% of respondents, while 84% did not.\(^2\) This is largely due to the respect and tolerance of the citizens of the Russian Federation, most of whom consider themselves believers and consider themselves orthodox (64%).\(^3\)

However, the task of conflict-free reintegration into the social life of followers of a religious organization continues to be relevant. And this task needs to be solved jointly by the authorities and civil society. This example also speaks in favor of the need to conduct the educational work on the issues of counteracting the activity of destructive religious associations. Hence the provisions of the High Commissioner’s Report for 2016 on the study of traditional religious cultures in schools on a voluntary basis, as well as on the expansion of the course “Fundamentals of religious culture and secular ethics”, in general, education institutions, continue to be relevant.

The subject of appeals to the High Commissioner was also the issues on transfer of state or municipal property to religious organizations.

Thus, in 2017, the issue of transferring St. Isaac’s Cathedral in St. Petersburg to the Russian Orthodox Church and preserving the Cathedral’s Museum and educational functions caused a wide discussion in society. Several scores of appeals have been received in this regard.

The analysis of appeals leads to the conclusion that certain problems for believers and religious organizations are caused by the imperfection of Federal Law No. 327-FZ

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\(^1\) On April 20, 2017, the Supreme Court of the Russian Federation satisfied the legal action of the Ministry of Justice to declare “Jehovah's Witnesses Management center in Russia” an extremist organisation, ban its activity and close it, seize the property of the organization in Russia in behalf of the state. See: The Resolution of the Supreme Court of the Russian Federation No. АКПИ17–238 as of April 20, 2017 // Access from legal-reference system “CosultantPlus”.


as of November 30, 2010 “On Transfer to Religious Organizations of Property of Religious Significance Owned by the State or Municipalities”¹ and related by-laws that establish the grounds, conditions, and procedures for the transfer of property. On the other hand, it is important that the struggle for the preservation of cultural values should not become the subject of political speculation, the dispute between the traditional Russian religion with the believers themselves, whose rights are guaranteed by international legal norms and the legislation of the Russian Federation. Public authorities have to take into account the concerns of citizens and public associations in regard to the preservation of museum exhibits in various parts of the country, including the state care for the restoration of numerous churches demolished in the XX century.

Over the past year, the problem of contradiction and conflict between the realization of freedom of expression and creativity, on the one hand, and the right to recognition and protection of the dignity of the individual and the realization of religious freedoms, on the other hand, has become much more acute. Regarding this subject, there were appeals from deputies of the legislative bodies of state power of the subjects of the Russian Federation, public associations and other non-profit organizations and collective appeals of citizens.

In connection with the release of the trailer for the film “Matilda” the High Commissioner received 17 collective complaints (more than 20 thsd. signatures) about the insulting of the feelings of believers through public desecration of the image of Emperor Nicholas II and his wife Alexandra Feodorovna beatified as saints by the Russian Orthodox Church. Not only Orthodox believers but also Muslims spoke about the inadmissibility of the desecration of shrines and the centuries-old history of the peoples of Russia, paying attention to the fact that historical memory unites and forms the foundation of social harmony of the federal state. Having agreed with the position of citizens that the moral request of society for mutual respect for religious feelings and the inadmissibility of the humiliation of human dignity are the basis of Russia’s stability, the High Commissioner sent appeals to the Prosecutor’s Office and the Ministry of Culture of Russia. According to the received answers, no materials of extremist nature and signs of insulting the feelings of believers in the video trailer for the said film were revealed. In December 2017, after the film was released, the Prosecutor’s Office of St. Petersburg provided a response that a revision of the film was organized in the expert institution, and after receiving the results of the examination, the question of taking response measures would be considered.

As a result of the consideration of these and other appeals, it should be noted that extreme care needed on the part of the professional community of cultural and art workers in regard of the moral foundations of believers while using ideas, plots and means of artistic expression superficially borrowed from the internal regulations

of religious organizations. Moreover, it is also highly undesirable to distort loaded historical events deliberately, their spiritual and moral dimension constituting the essence of religious beliefs the role of individuals in history and stories of their private lives.

In the context of freedom of conscience and religious beliefs, as noted in a decision of the European Court of Human Rights, there may legitimately be included a duty to avoid as far as possible an expression that is, in regard to objects of veneration, gratuitously offensive to others and profanatory. In other decisions, the European Court of Human Rights has also affirmed the importance of a strict approach to blasphemy as an offence persecuted under legal guarantees of freedom of speech. It is sometimes very difficult to identify the moment when lawful implementation of the creative freedom, freedom of expression and criticism turn into extremist actions. But it is obvious that the state definitely should not finance from its budget the production of cinema and theater productions as well as art exhibitions that violate the balance of human rights and freedoms. The creative work of one person cannot be placed above the rights and human dignity of a large social group of believers.

The High Commissioner continues to receive complaints about illegal methods that law enforcement officers use in bringing individuals to administrative responsibility for violation of the legislation on freedom of conscience, freedom of religion and religious associations.

The High Commissioner received collective appeals from believers of the Evangelical Christian Baptist Church from the Nizhny Novgorod Region in defense of the rights of T., who was found guilty of committing an administrative offense under P. 4 of Art. 5.26 of the Administrative Code of the Russian Federation. The Prosecutor’s Office check initiated by the High Commissioner, established the absence of description of the administrative offense in the Protocol on Administrative Offence, which in accordance with Art. 26.1, 28.2 of the Administrative Code of the Russian Federation is the major drawback. These circumstances served as the basis for the cancellation of the court decision and the termination of the proceedings in respect of the administrative offense.

The High Commissioner received 7 appeals from citizens and human rights organizations, related to ill-founded “preventive police registration” of believers.

Citizen G. complained of an ill-founded “preventive police registration” in connection with his alleged extremist activities. Upon the request of the High Commissioner, the Prosecutor’s Office in Derbent of the Republic of Dagestan checked the validity of the preventive police registration of the specified citizen. According to the results of the check, it was found

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that the police registration of G. in a preventive manner was made in violation of the re-
quirements of the departmental act. In this regard, on July 6, 2017 the Prosecutor’s Office in
Derbent made a proposal to eliminate violations of the law to the Head of the Department
of the Ministry of Internal Affairs.

This problem continues to be relevant and requires increased attention not only
from the High Commissioner, but also from the supervisory authorities.

Along with this, the High Commissioner expects both more active and resolute
actions of the Prosecutor’s Office to restore as many of the rights of citizens as possi-
ble related to appeals to state bodies, and officials to comply with the law that pro-
tects the rights of people.

2.4. Right to appeal to state
and municipal bodies

The prominent American human rights defender Martin Luther King noted: “In-
justice anywhere is a threat to justice everywhere”. That is the way people see those
officials who supposedly should protect the constitutional rights but rather infa-
mous for the red tape, dismissal of citizens’ applications and hard-hearted attitude
toward the problems and needs of the population. Recent history demonstrates that
the very set of attitudes and behaviors evokes legal nihilism, indifference towards
the country’s destiny, society and its greatest value — the man. Citizens stop trusting
law, justice and believing in government’s readiness and ability to help them in dif-
fi-

In 2017, the High Commiss-
oner received 497 citizens’
complaints concerning viola-
tion of the right to appeal to
the state and municipal au-
thorities, provided for in arti-
cle 33 of the Constitution of
the Russian Federation and
detailed with the provisions
of Federal Law No. 59-FZ as
of May 2, 2006 “On Procedures
for Examining Appeals and
Addresses from Citizens of the
Russian Federation”1 (herei-

At a meeting with the Ombudsman of the Chechen Republic,
officials from the Prosecutor General’s Office,
the Investigative Committee, and law-enforcement bodies
of the Chechen Republic. September 2017

nafter — the Law on Processing of Appeals). In their requests citizens complained about failures to meet the time limits for consideration of their applications or lack of responses, inconclusive replies, difficulties in making an appointment to meet the authorized officials, forwarding complaints to the authorities whose decisions are appealed.

In comparison with 2016, the number of such complaints has decreased (683 complaints in 2016). The main reason for this tendency was inter alia introduction of integrated electronic database into public sector work. Gradual shift to digital technologies of government machinery offers new opportunities, provides openness and accessibility of information concerning the work of government institutions. In a number of cases these newly introduced tools make multiple citizens’ requests or any requests unnecessary. In November 2017, the legislation underwent some amendments, according to which an official reply to a request related to “an uncertain circle of individuals” may be published on the web sites of governmental bodies and local authorities.¹

Another guarantee of the exercise of citizens’ rights stipulated in the Law on Processing of Appeals is the requirement of receiving a reply from the authorities within the prescribed time limit. But practice suggests the opposite. Sometimes citizens have to beat down the doors of State and municipal departments in a bid to get the reply from the state bodies.

The High Commissioner received a request from B. concerning non-response to his complaint against inaction of the city of Voronezh traffic police personnel. Following the petition of the High Commissioner to the Prosecutor of the city of Voronezh the subsequent investigation identified a serious violation of the Law on Processing of Appeals since the traffic police service sent a reply to B.’s complaint within three months delay and only after the High Commissioner’s intervention. As a result the responsible officers from the traffic police service were disciplined.

It is also quite common that citizens do not receive any replies to their requests at all, which is a clear violation of the Law on Processing of Appeals.

The High Commissioner received a complaint of Y. against actions of migration authorities, who had confiscated the applicant’s passport of a citizen of the Russian Federation on November 22, 2015. The Y.’s requests lodged to the Town Prosecutor’s Office to make migration authorities return his passport remained unanswered. Following the High Commissioner’s petition, the investigation conducted by the Prosecutor of the Moscow Region established that in November 2015 during photo-copying, Y.’s passport was accidentally lost. The responsible person was subjected to disciplinary measures, and the applicant was issued with a new passport of a citizen of the Russian Federation.

The High Commissioner receives a considerable amount of complaints regarding non-sufficient or unsubstantiated replies.

The High Commissioner received a request from the person of the 1st disability group Sh. regarding a complaint against inaction of the personnel of the Ministry of Internal Affairs of the Russian Federation at Hovrino District of the city of Moscow. According to the request, in April 2017, upon reaching the age of 45, Sh. submitted an application to replace internal national passport through the Integrated Portal of State and Municipal Services. Later the applicant was notified that he had provided insufficient number of photographs supposedly necessary to issue a new passport. The unjustified delay in the passport replacement made Sh. unable to access his pension deposit because of the lack of the identity document. Eventually, following the internal investigation initiated at the High Commissioner’s request Sh. was issued with the long-waited passport of the citizen of the Russian Federation. Overall, it took him about five months to have his passport issued, the procedure, which normally takes just 10 days according to clause 16 of the Regulations. 1 Moreover, the problem was solved only after Sh. had applied to the higher authority of the Ministry of Internal Affairs and the High Commissioner.

As a rule, appeals received by the High Commissioner indicate that citizens who are in difficult situations and not receiving assistance from the authorities have nowhere else to go, their requests are, in fact, the last cry from the heart:

“Over the past two years we have submitted a huge number of complaints, written and oral statements, collective appeals to higher customs bodies, the Federal Customs Service of Russia, the courts, the Prosecutor’s Office, deputies of the State Duma, institutions and organizations which are meant to assist compatriots. However, everywhere, we run into inaction and unwillingness to eliminate this annoying ‘gap’.”

“I’m nine months pregnant and serving a sentence in a place of detention. During this time I have been deprived of a residence permit, a roof over my head. The Prosecutor’s Office informed me that all that was done to me on legitimate grounds. I plea for your help!”

One of the guarantees for the realization of the right to appeal is meeting citizens face-to-face, what is regulated by the Law on Processing of Appeals. However, as practice shows, citizens often face difficulties even at the stage of making a personal appointment with authorized officials of various state bodies.

Thus, citizens A. and M. complained to the High Commissioner against the unsatisfactory results of consideration of their applications by the Prosecutor’s Offices of the Khanty-Mansiysk Autonomous Area — Yugra and the Tver Region where the applicants faced the actions meant to prevent them to see personally the prosecutors of the regions. The High Commissioner sent inquiries to the Prosecutor’s Offices of those regions with a request to

make personal appointments with the citizens. According to the replies received, the requests of A. and M. about making personal appointments were satisfied.

All of the above clearly demonstrate that the problem of implementing the Law on Processing of Appeals to state and municipal bodies is not fully resolved. The statistical decline in the number of citizens’ appeals merely means that procedural and technological issues have been resolved, but not the problems of legal relations between government bodies, society and citizens.

Assistance from the High Commissioner in this area of public relations, although it is an effective tool for overcoming bureaucratic barriers, is exceptional since it does not solve the problem as a whole. There is a need for further improvement of the procedures of organizing a dialogue and reducing distance between an individual and an official, especially for those authorities that directly monitor and supervise the observance of the rule of law and protect the rights of citizens.

The modern world with its innovative approaches and technologies calls for a new form of communication between the state and society via the Internet. In this regard, the issues of further improving the guarantees of the right of citizens to appeals to state and municipal bodies acquire special significance. Thus, the problem of the full-realization of the right to appeal through electronic service centers, which all federal agencies currently have, as well as the possibility for remote tracking of the results of consideration of the requests, is becoming more urgent.

Evidently, the issue of the need of introducing a single system for processing and storing requests through the creation of a corresponding Internet website has become urgent. The introduction of this proposal should cover not only the scope of application of Federal Law No. 59-FZ as of May 2, 2006 “On Procedures for Examining Appeals and Addresses from Citizens of the Russian Federation,” but also apply to procedures for consideration of requests which are regulated by other federal laws, which will create equal opportunities for citizens in the realization of their constitutional right to requests.

An important step towards solving the above-mentioned problem is the Decree of the President of the Russian Federation No. 171 as of April 17, 2017 “On Monitoring and Analysis of the Results of Consideration of Appeals from Citizens and Organizations”,1 requiring state and municipal authorities to install a counter of lodged electronic applications on their official website, and also to submit monthly to the Administration of the President of the Russian Federation in electronic form the information on the results of consideration of requests of citizens and organizations and on measures taken on their requests.

The above-mentioned data is processed in accordance with the thematic classifier of requests and serve as an exceptionally valuable information resource for

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understanding the key problems of public and social life in order to solve these problems promptly and improve the mechanism of public administration. The High Commissioner supports the activities in this direction, since the ultimate goal is to ensure the protection of the rights, freedoms and legitimate interests of individuals and citizens.

In accordance with Article 6 (1) of the Law on Processing of Appeals, it is prohibited to prosecute a citizen in connection with his or her request to a state body, local government or to an official criticising the activities of the said bodies or officials, or for the purpose of restoring or protecting rights, freedoms and legal interests, both their own and of third parties. Experience again demonstrates the opposite, namely, this rule is being ignored by representatives of the authorities.

Particularly acute is the problem of considering complaints from citizens in custody. According to the materials transmitted by the High Commissioner to representatives of the human rights community, there is a practice of instituting criminal proceedings for “libel” against prisoners who sent complaints on unreasonable use of physical force and the use of special devices. Information on the initiation of proceedings relating to false denunciations is widely reported to prisoners in the correctional system to discourage them from complaining. During the High Commissioner’s visits to convicts in the penitentiaries in the Republic of Karelia and the Yaroslavl Region, they reported that they were afraid to address the Commissioner of a fear of punishment.

Sometimes the procedure of sending correspondence to the supervisory authorities is also violated.

Upon consideration of the request by the accused person K., it was established that on the first page of his application to the High Commissioner there was an impression of the seal (which read “submitted”), indicating that the complaint of K. was accepted by the staff of the Institution in an open form. After the intervention of the High Commissioner, the Moscow Department of the Federal Penitentiary Service of Russia informed the High Commissioner that based on the results of the inspection the information about violations was confirmed. An employee of the special accounting department of the SIZO-2 of the Moscow Department of the Federal Penitentiary Service of Russia responsible for the violation was reprimanded.

The High Commissioner firmly believes that it is necessary to change the attitude of officials to the consideration of complaints. State and municipal employees and managers of any rank must assume that citizens’ appeals are an effective channel of feedback between the population and the authorities, that provides a zero-cost means of identifying shortcomings in the development of political, economic and social procedures. Many experts in this field have long maintained that a complaint is a privilege, and citizens’ appeals to state bodies should be seen as such.
2.5. Right to Hold and Participate in Public Events

The right to hold and participate in public events is one of the basic and inalienable elements of the status of a citizen of a democratic rule-of-law state. It is enshrined in the Constitution of the Russian Federation, Article 31 of which establishes that citizens of the Russian Federation have the right to assemble peacefully, without weapons, to hold meetings, rallies and demonstrations, marches and pickets. This constitutional right provides citizens with the opportunity to express their sentiments, partially influence the organization and implementation of public authority, and be heard. At the same time, the protest character of public events cannot be ruled out, which can be expressed in criticising both individual actions and decisions of state authorities and local government, as well as their policies.

In comparison with the previous year, there is a decline in the number of public events held on the territory of the Russian Federation in 2017. This is largely due to the lack of large-scale election campaigns, such as in 2016. In total, 47.1 thsd. various public events were held in the past year. About 12 million people took part in them.

It should be noted that in many cases the right of citizens to public meetings in its implementation is “uncomfortable” for the state government, since it is often based on discontent and criticism of the authorities. For their part, residents in public places also experience discomfort, as traffic congestion worsens and access to certain facilities is restricted, negatively impacting personal security of citizens. Therefore, the civil initiative of holding public events is often perceived by officials and the public, as a manifestation of extreme forms of democracy. Opinion polls have shown that the importance of the right to peaceful assemblies and processions is estimated by respondents to be low (2%) in the rating of rights and freedoms significant for citizens.\(^1\)

In the opinion of the High Commissioner, the political right under consideration is the most important means of direct communication and feedback between citizens, their voluntary associations and public authorities and should be provided with appropriate guarantees.

The procedure of holding public events is regulated by Federal Law No. 54-FZ as of June 19, 2004 “On Meetings, Rallies, Demonstrations, Processions and Picketing”,\(^2\) and the procedures of meetings with voters and meetings on referendum issues are determined by the legislation of the Russian Federation on elections and referenda.\(^3\)

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1. See 1.1.
In addition, in June 2017, the Federal Law was adopted to establish special guarantees for holding meetings of deputies of all levels with voters in the form of public events.¹

This law establishes the duty of local self-government bodies to facilitate the organization of meetings of deputies with voters, and also introducing administrative penalties for obstructing the organization or conduct of these voter meetings. These amendments were initiated by the High Commissioner in the letter to the Chairman of the State Duma after the draft law passed its first reading.

In accordance with the law, there is a notification procedure for coordination of organizing public events with executive authorities of a constituent entity of the Russian Federation or local government bodies. The organizers of a public event must inform the relevant authorities of the time and location of the public event.

The purpose of the notification procedure is to enable regional and local authorities to prepare and take measures to ensure that the meeting, rally or any other political or cultural event is properly organised.

The obligations of the public authorities to ensure the rights of citizens to conduct public events in the form of a legal opinion are set forth in Decision of the Constitutional Court of the Russian Federation No. 2-P as of February 10, 2017 “On the Constitutionality of the Provisions of Article 212.1 of the Criminal Code of the Russian Federation in Response to a Complaint by Citizen Ildar Dadin.”² It notes that the state and municipal authorities should not abuse their legislative, administrative, organizational and other efforts to establish excessive control over the actions of the organizers and participants of public events, which, as a rule, involves unreasonable restrictions on the free holding of meetings, rallies and demonstrations, processions and picketing. On the other hand, in cases where organizers or participants of a public event behave destructively and threaten public safety and order, the authorities are obliged to use all legal measures to prevent and suppress manifestations out of line with the substance of the law on the right to peaceful assembly.

Over the past year, the High Commissioner received 51 complaints from representatives of the human rights community and citizens on violations of the right to freedom of assembly. They can be combined into three groups: requests by the organizers according a disagreement with the public authorities about the location and/or time of the public event; requests in connection with the suppression of public actions; appeals of participants and organizers regarding imposed monetary penalties for administrative violations (Figure 27).

As for the coordination of holding rallies, pickets and marches, the High Commissioner received 20 requests (39%), mainly concerning unmotivated refusals to hold a public event, which the applicants received on the eve of the action or received no reply at all.

Thus, citizens Y., G. and F. sent an application in due course to hold a meeting on August 26, 2017 in Novopushkinsky Square in Moscow, indicating the purpose of holding a public event: “To express an attitude towards the violation of environmental legislation in Moscow, the problems of landscaping and the reduction in greenery, such as the destruction of natural parks, as well as to the impact of decisions by Moscow authorities and new residential development projects on protected habitats also under state environmental protection”. In the response received, only the information of another event on the indicated date has been supplied. Alternative sites for the event have not been proposed.

The analysis of requests on this subject leads to conclusions about bureaucratisation of the procedure for coordinating the holding of public events and excessively broad discretionary powers of officials. In this regard, it seems possible to support the proposals of the Council under the President of the Russian Federation on the development of civil society and human rights in terms of clarifying the notification procedure for holding public events, enshrining the following provisions at the legislative level:

- refusals to approve peaceful assemblies and demonstrations can be made only on the grounds established by federal law;
– in case of refusal to agree on the time and location of the public event, proposals for holding it at a different time and location are discussed with the organizers of the event;

– establishing of a specific, timely deadline for the refusal to hold a public event, which would allow, in cases of a conflict of interest between the authorities and the organizers, to find sufficient time to seek a compromise solution;

– broadly informing the public about the availability of specially designated places for public events, based on the public opinion monitoring;

– establishing of procedure for registration and consideration of notices on holding public events held in connection to important public issues that attracted the public spotlight;

– engaging deputies of different levels and Commissioners for Human Rights in the search for solutions in case of a conflict of interest between authorities and organizers of meetings.

The High Commissioner also encourages open dialogue between public authorities, organizers of meetings and non-governmental human rights organizations.

At the initiative and with the participation of the High Commissioner in the Moscow Government on November 23, 2017, a meeting was held with the head of the Department of Regional Security and Anti-Corruption Activities of Moscow and representatives of community organizations in the sphere of coordination and conduct of public events in Moscow. In the course of the meeting, the issue of coordinating rallies and processions organized by public associations and concerned groups of citizens in Moscow and the practice of proposing alternative sites for carrying out the announced public events was considered by the Moscow Government. The High Commissioner proposed that the Moscow Government in cases of inability to approve the proposed public event on location requested by the organizers should offer several alternative options, not only in another location, but also at different times. Meanwhile, it was recommended that government agencies in Moscow and organizers of public events in the course of the dialogue adopt constructive attitudes and be ready to seek mutual compromises, avoiding provoking both sides to refuse to agree on a public event.

A separate group of appeals concern complaints against the actions of law enforcement bodies when suppressing public events. The applicants report cases of excessive use of physical force and riot control equipment by law enforcement officers.

Citizen L. complained to the High Commissioner against the unlawful actions of the police officer E. expressed in the unjustified use of physical force against the participant of the picket Z. During the inspection conducted by the Prosecutor’s Office of the Kostroma Region in response to the High Commissioner’s appeal, the applicant’s arguments were confirmed.

Any measures of compulsion used by law enforcement officers to participants in public actions must be objectively necessary, commensurate with specific behavior and be a last resort.
The Constitutional Court of the Russian Federation in the above mentioned decision clearly indicated that the constitutional requirements of justice and humanism predetermine the need of differentiation of the application of state coercion measures, preventing excessive state coercion and ensuring a balance of the rights of a citizen and public interest in protecting the individual, society and the state from illegal encroachments.

Unacceptable cases are those of detention of participants of uncoordinated public events beyond the periods provided by law. If it is possible to establish the identity, the relevant protocols should be drawn up directly at the site of the event. It is necessary to exclude the practice when the arrest is performed by one team of law enforcement officers, and reports of detention are made by others who were not at the scene of the event and are not aware of its circumstances.

In March 2017, unauthorized public events took place in a number of cities under the banner of fighting corruption. Some of participants were detained and brought to administrative charges. Great public outcry was caused by an uncoordinated event in Moscow, during which about a thousand people were detained. In response to the appeals by human rights defenders, at the request of the High Commissioner, the Prosecutor’s Office of the city of Moscow carried out an inspection, during which 35 violations of the law were revealed when people were taken to police stations. The cases of presence of minors for over three hours in the territorial departments of the Chief Administration of the Ministry of Internal Affairs of Russia in Moscow have been confirmed. In this regard, the supervisory authority filed 10 submissions to the heads of subdivisions of the internal affairs agencies about the elimination of violation of law.

In a number of complaints received by the High Commissioner, there were raised the issues of administrative charges for organizing or participating in public events conducted in violation of the established procedure. The applicants pointed to a disagreement with court decisions supported solely by the documents submitted by the police, ignoring the evidence provided by the defense; on the “revolving door” nature of court hearings; on excessively severe penalties for formal violations of the rules for conducting public actions (a fine of up to 20,000 rubles, community work orders, arrest), courts ignoring extenuating circumstances.

Thus, the High Commissioner received a complaint from V. against violation of the rights of minor I., who participated on July 15, 2017, in a solitary picket in Kostroma. On October 16, 2017, at the request of the High Commissioner, a public prosecutor of Kostroma noted a number of serious violations by officials of Art. 27.2 of the Code of Administrative Offenses of the Russian Federation, Art. 21 (Part 2, Section 1) of Federal Law No. 120-FZ as of June 24, 1999 “On Fundamentals of the System for Prevention of Neglect and Juvenile Crime,” informing the head of the Ministry of Internal Affairs of Russia in Kostroma on August 4, 2017. As a result of its consideration, two guilty officials were subjected to disciplinary actions, and measures were taken to prevent similar violations.
In the legislative aspect, the High Commissioner supports representatives of the human rights community, advocating for the improvement of legislation and law enforcement practices in this area.\(^1\) In particular, law enforcement officers can be charged with the responsibility for video recording of their performance of official duties during public events. More careful attention should be paid to observing the rights of citizens subjected to administrative charges, as well as the rights of minors in conducting interviews and giving explanations.

The conducted analysis of law enforcement in the sphere of holding meetings, demonstrations and pickets showed that under Article 5.38 of the Administrative Code of the Russian Federation, a number of officials have been brought to justice.\(^2\) This situation does not correspond to the scale of real violations committed by regional and local authorities in the implementation of legislation on public events.

It was noted above, that public authorities often miss the deadlines for refusing to approve public events or even ignore notifications, while the deadlines for their submission are sufficient to provide conditions for holding public events, including minimising interference to street traffic and introducing other security measures. In this regard, these violations should be seen as an obstacle to the implementation of the rights of citizens and associations protected by the Constitution of the Russian Federation to freedom of peaceful assembly and are subject of a legal review on the part of the Prosecutor’s Office.

B. approached the High Commissioner in connection with the refusal to initiate, upon her request, the proceeding of the perpetration by the head of the city of Kotovsk P. of an offense under Art. 5.38 of the Administrative Code of the Russian Federation. The decision on refusing to initiate a proceeding of an administrative offence, issued by the inspector of the department for the implementation of the administrative legislation of the Ministry of Internal Affairs of Russia for Kotovsk, was canceled judicially with the

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2.5. RIGHT TO HOLD AND PARTICIPATE IN PUBLIC EVENTS

return of the case for reconsideration to the same inspector. However, the official delayed the preparation of a protocol on the administrative offence, as a result of which the proceedings were dismissed due to the expiry of the limitation period for prosecution. After the appeal of the High Commissioner, the Kotovsk Prosecutor’s Office of the Tambov Region established that the protocol against P. was drawn up with a gross violation of the deadlines determined by law. The police commissioner, who conducted an inspection of B.’s request, was subjected to disciplinary actions for improper performance of his official duties.

The XXI century is the age of rapid development of information technologies, the introduction of which into all spheres of public and private life along with modern equipment and amenities is fraught with a number of dangers, which in turn predetermines the appearance of new threats and, as a result, provides new challenges for legislators and law enforcement officers.

At present, the broad possibilities of the Internet allow uncontrolled dissemination of calls for participation in illegal public events, inciting a significant number of people, including minors, to commit unlawful acts. In some cases, the organizers of such protests use the fragile mentality of adolescents as an obedient resource to create the appearance of a protest allegedly supported by the broader public.

To date, the issue of involving minors in political processes requires analysis and legislative regulation, especially in the context of the availability of modern information technology. Some political forces skillfully use gaps in legislation, at the risk of blowing up the fabric of civil society and ignoring the fact that it is inhuman at the very least to use adolescents as subjects for manipulation.

In view of the circumstances, the constructive forces of the society are united to develop an additional mechanism and tools to prevent the participation of minors in protest events, especially spontaneously organised. In this regard, the proposal of the Chairperson of the Federal Council of the Federal Assembly of the Russian Federation Valentina Matvienko,1 as well as some members of the Council on Civil Society and Human Rights2 under the President of the Russian Federation concerning the introduction of a legislative ban on the involvement of schoolchildren in protests, is especially worth consideration.

New information technologies also have a positive component. They provide additional opportunities to ensure the openness and accessibility of information of the time and place of past, present and future public events, their organizers, stated goals and the number of participants. In the opinion of the High Commissioner, notices of the intention to conduct a public meeting and its coordination can be made not only in writing, as provided by the current legislation, but also in electronic format via the Internet — Integrated Portal of State and Municipal Services.

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1 My vse zhivem kak by za prozrachnym steklom (We all live as if behind a transparent glass) // Website of Multimedia Information Centre “Izvestia”. Available at https://iz.ru/news/713570 (accessed March 12, 2018).
To achieve that, it is necessary to create an integrated electronic portal of public events held in the constituent entities of the Russian Federation. This site could be used both for notification about public events and for obtaining information on the results of approval.

The issues of improving the guarantees of citizens’ rights to conduct public events and to participate in them have often been noted in the annual reports on the activity of the High Commissioner for the past years, but the expressed recommendations have not been fully addressed by responsible state bodies. Thus, in the High Commissioner’s Report for the year 2016, two formulated recommendations were aimed at increasing the level of observance and protection of the right to hold public events and participate in them. The Government of the Russian Federation was recommended to develop a legislative initiative to amend Article 212.1 of the Criminal Code of the Russian Federation in terms of extending the grounds for criminal charges to repeated violations of the established procedure for organizing or holding a meeting, rally, demonstration, procession and picket. The authorities of the constituent entities of the Russian Federation were recommended to summarize the experience of implementing the relevant law, including the practice of refusals to agree on a public event, and on this basis to prepare proposals for improving legislation on public events, as well as clarifying the relevant administrative procedures.

Unfortunately, the High Commissioner’s recommendations were not implemented in 2017. The draft law, providing for a new version of Article 212.1 of the Criminal Code of the Russian Federation, as of February 2018, has not been submitted to the State Duma. The High Commissioner does not have any information on the development of the relevant draft law by the subjects of the law of legislative initiative. Simultaneously, none of the constituent entities of the Russian Federation published generalized information on the practice of realizing the rights of citizens to conduct public events and participate in them. In this regard, the High Commissioner calls on the state authorities to pay more attention to the issues of improving legislation and law enforcement practices in the field of organizing and holding public events, monitoring potential social conflicts, especially in city-forming industries and other large enterprises, including those that show signs of bankruptcy.

In a democratic state, it is of great importance not only to ensure the realization by citizens of the right to hold public events and participate in them, but also to ensure that their position will be heard and taken into account. In this regard, it is important that the authorities are vigilant, perceive the signals and react to the causes competently and in a timely fashion.

Over the year, the High Commissioner has monitored the protest activity of the country’s population. There is an increase in the number of rallies on social issues, as well as disagreements related to improvement and the environment. There were rallies of defrauded real estate co-investors, the large scale objections of truckers, decisive meetings against ongoing renovation. Politically important was public ac-
tion against corruption, which took place in March and June 2017. The High Commissioner was involved to resolve certain conflict situations connected with labor relations.

The High Commissioner received complaints about the violation of the rights of the shareholders of the “Aviator” real estate company, in connection with which a protest event was held. Having studied the materials of the appeals, the High Commissioner sent a letter to the Prosecutor General’s Office of the Russian Federation. Based on the results of the investigation, a criminal case was initiated and investigated on the grounds of the crime provided for in Part 4 of Art. 160 of the Criminal Code of the Russian Federation in respect to the management of the building company. At present, the construction of the facility is resumed. The High Commissioner is monitoring the situation.

The level of protest activity in the society is often associated with the ineffectiveness of the activities of public authorities to ensure the rights, legitimate interests and freedoms of citizens in all spheres of public life. Reduction of protest mood is affected not through repressive measures, but by timely resolution of problems that are of concern to the population and encouragement to participate in public events. Along with this, one of the leading roles in maintaining social peace and order in the country is the continuous constructive dialogue between the society and the government.
3

PROTECTION OF SOCIAL, ECONOMIC AND CULTURAL RIGHTS AND FREEDOMS
3.1. Labour Rights

According to Rosstat,¹ the number of officially employed people in Russia is at 76.3 million, which determines the importance of the right to labour to the majority of citizens. Decent wages and salaries, low level of unemployment as well as effective mechanisms of protecting labour rights ensure higher living standards, economic growth, and prosperity of the nation.


Despite the positive trends in safeguarding labour rights, problems still remain. The population of Russia is concerned about the low level of wages. A survey shows that this issue is prioritized by more than half of the working-age population, 45.6% of the respondents, especially those living in the Republic of Ingushetia (63.6%), the Altai Territory (61.9%), the Kabardino-Balkar Republic (59.8%), the Republic of Mordovia (59.5%), the Stavropol Territory (57.6%).⁴ The situation is exacerbated by the rising food prices that continued to grow last year.⁵

In 2017, the High Commissioner received 1,376 petitions, with one out of ten being a collective one. Most of the petitions concerned unfair dismissal or forced resignations, failure to pay wage arrears and individual labour disputes. They also included complaints concerning employment, safe working conditions and occupational safety (Figure 28).

Following the High Commissioner's proposals, public prosecution bodies forwarded 2,117 petitions to courts to protect the lawful interests of citizens, submitted 26 remedial action orders that have been granted, issued 4 legal notices concerning impermissibility of violating law, with executive agencies issuing another 6 prescriptive orders to employers. 16 public officials and 14 corporate bodies incurred administrative liability, 9 public officials were brought to account under disciplinary procedures. Two criminal proceedings were initiated under the Criminal Code of the Russian Federation (Article 145.1, Part 2 that concerns non-payment of salaries, wages, pensions, stipends, benefits and other payments).

More than one third of petitions dealing with labour relations concern **dismissal and related issues**. Many people are aware that the only means of settling a dispute is to apply to court within one month from the date of delivery of a copy of the order for dismissal to the employee or the date when the employee’s occupational records are handed back to him/her. However, some of the applicants tend to think that legal proceedings are a measure of last resort, so they initially apply to oversight bodies/regulatory and supervisory authorities, including the High Commissioner, the State Labour Inspectorate, the Prosecutor’s Office, thus missing the one-month period to apply to court. In such cases, in response to their complaints, they are given immediate clarifications concerning the procedure for settling labour disputes.

Unfortunately, lawmakers failed to set up additional guarantees with regard to the deadline for submitting dispute complaints to court. Draft Federal Law No. 140464-7 «On Amendments to Article 392 of the Labour Code of the Russian Federation»,¹ that provided for extending the period from one month to three months, was not upheld by the Russian Government and was rejected by the State Duma in January, 2018. As a result, we have not so far resolved the problem of dismissed employees’ failure to comply with time requirements when they first try to

challenge their dismissal in oversight bodies rather than in court. Amending the legislation could thus enable most of the dismissed employees to exercise their right to legal protection.

Meeting with Governor of the Khabarovsk Territory Vyachesalv Shport on the issues of protecting the labour rights of employees at Federal State Unitary Enterprise “Military Works Directorate General No. 6”. September 2017

In their appeals to the High Commissioner, citizens often complain about violations with regard to termination procedure, termination process documentation, and failure to pay all the amount due upon termination.

With regard to complaint about violations of labour rights by the management of OOO “Velesstroy”, a case of failure to pay all the compensations and payments due upon termination, the High Commissioner sent a request to the Moscow Prosecutor’s Office to verify the facts. An investigation was conducted, the facts were confirmed. The CEO of the company was issued an action order to remedy violations of the labour legislation, it was processed and satisfied, the public officials guilty of the labour legislation violations incurred disciplinary responsibility, while the employee received all the due payments, with a supplementary employment termination agreement signed the same day and the employment records processed.

Following the inquiry into the complaint of citizen L., the artistic director of a vocal group at a community center in the Chelyabinsk Region, who was put on “redundancy list” to save the budget money, the High Commissioner required explanations from the municipal authorities as making such a decision would have been counter to the policy in the field of culture. The municipal authorities found the money to retain that position, with citizen L. continuing to work as artistic director.

Safeguarding the right to remuneration for labour without any discrimination in the amount not below the monthly wage limited by law continued to be high on the High Commissioner’s agenda, given the number of complaints received in this respect.
Following the inquiries into collective and individual complaints, more than 13,000 people received assistance, including 12,400 citizens, who received assistance in regard to wage arrears.\footnote{See paragraph 1.3.}

The 2016 Report described massive labour rights violations by the management of ZAO “Trest SZSSM”, part of ZAO “PromIndustria” Industrial Group. The issue of the arrears was on the High Commissioner’s monitoring agenda for a year. According to public prosecution bodies, the arrears have been fully paid.

Apart from issues of termination and payment, almost 25% of appeals in 2017 were complaints about leave time and days off, breaches of procedures for disciplinary sanctions, overtime work, labour hours and their calculation, obligations under collective labour agreements, and other issues of working hours and schedule.

Citizen P. sent the High Commissioner a complaint concerning the employer’s failure to provide guarantees to seismic prospecting crew workers as stipulated in the Labour Code of the Russian Federation. Following the High Commissioner’s petition to the Prosecutor’s Office of the Irkutsk Region, OOO “GEOTEK-Vostochnaya Geofizicheskaya kompaniya”, the employer, remedied the violations. The labour rights were restored: the workers received days off and paid time off for the off-season period, and were provided adequate and appropriate welfare facilities at work.

Citizen V., a rural teacher, complained that she had not been fully compensated for utilities expenses and the cost of travel to work and back. Following the action taken in response to the complaint, the municipal legal act on social support of certain categories of citizens was brought in line with the existing legislation, while the claimant was fully reimbursed.

There were fewer requests concerning assistance with finding employment.

Citizen M. from the Rostov Region and citizen N. from the Republic of Daghestan asked the High Commissioner to help them find appropriate work. Following the High Commissioner’s request to the relevant regional executive bodies, the applicants were assisted with employment: citizen M. was hired as a planing machine operator at AO “Zhildorremmash”, while citizen N. was hired as a driver with AO “Daghestanskaya setevaya kompaniya”.

Another issue on the High Commissioner’s agenda concerned violations of labour conditions and safety requirements. Legitimate claims came from the Novoulanovsk municipal hospital (the Ulyanovsk Region, 479 people), OOO “Toyota Boshoku” (Saint-Petersburg, 350 people), State Budgetary Institution “Yuzhno Sakhalinsk Psychoneurological Institution” (the Sakhalin Region), Municipal Budgetary Pre-school Educational Institution “Khortitsa kindergarten” (the Orenburg Region), Federal State Budgetary Institution “Saky Military Treatment Facility” (the Republic of Crimea), with the High Commissioner undertaking the necessary steps to rectify the deficiencies.
Our analysis of the processed appeals makes it possible to identify several systemic problems in the area of labour rights, their observance and protection.

The problem of including compensations, incentive pay and social insurance benefits in areas of the far north and similar areas in the minimum monthly wage remains relevant. Earlier, the Supreme Court of the Russian Federation found it inadmissible to include compensations, incentive pay and social insurance benefits in the minimum monthly wage, with this legal position reflected in Case Law Digest (Q3, 2013), thus making it possible to positively settle numerous individual labour disputes in this category in 2014–2016.

However, in 2017, judicial practice changed to the opposite after Russian Supreme Court determinations No. 72-КГ16-4 as of August 8, 2016, and No. 51-КГ16-10 as of September 19, 2016. They reversed the first instance rulings to enforce the payment of undercharged wages in favour of workers, and made new decisions that rejected the claims.

Following the High Commissioner’s request, the Supreme Court of Russia answered that it was inexpedient to consolidate relevant judicial practice and sent courts of general jurisdiction necessary clarifications, as lower courts did not have any questions. The High Commissioner believes, that this new judicial practice contradicts the position of the Constitutional Court of Russia which has stated time and again that it is inadmissible to include compensations, incentive pay and social insurance benefits in the minimum monthly wage, as they are of a different constitutional legal nature and have different mechanisms of implementation, though they are interdependent (Russian Constitutional Court Ruling No. 11-П as of November 2008, Russian Constitutional Court judgment No. 327-О as of February 25, 2013, Russian Constitutional Court Ruling No. 38-П as of December 7, 2017). It leads to the negative attitude of citizens and human rights advocates, as it lowers the previously reached level of employees’ social protection, especially with the most vulnerable group of unskilled employees at public sector entities in the area of education, culture and healthcare.

We maintain an unwavering focus on labour rights of persons with disabilities. Particularly, we receive relevant proposals concerning further improvement of the employment quotas mechanism for persons with disabilities. This mechanism is designed to help people with disabilities to find a job, as they face encounter recruitment difficulties. However, there remains a differentiated approach to providing jobs...
to people with disabilities, which results in the employer’s proforma compliance with rules and legal standards in regard to employment quotas. The High Commissioner has forwarded her proposals to the Ministry of Labour of Russia to establish the notion and criteria of compliance with quotas when employing people with disabilities. Judging by the reply, the proposals will be considered while drafting a federal law on improving the disability employment quota mechanism as part of the 2017–2020 Action Plan aimed at higher employment rates for people with disabilities, Decree No. 893-p adopted by the Russian Government as of May 10, 2017.

The analysis of complaints to the High Commissioner shows that it is necessary to consolidate legal practice to ensure that courts have uniform interpretation of rules regarding compensation procedure in case of accrued but unused leave time. In some of the Russian constituent entities (Moscow, Saint-Petersburg, and others), courts of general jurisdiction are guided by P.1, Article 9 of ILO Convention C132 Holidays with Pay Convention, ratified by the Russian Federation by Federal Law No. 139-FZ as of July 1, 2010 (hereinafter referred to as the Convention). They presume that leave time can be used only during 18 months after the end of the year in which it accrued. Given three months for filing a leave time claim with the court, the employee is entitled to claim compensation for unused leave time unless not more 21 months have passed after the end of the year in which it accrued; beyond that time period, courts reject such claims.

In other constituent entities of the Russian Federation (the Samara Region, Orenburg Region, and other regions) courts of general jurisdiction uphold similar claims, calculating the period starting from the termination, as the federal legislation does not have any limitations of the employees’ rights to receive monetary compensation for unused leave time, while P.1, Article 9 of the Convention regulates only the leave time period and relevant procedures rather. It does not regulate the time limit to recover the compensation.

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It leads to violations of employees’ labour rights and equality before the law. The High Commissioner has forwarded proposals to the Head of the Supreme Court of Russia to consolidate judicial practice with a view to clarifying contradictions while applying the Convention in labour disputes. According to the reply sent to the High Commissioner, the issue will be considered while collecting decisions for the publication in the Bulletin of the Supreme Court of Russia and for periodic judicial practice reviews of the Russian Supreme Court.

Special attention should be paid to the long standing problem of failure to fully pay the outstanding wages in the event of bankruptcy, which has become especially urgent given the current economic conditions. Experience shows that the existing legal mechanisms protecting the workers’ rights in the event of the employer’s insolvency are not sufficient, thus failing to fully resolve the problem of unpaid wages. Under Article 142, P.9 of Federal Law No. 127-FZ as of October 26, 2002 “On Insolvency (Bankruptcy)”, creditors’ claims that have not been settled due to insufficiency of the debtor’s property shall be deemed settled.\(^1\) As a result, after the insolvency process is complete, workers are not paid outstanding wages, unless there are other legal mechanisms in place.

Given the circumstances, it will be most effective to set up a special guarantee fund through contributions made by employers to pay the wage claims that are still outstanding due to insufficiency of the debtor’s property.

The complaints we receive also show that during the bankruptcy process there are violations of the priority of claims with regard to the settlement of wage claims. We send these complaints, if sufficiently substantiated, to public prosecution bodies or the bodies of Rosreestr (the Federal Service for State Registration, Cadastre and Cartography), to verify the facts and conduct audits.

**Former workers of OAO “Shadrinskiy Zavod Transportnogo Machinostroyenia” (JSC Shadrinsk transport engineering plant) complained to the High Commissioner about their bankruptcy supervisor and his actions. According to the petitioners, while settling their wage claims, the bankruptcy supervisor violated the order of priority stipulated in the Federal Law “On Insolvency (Bankruptcy)”.

Upon the information received from the Prosecutor’s Office of the Kurgan Region, the findings of the audits showed that the bankruptcy supervisor had been violating provisions of the Federal Law “On Insolvency (Bankruptcy)”, which resulted in the company’s inability to fully meet creditors’ demand and to pay mandatory payments. An administrative liability case was brought against the bankruptcy supervisor under Part 3, Article 14.13 of the Code on Administrative Offenses of Russia. On December 20, 2017, Arbitration Tribunal of the Kurgan Region ruled to hold the manager administratively liable.

Another focal point is safeguarding labour rights of underaged workers and young people after graduation from educational establishments. A 2016 Rosstat survey showed that, over the past years there had been a dramatic drop in the number of

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of employed graduates: the share of employed graduates with secondary vocational training and higher education was 90.8% in 2013, 85.9% in 2014, and 76.8% in 2015,\(^1\) with a third of 2010–2015 graduates (29.9%) working in unrelated occupations.\(^2\)

The statistics show that it is necessary to consider additional guarantees to individuals who have graduated from education establishments and are in search of work. A possible solution could be to introduce employment quotas for graduates of educational establishments, as well as restrictions for employers when terminating labour contracts with them within three years after graduation.

To sum up, it is necessary to mention a problem that became evident while processing the appeals concerning labour safety. The tools at the High Commissioner’s disposal are limited to reacting to decisions or actions (inaction) of government bodies, local bodies, and their public officials, while many employers are represented by privately owned companies. The High Commissioner should protect labour rights across the whole sector of labour relations. In this regard, the relevant provisions of the federal constitutional law need to be adjusted.

### 3.2. Right to Housing

The notion of housing and home has been recognized all over the world as something that ensures an adequate standard of living and creates conditions to guarantee a decent, safe and secure existence. Housing rights constitute a separate branch of legal relationships and legal practice. Last year, the government adopted a range of measures to improve the situation in the housing sector and to increase the level of protection of individuals: new guarantees of the rights of participants in shared construction; a renewed programme of assistance to mortgage borrowers; amendments to the Housing Code of Russia with regard to utilities payments to maintain common property of apartment owners in a multi-apartment building; termless extension of free privatization of housing provided by the state and municipalities for certain categories of citizens; failure to pro-

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vide housing for orphaned children and children without parental care; all types of violations in the housing and utilities sector and in the sector of shared-equity construction; the housing stock renovation; support to foreign currency mortgage holders and bona fide purchasers of residential properties (Figure 29). Most of the complaints came from Moscow, the Moscow Region, the Krasnodar Territory, the Republic of Tatarstan, the Regions of Kemerovo, Sverdlovsk, Saratov and Irkutsk.

Traditionally, in 2017, most of the appeals (18%) concerned a long-term denial of social rental housing. The main argument is that there is no municipal housing under construction with no alternatives to improve housing conditions of socially vulnerable or low-income population groups.

The High Commissioner had a personal meeting with resident of Moscow M., who had been on the waiting list for those in need of housing since 1991 and had been deprived of the right to improve her housing conditions due to the long inaction of the Moscow City Property Department. The High Commissioner sent a request to the Mayor of Moscow to have that information verified and to address the claim. Following the investigation, the family of citizen M., as one of those on the municipal housing waiting list, was provided with housing under social rental agreement.

The problem of access to social rental housing is expected to be relieved by the 2025 Strategy for Housing Sector Development developed by the Ministry of Construction, Housing and Utilities of the Russian Federation and supported by the High Commissioner. The proposed strategy includes targets for better access

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to housing and better quality of the housing, mortgage lending development, improved urban habitat, renovation of existing housing areas, rental housing market development, which will allow to build more housing, improved quality of life, including that of low-income families, access to short-term and long-term rentals, as well as transparency of these transactions.

The High Commissioner continues to receive enquiries concerning rehousing of occupants from dilapidated buildings. They were covered in detail in the High Commissioner’s thematic Report “Human Rights Observance and Protection in the Housing and Utilities Sector”.

2017 saw the end of rehousing from the dilapidated buildings recognized as such before 2012. More than one million people have been rehoused from dilapidated buildings as well as conditions have been created to continue elimination of obsolete housing stock. The High Commissioner supports the development of the Draft Federal Law “On Amendments to the Housing Code of the Russian Federation and Certain Legislative Acts”, providing for a single mechanism of rehousing people from the obsolete housing stock recognized as such after January 1, 2012. The draft has not been submitted to the State Duma yet, but the Decree of the Russian Government included it in the law-making plan of the Russian Government for May, 2018. We hope that this draft law will be submitted within the prescribed period.

Moscow’s housing renovation project was one of the most high-profile issues. Over the first six months alone, the High Commissioner received more than 400 appeals from Muscovites anxious about the upcoming changes. People spoke for the right to equivalent apartments and to remain in the area of residence, for considering opinions of all individuals residing in the house while addressing the rehousing issue. The obvious advantages of renovation and the need of the housing stock upgrade drowned in waves of emotions and spontaneous public events. Social tension reached a critical point when the Russian President had to interfere in the situation.

At the stage of the State Duma hearings of the draft law on renovation, to better safeguard individual guarantees, rights and legal interests, the High Commissioner put forward her proposals that provided for extending the time for signing a house swap contract from 60 to 90 days; for the owner’s right to receive fair compensation in cash or equivalent residential property for the vacated dwelling; lifting restrictions for judicial appeal. The proposals were incorporated into the final version of the Law.

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The State Duma welcomed the High Commissioner’s proposals concerning the draft federal law on amendments to Part II of the Russian Tax Code with regard to personal income tax relief for the owners who have received new housing or monetary compensation under the renovation programme.1

However, the measures taken by the authorities were not sufficient to resolve the issues related to renovation.

Ludmila Alekseeva, chair of the Moscow Helsinki Group, appealed to the High Commissioner on behalf of the residents of a multistory apartment building included in the list of houses eligible for voting with regard to participation in the renovation programme. In July 2017, at their general meeting, the residents voted in favour of participation in the programme, but as the general meeting was held beyond the legally established time limits, they were no longer eligible to participate in the renovation programme. The High Commissioner put forward a proposal to the Mayor of Moscow that the renovation programme should also apply to residents of the buildings that voted for rehousing with minor violations of the deadline and in the records of the general meeting of residents. Unfortunately, this issue has not been resolved so far, with the High Commissioner continuing to monitor the rights of individuals with regard to the renovation programme.

Almost all Russian regions have to protect the rights of hoodwinked coinvestors, with the High Commissioner receiving numerous collective and individual complaints concerning this problem. Repeated changes in the existing legislation designed to ensure additional protection of the rights and interests of construction co-investors have failed to resolve the problem. In 2017, the Ministry of Construction, Housing and Utilities of the Russian Federation registered 36,600 aggrieved persons and 830 buildings of concern in 72 constituent entities of the Russian Federation.2 However, according to experts, the number of hoodwinked co-investors is several times higher than official statistics — at 130,000–150,000 people.

In 2017, the President of the Russian Federation signed Federal Law No. 218-FZ as of July 29, 2017 “On the public legal campaign for protection of rights of citizens — participants of shared construction in the cases of insolvency (bankruptcy) of construction parties and on the amendments to individual legislative acts of the Russian Federation.”3 It determines procedure for establishment, legal status, the purposes of activities, function, powers and procedure for management of the public company “Fund of Protection of the Rights of Citizens-Participants of Shared-Equity

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3.2. RIGHT TO HOUSING

Construction.” The law had incorporated the High Commissioner’s proposals forwarded to the State Duma at the time of its consideration with regard to eliminating any legal ambiguity of the proposed mechanism, clarifying the terms for developers to receive money from the compensation fund, including competitive bidding procedures, and better oversight of the use of funds. The proposed mechanism is expected to improve the situation in the shared-equity construction sector and prevent further increase in the number of aggrieved co-investors.

This set of measures to improve the situation contributes to the efforts of the Government of the Russian Federation to create a complete, objective picture with regard to hoodwinked co-investors, including the Government Directive as of May 27, 2017, that adopted a uniform format of “road maps” to address the problems of aggrieved individuals whose money was raised for construction of multistory buildings and whose rights were violated.\(^1\)

A special federal programme intended to complete the construction of incomplete shared-equity buildings of concern would be a good incentive for further government action. The High Commissioner considers it fair to introduce mortgage holidays for the co-investors whose buildings have not been timely commissioned.

The High Commissioner shares the opinion of hoodwinked co-investors regarding a uniform methodology to identify construction projects of concern, including abandoned construction sites, as the existing different approaches in interpreting this notion do not allow to determine the scale of the problem; codifying mechanisms of mandatory due diligence to provide a technical and financial understanding with regard to calculating the amount of money necessary to complete the project; defining measures to motivate “a new developer” to complete the uncompleted project as well as safeguards provided by the regional executive authorities thorough optimizing costs and ensuring preferences in engineering infrastructure development for service lines; higher responsibility of heads of the municipalities and constituent entities of Russia who have issued construction permits, as well as forfeiture of the property of mala fide developers to pay off the debts to cheated co-investors.

The issue of protecting the rights of foreign currency mortgage holders was reflected in the 2016 Report. In 2017, we continued to address the issue. In May 2017, at

a meeting with the President of the Russian Federation, the High Commissioner asked the President to extend the Programme of Assistance to certain categories of mortgage holders, that was earlier established under the relevant Decree of the Government of the Russian Federation.\textsuperscript{1} As a result, the Russian Government decided to further implement the Programme and to specify the terms of the Programme.\textsuperscript{2} The Ministry of Construction of Russia was allocated two million roubles from the budget to implement the programme.

Moreover, the High Commissioner has joined the Interagency Committee on Compensations to Mortgage Lenders (hereinafter referred to as the Committee). The Committee revealed another problem: granting assistance within the Programme is not a ground to relieve the debtors from the enforcement fee within enforcement proceedings. However, the amount of the fees payable in foreign currency mortgage disputes very often exceeds the amount of the state support, which make it senseless to grant it. That is why the State Duma together with the representative of the High Commissioner discussed proposals that will allow to suspend enforcement proceedings with regard to individuals that are part of government as well as to relieve them from the relevant fees or to cut them, and to stop proceedings in case of enforcement of collateral. A relevant draft law has been submitted to the State Duma.\textsuperscript{3} The High Commissioner will continue to monitor stages of its consideration.

The rights of individuals recognized as bona fide purchasers and their protection have been on the High Commissioner’s agenda for quite a while. The 2016 Report raised the problem of exercising the right to compensation in case of granted claims concerning reclamation of residential property from bona-fide acquirers and set forth relevant recommendations. Therefore, the High Commissioner attaches particular importance to the Decision of the Supreme Court of Russia adopted in June 2017, that finds the provision enshrined in P. 1, Article 302 of the Civil Code of the Russian Federation not in compliance with the Constitution of the Russian Federation insofar as it allows to reclaim residential property as escheated property from bona-fide purchasers, who buying the property used the data of the Unified State Register of Immovable Property and registered their title to it in the manner prescribed by law.\textsuperscript{4}


To further develop the aforementioned legal position, the Government of the Russian Federation submitted a draft law to the State Duma. The draft law is to add a provision to Article 302 of the Civil Code of the Russian Federation that will prohibit property reclamation from bona-fide acquirers into the ownership of governmental units, and to extend the provision to the bona-fide individuals who acquired that property gratis.¹

But the problem is still here. Item 1, Article 302 of the Civil Code of the Russian Federation has a rather vague definition of the bona-fide acquirer which does not fully meet the unambiguous legal standard. It results in a lack of uniformity in judicial practice while establishing the bona fides of residential property acquirers. Hence, Article 302 of the Civil Code of the Russian Federation needs to have additional provisions establishing the bona-fides of housing acquirers and excluding any unrestrained discretion in the law enforcement process.

Traditionally there have been a lot of appeals concerning excessive prices for services of housing and utility services, contributions to major repairs in houses that had been in need of overhaul before privatization, failure of management companies to meet their commitments in maintaining the housing stock. The aforementioned High Commissioner’s Report on Safeguarding Individual Rights in the Housing and Utilities Sector gives a detailed description of the findings and recommendations to address the issues in the sector. The Thematic Report aroused great interest and was upheld by the government bodies. The High Commissioner’s recommendations concerning adjustment of mechanisms to determine tariffs for resources to maintain common property of multistory buildings, expansion of powers of public housing oversight bodies, unified requirements for the amount of rent, etc. were incorporated in federal laws adopted in 2017. However, the High Commissioner continues to receive complaints concerning this sector.

The High Commissioner received a collective complaint from residents of a multi-story apartment block in Tolyatti concerning illegally imposed repair and maintenance charges. Their position was well-founded, which was proved by the Ministry of Construction of Russia where they had sent their petitions regarding the current situation. Still, the Prosecutor’s Office of the Komsomolsk District, Tolyatti, did not undertake any relevant measures. The High Commissioner appealed to the Prosecutor of the Samara Region. Following the investigation that verified the facts, the head of the management company incurred administrative liability under Article 17.7 of the Code of Administrative Offences. Amounts paid by the resident in excess of the corrected prices were refunded.

According to the High Commissioner, the problem can be mitigated by the amendments made to the housing legislation in December 2017 to implement the legal position of the Russian Constitutional Court and have former lessors of the target housing meet their obligations with regard to major repairs of the buildings that had

been in need of them before privatization.\(^1\) The adopted law incorporated the High Commissioner’s proposals concerning major repairs process and procedure and the need to settle cases with partially done repairs.\(^2\)

Nevertheless, there still remains the problem of enforcing judicial decisions which compel former lessors to do major repairs of residential buildings.

*For more than four years the High Commissioner has been protecting the violated rights of individuals living in residential buildings of the settlement of Gorbusha in the Noginsk District of the Moscow Region. It concerns the ongoing non-execution of court decisions which compel Federal State Budgetary Institution “Glavniy Tsentr Svyazi I Sputnikovikh System”, a control center for communication and satellite systems under the authority RosMorRechFlot, to undertake major repairs of the buildings of concern. Though a range of enforcement measures had been taken, the court decision was not executed. The High Commissioner decided to organize a joint field audit in the settlement together with representatives of the Prosecutor General’s Office of the Russian Federation, the Federal Bailiff Service of Russia, RosMorRechFlot, and the authorities of the Noginsk District. Following the audit, petitions were sent to the Ministry of Transport and the Ministry of Finance of the Russian Federation. None of the parties is ready to take responsibility for settling the situation, thus dodging the responsibility. Such bureaucracy and procrastination create conditions for violating the rights of ordinary people who have to live in the old dilapidated houses. The High Commissioner will continue to protect the rights of the citizens of Gorbusha settlement.*

According to the Federal Bailiff Service of Russia, as of the end of 2017 there are still 4,500 incomplete enforcement proceedings concerning the repairs of housing, buildings and facilities with debtors among public and municipal authorities of Russian regions, or companies that they manage. The main problem bailiffs face is lack of funds for this kind of enforcement proceedings in the regional budgets. At the same time, the number of sanctions that can be imposed on the debtor for failure to execute enforcement documents concerning repairs appears to be insufficient. The High Commissioner also notes ambiguous judicial practice with regard to charging execution fees and holding the debtors administratively liable.

To improve the situation and better protect and safeguard individuals’ rights, it is reasonable to support the proposal of the Federal Bailiff Service of Russia with regard to introducing responsibility criteria for executive government bodies of the constituent entities of Russia for enforcing court orders in such cases and to continue to monitor the situation in this sector of legal relations.

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There is a constant flow of petitions coming to the High Commissioner concerning housing for orphaned children and children without parental care. Non-provision of housing is a major problem that orphaned children face after graduation from state institutions and vocational schools. The issue is systemic in nature, as it triggers a lot of consequences related to difficulties with employment, medical assistance, social support, and additional material expenses. The backlog of housing owed to orphaned children and children without parental care has been growing for a long time.

Following the High Commissioner’s requests, public prosecution bodies conduct investigations that reveal numerous violations of legislation with regard to allocating and spending budget funds targeted at acquiring housing for orphaned children and children without parental care. Quite often, individuals who are entitled to housing on preferential terms are not aware of it. According to the High Commissioner, stricter oversight by bodies of trusteeship and guardianship and maintaining complete records of orphaned children and children without parental care whose property rights are to be restored will safeguard their legal rights and interests in terms of providing them with suitable housing from a specialised housing stock fund. It is also necessary to clarify the procedure for allocation and retention of housing for this category of individuals, as well as for moving them into housing after they leave orphanages, children’s institutions, or other forms of childcare. In case of individuals whose entitlement to housing was not timely instituted and exercised, it is necessary to develop a mechanism to enforce court decisions on providing them with dwelling.

The High Commissioner’s legal position on providing housing for orphaned children and children without parental care has been incorporated in the Resolution of the Russian Constitutional Court No. 4-P as of January 22, 2018 “On Verification of Constitutionality of Paragraph 3 of Part 2 of Article 57 of the Housing Code of the Russian Federation with regard to complaints of citizens A.A. Shakirova, M.M. Shakirov, and A.M. Shakirova”.

The rights of individuals affected by emergencies are also high on the agenda. Very often, when their housing and property have been affected by emergency situations, people cannot find support with the local authorities, thus they have to appeal to the High Commissioner. Very often, after local authorities have provided affected individuals with material support and compensation for loss of property, they do not even consider the question of providing affected persons with housing, neither permanent, nor temporary, explaining it by lack of vacant housing, the subsidized budget, or offer substandard housing that people have to reject.

At a face-to-face meeting, residents of the settlement of Khasanya, the Nalchik Urban Area, the Kabardino-Balkar Republic, asked the High Commissioner to help them and expedite the disbursement of funds for material support for property lost and for a one-time relief payment to compensate for damage incurred as a result of the natural disaster that happened on May 26, 2016. Following the established procedure, the Government of the
Republic sent documents substantiating the amount of damage caused by natural hazards to the Government of the Russian Federation which returned them for redrafting. But due to procrastination while processing the documents, the issue of compensation had not been settled. The High Commissioner sent a request to the Ministry of Emergencies of the Russian Federation. The Russian Government’s Contingency Fund for emergencies and natural disaster allocated the regional government funds for emergency relief operations. Those affected received compensation for lost property and thanked the High Commissioner for her assistance.

Issues concerning the rights of individuals affected by natural calamities were raised at an expanded meeting of the Coordinating Council of the Commissioners for Human Rights of the Far Eastern Federal District on September 14, 2017, which was attended by the High Commissioner for Human Rights in Russian Federation. The participants spoke for a uniform approach with regard to compensate for damage to those affected, as well as for federal level preventive measures against emergencies.

3.3. Right to Healthcare and Medical Assistance

According to Rosstat, in 2017, Russian life expectancy reached a record high of 72.5 years.\(^1\) It became possible due to consistent national policy to improve the quality of life, standards of living, and medical insurance. The Russian Federation has a national action plan for healthcare development aimed to increase life expectancy to 76 years, to decrease mortality in the working age down to 380 per 100,000.\(^2\) To this end, measures are taken to improve medical assistance and services, to introduce innovative diagnostic and treatment methods, to develop treatment and rehabilitation at health resorts, to train personnel in the healthcare sector, and to raise a healthy lifestyle awareness.

At the same time, healthcare rights and their protection in the Russian Federation need close attention of the state, as evidenced by public opinion polls. The right to healthcare protection comes top in the human rights importance ranking.

In 2017, the High Commissioner received 792 appeals concerning individuals’ rights to healthcare, including 19 collective complaints. Most of the appeals had to do with medical, preventive, and mental health services, medicine assistance, and mandatory medical insurance (Figure 30).


When it comes to the quality of preventive healthcare, access to healthcare ranks first.

Traditionally, people continue to complain about travel time to visit a doctor, even in small towns, or long wait times in the waiting room to see a medical specialist (more than an hour). People are also concerned about the reform of the healthcare system underway in Russia with healthcare organizations and specialized departments being shut down, which deprives people of access to prompt high-quality medical assistance. Most often, this issue was raised in Moscow, the Moscow Region, the Republic of Khakassia, the Chelyabinsk Region, and the Perm Territory. In the meantime, in response to the High Commissioner’s inquiries, public healthcare authorities of Russian constituent entities reply, that there are no causes for concern on the ground, that medical assistance is provided fully and in accordance with the procedure provided for by current legislation, which is not true.

The High Commissioner received a complaint from citizen L., a pensioner and a disabled person of group II from the Chelyabinsk Region. She complained about the reform in the Ashinsk Municipal Hospital No. 2, which will infringe the rights of residents of the settlement of LKHZ (the city of Asha) to access adequate qualified medical assistance according to their place of residence.

To resolve the complaint, the High Commissioner appealed to the regional Ministry of Healthcare. Following the request, the physiotherapy treatment room for adults of the Ashinsk Municipal Hospital No. 2, that had been closed at the initiative of the Chief Medical Officer in order to save money, resumed its work, while the CMO faced disciplinary actions. The reply also says that future changes will take public opinion into account and will be made in accordance with current legislation.

Along with lack of medical stations and specialized departments, there are also concerns about lack of access to medical services for individuals living in remote areas.
According to the GIS of the Ministry of Health of Russia, residents of the settlement of Novotroitskoe, the Lenin District, the Jewish Autonomous Region (254 people), are out of the zone of emergency medical services. Upon the residents’ complaint, the High Commissioner appealed to the regional Government to undertake measures to ensure access to medical assistance. Following the High Commissioner’s request, a rural health post was set up in the settlement.

It was also an issue the High Commissioner had to address to protect the right to healthcare and medical assistance of the residents in the city of Baikonur.

When the High Commissioner learned about the disastrous state of things with public healthcare in the city of Baikonur, she engaged all the stakeholders to improve the situation. After a series of joint discussions with Roscosmos State Corporation, the authorities of the city of Baikonur, the Federal Medical and Biological Agency (hereinafter FMBA) sent there a team of medical specialists from the best Russian clinics. In the first three months, the team served more than 2,000 outpatients. Those in need of high-tech medical care were sent to FMBA clinics. Six doctors have been placed in jobs in Baikonur since March, 2017.

The ongoing reform of the healthcare system leads to reduction of healthcare organizations, general practice doctors, and specialists alongside with the growing workload for medical staff. The falling access to medical assistance is evidenced by the results of the medical services efficiency audit conducted by the Accounts Chamber of the Russian Federation. Over the past year, the number of visits to doctors has dropped by 47 million across Russian regions, the number of emergency calls has dropped by 254,000, among the reasons being the weak physical infrastructure, no transport accessibility, and lack of human resources.

In July 2017, the High Commissioner received a petition from residents of the Jewish Autonomous Region with regard to numerous problems with health care and medical assistance that affect the quality and accessibility of medical services, including budget deficit, lack of medical staff and medical equipment. To address the above-mentioned issues, the High Commissioner appealed to the Ministry of Healthcare of Russia.

The Ministry upheld the High Commissioner’s proposals concerning major repairs of the regional hospital for children, with allocating the necessary funds from the Reserve Fund of the President of the Russian Federation.

Besides, according to the government of the region, additional measures have been taken, including 100 government contracts to supply healthcare goods and services worth 38 million roubles. In 2018, the amount of medical support for another hospital, “Dorozhnaja klinicheskaja bol’nitsa”, will be increased by 50%. In order to attract medical specialists and medical personnel, the government of the Jewish Autonomous Region plans to increase one-off payments by a factor of 3.8, to establish compensations for mortgage loans.

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Another 34 medical specialists and 34 paramedics have been employed. In October 2017, the local Oncology Centre received CT and MRT scanners.

As part of the efforts to safeguard the right to healthcare and medical assistance, special attention is given to **palliative care**. The analysis of the situation has shown that there is no effective legal framework concerning this issue, as a result palliative care is perceived as part of the health care system and social care, its specialty disregarded. The quality of palliative care and service in the Russian Federation fails to meet international standards. According to the World Health Organization (hereinafter referred to as WHO), each year, an estimated 40 million people are in need of palliative care.¹ In 2015, 1,245,702 people in Russia (out of 1,719,624 patients) needed palliative care, with only 180,000 (14.5%) getting it. Out of more than 1,000,000 patients in need of medications for pain management, only 2.2% of them received those.

Back in 2014, to resolve the problem, the High Commissioner appealed to the Government of the Russian Federation to examine the situation and take urgent measures to protect the right of individuals to qualified medical assistance.

Another area of serious concern is **mental health care**, access to it and its quality. This is evident from analyzing the complaints sent to the High Commissioner in 2017, as well as from studying special reports of regional ombudsmen on safeguarding individuals’ rights in psychiatric health facilities. The High Commissioner received 198 complaints regarding this issue. Mostly, they concerned unjustified commitment of mental patients to mental institutions (44.5%), as well as substandard conditions in them (14%). Approximately 9% concern issues related to incapacitation and post-discharge social engagement of mental patients, safekeeping their property for the duration of their stay in mental institutions, etc.

There are a lot of complaints regarding the poor state of the material and technical basis of psychiatric health care facilities, substandard conditions of confinement, and overcrowded wards.

According to regional ombudsmen, the situation is disastrous in the psychiatric hospitals of Shikhazan, Yadrintsk, and Alaty (the Chuvash Republic), the Kaluga Regional Psychiatric Hospital, the Perm Regional Psychiatric Hospital, Psychoneurological Hospital No. 2 in the settlement of Mirniy (the Chebarkul District, the Chelyabinsk Region), the Samara Psychiatric Hospital, and a number of other inpatient facilities.

The present situation requires that urgent measures be taken by the state. Given that, in December 2017, the High Commissioner reached out to the Ministry of Healthcare of Russia for assistance. However, the Ministry replied that the budget was short on funds to reconstruct the existing facilities or build new ones, which requires government subsidies. In 2018, the High Commissioner will continue to insist on developing an interagency programme to address this problem.

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Protecting the rights of the patients confined in psychiatric facilities is an emotionally charged, multifaceted issue, hence it requires constant monitoring to study the best practices in the national and international law enforcement systems and to improve the work of the High Commissioner, government bodies, and human rights organizations. With this in mind, it was decided to discuss this issue in detail at the meeting of the Coordinating Council of Russian Commissioners for Human Rights in May, 2018.

Compulsory medical insurance (hereinafter referred to as CMI) guarantees that the state will fulfill its obligations to citizens in healthcare. Individuals with CMI coverage complain about poor quality of medical services, incompetent medical decisions, refusals to conduct full medical examinations, to admit them to hospital, to conduct follow-up examinations, about lack of medicines in inpatient facilities, as well as about refusals to process papers for hi-tech medical services and other failings.

The mother of citizen B. asked the High Commissioner to protect her daughter’s right to mandatory medical insurance. She complained that her daughter, a resident of Kaliningrad, had been denied a CMI-covered full medical examination which was necessary to make a definitive diagnosis. Following the High Commissioner's inquiry with the Territorial CMI fund and Federal Service for Surveillance in Healthcare (Roszdravnadzor), B. was assigned all the necessary medical procedures and received a voucher for hi-tech medical procedures at the St. Petersburg Bekhterev Psychoneurological Research Institute.

A major problem is that the legislation does not provide for a CMI mechanism within the CMI system to reimburse the expenses of those individuals who have to buy medicines included in the vital and essential medicines (hereinafter VEM), while being treated in hospitals. CMI Funds and health insurance organizations confine their liability to the CMI subsidies from the Federal CMI Fund.

The High Commissioner received a complaint from disabled citizen S., a cancer patient, resident of the Kamyshin District, the Volgograd Region. She complained about lack of medicines at inpatient facilities, low quality of medical services, and refusal to process documents for hi-tech medical services. The investigation conducted by the Territorial CMI Fund upon the High Commissioner’s request and the audit of the original medical records at the Kamyshin Central Municipal Hospital showed that, under CMI coverage, the Hospital was to provide some medicines included in the VEM list for free, but did not have them. As a result, citizen S. had to buy them herself. CMI experts concluded that she was eligible for a refund. Citizen S. was advised to write a relevant application to the chief medical officer of the Kamyshin Central Hospital.

Another serious issue is that Russian citizens cannot de facto choose a doctor and a clinic. Under the Russian legislation, patients are entitled to register with a doctor or a clinic at their discretion. Yet, very often it is not respected in practice. Given that, it is necessary to elaborate clear standards, criteria and mechanisms to evaluate the performance of a doctor and a healthcare facility as a whole. Introducing a compul-
sory evaluation of doctors, their skills and knowledge and making this information accessible to all, will provide people with objective information and enable them to make the right choice.

The provision of healthcare services is directly connected with the provision of medications to Russian citizens for treatment and prevention purposes. However, our analysis of complaints shows that there are serious failings in this area, including the imperfect system of procurement, that make it very difficult for individuals to access free and subsidized medications.

In June 2017, the High Commissioner received a complaint from citizen K., a disabled person from the Republic of Bashkortostan, concerning a poor supply of Sildenafil and Bosentan, the medications that had been recommended to him given his condition. Instead, he was prescribed analog substances that had side effects. Following the High Commissioner’s request to the Republic’s Ministry of Health, K. was provided with Sildenafil at the expense of the Verkhne-Tatishinskaya Central District Hospital, a state budgetary healthcare institute of the Republic of Bashkortostan that provides him with medical care. Bosentan was provided to him through the funds from a charitable organization. Roszdravnadzor’s local compliance authority detected violations with regard to supplying citizen K. with medications and opened administrative cases (Article 19.20 (3) of the Administrative Code of the Russian Federation) against the official from the hospital who is guilty of the violation.

Following the High Commissioner’s instruction, employees of the High Commissioner’s Office visited the Ramenki Central District Hospital, a state-funded health care facility in the Moscow Region to understand how the hospital works and what problems it has. The visit revealed that the oncology unit of the hospital had been wanting in medications for chemotherapy and in suture material since January, 2017. The inspection conducted by the Ministry of Healthcare of the Moscow Region at the High Commissioner’s initiative found that the hospital had not completed the necessary procedures to buy those items. The situation has been redressed.

Access to orphan drugs, their availability and affordability remains high on the High Commissioner’s agenda. According to the information received from the constituent entities of Russia, this category of individuals, affected patients, have difficulties with accessing these expensive medications because their treatment is financed from the regional budgets only, with no sufficient funds to meet their commitments.

Tuberculosis still remains an urgent health problem, with WHO including Russia in the list of high-burden countries. According to Rosstat, by early 2017, Russia had 178,100 patients registered with TB disease at healthcare facilities (53.3 cases per
100,000). In 2016 alone, the disease claimed the lives of 11,400 people. Russia still has a long way to go in addressing this problem. To fight TB, it is necessary not only to improve TB care across Russia, but also to amend the legislation to protect the right to health care given the high risk of acquiring TB infection and to prevent it.

Unfortunately, Russia does not have enclosed tuberculosis treatment facilities for compulsory treatment of TB cases. The existing TB treatment facilities operate under a different procedure, with patients being able to leave them by a court ruling without completing the treatment.

TB prisoners discharged from detention facilities require special monitoring and protection. With family relations lost, no housing left, many of them have to roam, with no medical assistance provided, which aggravates their condition, puts at risk their life as well as the life others as they become a dangerous source of infection.

Of special concern has been the problem of TB vaccination of minor children and TB diagnostics. In their complaints to the High Commissioner, people write that non-vaccinated children are not allowed to attend educational establishments, which violates the right to the informed consent to a medical intervention and the right to education. Applicants demand that this practice should be stopped across the country filing complaints with public prosecution bodies against unconstitutional actions and decisions of the administrations of educational establishments. Protecting people, especially children from socially dangerous diseases, TB included, is to be under special control and monitoring with relevant agencies.

In Russian constituent entities, medicine and healthcare keep advancing through high-tech medical centers. They are usually set up in cities and bigger towns and serve people residing in smaller towns and settlements around. People complain about discordant recommendations they receive at health care facilities at the place of residence, with local physicians refusing to prescribe a cancer patient the anticancer medication recommended by the patient’s physician from the federal medical center. Recommendations of federal medical centers are not binding for regional physicians who are responsible for prescribing medications. Physicians caring for patients are ultimately responsible for the outcome of the treatment, they are responsible for deciding on management schemes for cancer patients, with federal medical centers changing management schemes all the time, which may have a negative impact.

Citizen K., a disabled person of group 2, a cancer patient residing in the Volgograd Region was recommended Regoraphenib at the N. N. Blokhin National Medical Research Center for Oncology, a federal state budgetary institution of the Ministry of Health of Russia. Despite the High Commissioner’s numerous appeals to the Health Committee of the Volgograd Region, the issue of citizen K.’s access to the medications for treating life-threatening conditions (confirmed in the prescribed manner) remained open waiting for additional funds.

2 Ibid.
In its response to the High Commissioner, the Prosecutor’s Office of Volgograd said that the Health Committee of the Volgograd Region had no grounds to deny him access to the medication. The Prosecutor filed a suit with the Voroshilov District Court of Volgograd to compel the Committee to supply citizen K. with this life essential medication.

Funding and better health care legislation are the two fundamental areas to be addressed to bring healthcare and medical assistance to a qualitatively new level. The same applies to providing the healthcare system with highly qualified personnel.

Medical specialists (young men aged under 27 with medical degrees but without a degree in special training for medical reserve officers) are drafted to serve in the armed forces on the usual terms, thus interrupting their practice, which does not contribute to maintaining and retaining highly qualified human resources. Hence, it would be worthwhile to consider a draft deferral for young medical specialists for the period of the their work at public healthcare facilities. The shortage of highly qualified personnel in public healthcare facilities, including in-patient facilities, is compounded by numerous private medical centers and poor level of training at some medical educational establishments, that are not transparent in their educational activities.

3.4. Right to Education

Education lays the foundation to shape the future for individuals, society, the state and the world as a whole. The national policy prioritizes access, safety and quality of education at all the stages. There are several projects underway, including Supporting Modern Creative Learning for Young Children, Higher Educational Establishments as Centers for Innovation. Physical infrastructure of educational establishments becomes stronger. In 2015, the Government of the Russian Federation adopted a programme on
creating new places in general education schools in the constituent entities of Russia (based on projected needs) which addresses the problem of gradual transition from a dual shift system to one shift at schools for the period of 2016–2025.

Legal framework of relations in the field of education represents a broad range of issues and problems both in terms of theory and administration of law. Russia has more than 30 mln students studying in more than 90,000 educational establishments, approximately 15.5 mln of them are pupils. A huge share of the population, including children, parents, teachers, representatives of educational establishments, public organizations and government agencies in charge of educational policy become parties in these legal relations, so they want to be sure that their rights are respected by relevant government bodies.

The High Commissioner attaches great importance to protecting individuals’ rights in this area as well as to programmes of raising legal awareness among young people. In December, 2017, the High Commissioner held the All-Russian Open Lesson “HUMAN RIGHTS” for schoolchildren who participated in the XXVIII Moscow School Model UN conducted annually by the United Nations Association of Russia. The High Commissioner also helped to develop a “Human Rights” course for bachelors and specialists.

Organization of the educational process requires comprehensive work in the ever changing conditions. Transformations in education with digitalization and emerging new technologies result in new sciences and disciplines, which requires new approaches to the educational process, keeping pace with transformations and determines the challenges. In 2017, the High Commissioner received 331 complaints with regard to exercising the right to education (Figure 31).

![Figure 31. Right to education — appeals by subject](image)
Access to preschool education remains high on the agenda, with kindergartens accommodating 98.94%\(^1\) of children aged between three and seven and nurseries accommodating only 76.59%\(^2\) of babies between eight weeks and three years while more than 470,000 children under the age of three were on the e-waiting list to be enrolled in preschool establishments.\(^3\) So it turns out that construction of new kindergartens can hardly meet the growing demand for nurseries resulting from the growing birth rate.

The jus soli (territoriality) principle makes the situation worse. The High Commissioner keeps receiving complaints concerning refusals to enroll children in kindergartens if they have registration at temporary place of residence. Most of them come from citizens who have lived in Moscow for a lengthy period of time but they do not have registration at a permanent place of residence. It is a direct violation of the federal law by the administrative personnel of kindergartens and the High Commissioner is bound to react.

Another urgent problem related to kindergartens is the growing fees parents (lawful guardians) have to pay in some constituent entities, with their growth rate often exceeding the rate of inflation.

There are also incidents when children from one family are assigned to different pre-school institutions and different secondary schools. Technically, it cannot be considered a violation as the legislation does not stipulate that younger children should go to the same school as their older siblings. Yet, practice shows that it affects the children’s psyche. It is especially true for children in foster-families. In that regard, it would be appropriate to amend the legislation to give younger children the preferential right to go to the same school where their older siblings/relatives are already studying.

The sphere of general education has its traditional range of concerns. For example, children go to school eleven years quite a long period of time, hence creating comfortable and safe conditions for studying close to the place of residence is the responsibility of the state. However, in 2017, the High Commissioner received 58 complaints concerning refusals to enroll children in the first grade at schools close to home due to lack of places.

According to the Government of the Russian Federation, projected demand for new school places remains very high, at 6.6 mln places. A lot of children study in dual shift schools, some constituent entities still have triple shift schools, with the new open school places not covering even 25% of what is needed.\(^4\) The High Commissioner is concerned about this problem and calls for its urgent resolution.

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\(^2\) Ibid.


As for the positive developments, it should be noted that government authorities take measures to provide children with school places, including the Programme to Support New School Places in the Constituent Entities of the Russian Federation (based on projected demand) for 2016–2025, adopted by Resolution of the Government of the Russian Federation No. 2145-p as of October 23, 2015. However, the problem is still here, that is why it is necessary to raise the question of additional guarantees to address it. The High Commissioner hopes that the programme will allow to resolve the problem.

Access to school education is also on the list of pressing issues. Another urgent problem concerns children of foreign-born parents and, primarily, children of refugees who are not registered either at permanent or temporary place of residence. According to the Civic Assistance Committee, in 2017, they received 42 families with 61 children who were denied the right to education because of registration. It has been the case for many years despite Ruling of the Constitutional Court of the Russian Federation as of August 27, 2015 “On Refusal to Satisfy the Claim to Find Items 11 and 13 of Paragraph 9 of the ‘Procedure for Admission to Educational Primary and Secondary Education’ as Partially Ineffective”// Bulletin of the Supreme Court of the Russian Federation. No. 6. 2016., which says that provision of normative and legal instruments to present additional documents, including the certificate of the child’s registration at permanent or temporary place of residence cannot serve as grounds for refusal to be admitted to an educational establishment. The High Commissioner calls upon the Ministry of Education of Russia and authorities of educational establishments for children to act in line with the legal stand of the Supreme Court of the Russian Federation.

The statistical analysis of the complaints shows that there still remain problems concerning the material and technical supply of schools, even though the number of schools in the state of disrepair has declined over the past years. However, more than 42,000 schools built 40–50 years ago are in need of maintenance or major repairs. Actually, the number of such schools has increased to 12% at 4,900 buildings, including 2,700 schools without such basic amenities as indoor toilets, sanitations services, and central heating. Some of the schools do not have sports facilities, and those that have them are overcrowded.

Some of the regions often fail to comply with Article 35 of Federal Law No. 273 as of December 29, 2012 “On Education in the Russian Federation”. Under the Article, educational establishments are to provide learners with textbooks and training manuals for the period of studies for free. Complaints regarding the inadequate supply of books have come from the Kirov, Orlov, and Chelyabinsk Regions, the Udmurt Republic, the Republic of Buryatia, the Republic of Dagestan.

Apart from textbooks, it is difficult to get access to extended day care groups for primary-school-age children due to their high cost, with after-school child care programmes becoming inaccessible to this category of children. There is no single list of different categories of learners entitled to exemptions, including the right to reduced cost services, which makes the situation worse.

At the same time, there has been registered an increase in fees for children’s hobby clubs, gymnastics, art and craft classes, or supplementary education establishments. According to the Ministry of Sport of the Russian Federation, although it is directly engaged in a wide range of projects of secondary and higher education, including 139 sport activities for children and students held in 2017,\(^1\) grassroots sports infrastructure fails to attract private investors.

Unfortunately, enterprises, businesses, and associations that have sports halls, playing grounds and courts, mini-stadiums, and ice arenas are practically not engaged in organization of leisure time. While standing idle, their sports facilities and sports equipment could be provided for free to those who need it. This is the High Commissioner’s stand on the issue, as voiced at the Interregional Conference “Protecting Children in Difficult Life Situations. Preventing Family Dysfunction.”

The growing number of gun- and knife-related incidents on school grounds in 2017 raised the issue of tighter security in educational establishments. It is necessary to tighten requirements for private security agencies (PSA), enhance their competence and step up their vigilance. An analysis of violent incidents on school grounds has shown that school authorities responsible for children lack skills to respond to such situations, with no automatic response mechanism in place. In order to enhance security measures, it is necessary to equip schools with panic buttons, additional CCTVs, and metal detection arches.

There is also a problem related to free school meals for children and providing free school uniforms and sports strips for children from families with many children.

problem of access to relevant measures of social support in the town of Kineshma. These problems also affect other constituent entities of Russia. Most of the provisions in Presidential Decree No. 431 as of May 5, 1992 “On Measures of Social Support of Large Families” have become outdated and are not enforced.

This example demonstrates that it is necessary to adopt a new law that will define the status of a multi-children family, its eligibility for various benefits, compensations, relevant procedures for benefits and compensations and financing.

The UN Secretary General Report “Progress towards the Sustainable Development Goals” delivered in May 2017\(^2\) included ensuring of \textit{equity on social grounds in education} in the list of issues that exist in all countries and need to be addressed. In most countries involved in the research, urban children scored higher in reading than rural children. The issues of providing the same quality of education in rural and urban areas across the country not only continue to be urgent, they become pressing, given the reforms in education. \textbf{Rural schools continue to close}\(^3\) as a result of the per pupil funding reform that began several years ago with small schools unable to survive.

\begin{quote}
\textit{In their complaint to the High Commissioner, residents of the settlement of Trakt, the Knyazhpogost District of the Komi Republic, asked her to help them preserve their local school. Local authorities of the Knyazhpogost District decided to transfer children of Grades 5–9 to the secondary school in the town of Yemva starting from September 1, 2017, with school buses provided. Following the High Commissioner’s request, the Ministry of Education, Science and Youth Policies of the Komi Republic replied that part of the school building had been closed as it was impossible to meet fire safety requirements, with no funding provided from the budget for repairs.}
\end{quote}

Schools with a small number of children have always existed in Russia. Geographically, it is impossible to imagine that they disappear or are merged together into larger entities. The High Commissioner believes that, it is constituent entities who should be responsible for providing quality education in rural schools and should develop more effective models of such schools, given that closures result in the need to organize \textbf{safe transfer of children to study in adjacent areas}.

In 2017, Article 40 (2) of Federal Law No. 273 as of December 29, 2012 “On Education in the Russian Federation”\(^4\) which defines the obligation of school founders to provide free transfer of children who study in this type of schools was considered in the Constitutional Court of the Russian Federation. It found the relevant provision unconstitutional insofar as it imposes responsibility for the transfer on a municipality.

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or city district as a school founder, without providing them with funds from higher-level budgets or compensating their relevant expenses from the budget of the municipality or the city district where the schoolchildren reside.¹

In that regard it should be noted that mechanisms which will be developed by legislators pursuant to the ruling of the Constitutional Court of Russia should aim at eliminating failures of municipalities to comply with these obligations, including lack of funds in local budgets as a reason.

**Children with disabilities and children with special needs** often have to face formidable barriers in accessing education. Problems appear as early as at the stage of their enrollment in the first grade, as children with special needs have no benefits and advantages for admission.

In her complaint, a resident of a newly-built neighborhood of St. Petersburg asked the High Commissioner to protect her daughter’s right to access to general education. Her disabled daughter was denied the right to be enrolled in the first grade in educational facilities close to the place of residence due to lack of places. While developing the area, the local executive bodies failed to ensure the construction educational establishments to accommodate all children, residing in the new area. The authorities of the Pushkino District, St. Petersburg, found her a place in a school at a bus travel distance, which de facto deprived her of the right to education and social engagement. Following the High Commissioner’s appeal to the Committee for Education, St. Petersburg, the girl was enrolled in a school adjacent to her home.

The state tries to create a flexible system of education that will ensure equal rights and opportunities in access to education for all children with special needs without discrimination, thus creating conditions to ensure real rather than declarative rights of parents to choose between a general education school, a special educational facility, home education or some other mode of education that meets the child’s individual needs. Ensuring equal access to education for all the vulnerable population groups including persons with disabilities is included in the list of sustainable development goals. The Government of the Russian Federation together with the regional government authorities have launched a project “Education for Children with Special Educational Needs” aimed at ensuring access to quality education for children with disabilities and children with special needs, including inclusive education.² Although more and more schools are engaged in the system of inclusive education, parents ask to render them assistance in enrolling their children to **special schools** (the number of children with disabilities aged under 18 increases year after year: by 8% since 2014 from 582,000 to 628,000).³ These facilities are much

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needed as they provide comprehensive rehabilitation (pedagogical, psychological, and social) for children with special needs or development problems.

Special schools create sparing conditions in terms of schedule and regime, which is also very important for children with special needs — it concerns shorter duration of lessons, fewer pupils, special work and rest cycles, nourishing diet. Yet, the appeals and complaints addressed to the High Commissioner show that there are some difficulties to be addressed in this regard.

An appeal sent to the High Commissioner asked her to protect the right to accessible education at Boarding School No. 17 for learners with special needs, mostly blind and visually impaired children, the Samara City District. After a five-day schedule had been introduced, the learners were no longer allowed to stay at school over the weekend, with parents being forced to take them prior to 5 pm on Friday and bring back by 9 am on Monday. For those children who reside in the settlements of the Samara Region, the travel home is a rather expensive and long ordeal, given the public transport schedule.

After the High Commissioner’s appeal to the Ministry of Science and Education of the Samara Region to protect the rights of the learners, the boarding school has provided an opportunity for children to stay there over the weekend and considered parents’ requests to create a convenient schedule for bringing children to school.

Given the current conditions, there exist quite a few reasons why not every child with a special need can study in inclusive schools. In such cases they are offered to study at home. But here again can appear difficulties in getting access to quality education.

The High Commissioner received a complaint from a disabled child who was enrolled in ‘school’ via distance education. The girl complained about the untimely and poor quality of educational services she received, which constitutes a violation of her right to general secondary education. Following the High Commissioner’s initiative, the Ministry of Education of the Sakhalin Region conducted an investigation. It showed that the individual curriculum was ignored, those in charge neglected their duties, which made them subject to disciplinary action. Currently, the minor continues to receive home-based education with all lessons conducted according to the adopted schedule.
Students with special needs at vocational schools face as many problems.

The High Commissioner received a petition from the staff of the Tulun Agrarian College, a state budget professional educational institution that teaches minors without parental care, with special needs and children from low-income families. They complained that the college could not provide safe conditions for students, with repairs done at the expense of the students and teachers, along with deferred allowances that were not paid in full. Their complaints with relevant authorities had not changed the situation for the better.

Upon the High Commissioner’s request to the Ministry of Education of the Irkustk Region, an inspection was conducted. It proved the facts true.

The administration of the college has developed a comprehensive programme for dormitory renovation, brought its records to comply with requirements, set up biannual state academic scholarships, thus restoring the rights and legitimate interests of 1,500 students.

With regard to the role of education and science in the development of our nation, it is necessary to say that it is education that lays down the foundation for future great accomplishments and victories. Future generations will define and determine the future of our country, therefore particular attention should be attached to education as foundation of Russian culture and unique Russian civilization. In this regard, the High Commissioner highlights the fact that people have to pay for education more often and proposes to lift limits for budget places at higher educational establishments.

3.5. Protection of Family, Motherhood and Childhood

Protection of family, maternity and childhood is a national task, with every individual, their physical and spiritual development being a core value. Therefore, the state should ensure decent conditions of birth and life for future generations, create a favorable environment for access to education and work, and assure everyone access to the essentials of life. Resolving these issues means creating a prosperous future for everyone in our country.

The efforts aimed at implementation of such strategic documents as On the approval of the Concept of the Demographic Policy of the Russian Federation for the period until 2025,1 the National Strategy for the Actions in the Interests of Children,2 the Concept of National family policy in Russia for the period up to

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2025,¹ the Strategy of education development in the Russian Federation for the period up to 2025,² the National strategy for women’s development for 2017–2022,³ made it possible to reduce the rate of infant and maternal mortality, to identify and address health problems with mothers and children at early stages, improve the social and economic situation of families with children, to slightly improve access to education and medical assistance, to increase the number of children without parental care placed in a family, to reduce the number of orphaned children in children’s homes and boarding institutions by 50%. It should be noted that the above-mentioned documents and the measures aimed at their implementation integrated the High Commissioner’s recommendations to the Government of the Russian Federation, contained in the 2015 and 2016 Reports of the High Commissioner.

Decree of the President of the Russian Federation No. 240 as of May 29, 2017 “On the Decade of Childhood in the Russian Federation (2018–2027)” was another milestone in this area.⁴ Within this time, Russia will have to address and resolve the problems that emerged back in the 1990s, with a dramatic drop in the birth rate. That demographic catastrophe led to a decrease in the number of women of reproductive age. According to experts, unless special comprehensive measures are taken, their number can drop by 34% by 2025 compared to 2015. In this regard, the High Commissioner is involved in elaborating recommendations to the Decade of Childhood Programme. As part of the work within the programme, the High Commissioner and the Russian Children’s Foundation have signed an agreement on cooperation in protecting children’s rights not only in the territory of Russia, but also across the world, as well as in upholding and safeguarding the legitimate rights of families, children with disabilities, and children in detention.

Within this context, in order to strengthen the legal framework and better safeguard family, maternity, and childhood, the High Commissioner assisted to draft federal laws providing for an allowance for the birth (adoption) of the first child and second child,⁵ extending the maternity capital programme by December 31, 2021, and approving new forms of using this money,⁶ and establishing subsidies for lending agencies to compensate for lost revenue from soft mortgage loans issued to Russian

3.5. PROTECTION OF FAMILY, MOTHERHOOD AND CHILDHOOD

citizens with children and providing a special mortgage programme for families with children.¹

Within the context of family unity, legitimate rights and interests of a child with a severe disease, a noteworthy example is Ruling of the Constitutional Court of the Russian Federation No. 4-Π as of January 22, 2018 “On a constitutional petition case regarding Article 57 (Part 2, Item 3) of the Housing Code of the Russian Federation in relation to the complaint of A.A. Shakirova, M.M. Shakirov, and A.M. Shakirova”.²

Acting in her own interests and those of her minor children, one of them being disabled, citizen A.A. Shakirova, disputed the constitutionality of Article 57 (Part 2, Item 3) of the Housing Code of the Russian Federation under which social dwellings are provided on a priority basis to people with chronic diseases listed in Article 51 (Part 1, Item 4) of the Housing Code of the Russian Federation.

The Constitutional Court of the Russian Federation noted that given the physical and mental immaturity of an underaged child and specific needs and requirements of a disabled child, the existing legislation presumes a child will live with his/her family (legal guardian), thus it asserts the obligation of the child's parents and other legal guardians to live together with the child. Minors suffering from diseases included in the list of major chronic diseases that make living together in one apartment impossible³ need to be provided with conditions for, full development and integration in society. To this end, while regulating inclusive social relations, it is necessary to consider the interests and needs of both children that need enhanced social protection and adults who perform important social work by providing education and care for disabled children. In this regard, while providing housing on the priority basis, law-enforcement bodies should ensure the balance of legitimate rights and interests of this category of minors, their parents and other people living in the dwelling, including minors and individuals on the municipal waiting list for better living conditions. It is in line with the legal stand of the High Commissioner described in the opinion sent to the Constitutional Court of the Russian Federation.

However, the complaints and appeals addressed to the High Commissioner show that there are still problems and issues to be resolved to safeguard family, maternity and childhood. In 2017, the High Commissioner received 1,176 appeals concerning the legal interests of children in determining their place of residence with one of the parents, the process of communication with their parents and other relatives; protection of social rights; recovery of alimony; the work of agencies and establishments of the child neglect and juvenile delinquency prevention network; receiving and investment of the maternity capital funds; removing children from a family where the child’s life or health is directly endangered, or in case of parental neglect, deprivation or restriction of parental rights, child abuse, and other issues (Figure 32).

Figure 32. Rights relating to family, motherhood, fatherhood and childhood — appeals by subject

Appeals to safeguard the rights of children in case of parental disputes about raising minors usually concern the issue children’s residence in case of parents living separately; arrangements for the exercise of their parental rights by a parent living separately from the child; removing barriers in communication between the child and close relatives. It is one of the most difficult categories of appeals where each party has a truth of their own and when it is difficult to find a balance of interests. Still, in all actions the High Commissioner was guided by the fundamental norms of the Convention on the Rights of the Child, the best interests of the child being a primary consideration (Article 2, Paragraph 1). Quite often conflicts concerning the manner of children’s education and residence arise between parents who are citizens of different states.

Citizen K. asked the High Commissioner to render her assistance in having her minor son returned to her. In 2015, the child’s father took him away from the country to an unknown destination, and according to the information available to the boy’s mother, her son was in Italy at that time. Given the facts and the woman’s serious concerns about her

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son’s health, the High Commissioner in cooperation with the Ministry of Foreign Affairs of the Russian Federation took a number of measures that resulted in a ruling of the Court of the City of Rome that ordered her former husband to return the child to the child’s mother. Right after the trial, the mother and her son returned home to Russia.

Another category of appeals concerns a sensitive issue of removing children (a child) from their biological parents or foster family due to improper fulfillment of parental responsibilities. As a rule, they generate strong public reaction, with numerous complaints and proceedings around them.

A recent analysis of judicial practice shows a drop in the number of court decisions concerning deprivation of parental rights and an increase in decisions concerning parental authority restriction. Besides, there is a downward trend in cases when child-care authorities remove children from families if there is a direct threat to their life or health under Article 77 of the Family Code of the Russian Federation. At the same time, the analysis of appeals and law enforcement practice shows that there are not any clear legal criteria as guidance for child-care authorities when they apply the measures stipulated in Article 77 of the Family Code of the Russian Federation.

Citizen B. appealed to the High Commissioner to protect her parental rights as the mother of three minor daughters who were removed from her custody by territorial guardianship authorities of the Altai Territory due to the family’s low income. In order to examine the situation and preserve the family, the High Commissioner sent a request to the Directorate for Education and Science of the Altai Territory, which conducted an unscheduled field audit of the local committee for education in charge of guardianship and custody. Authorities responsible for preventing child neglect and juvenile delinquency conducted preventive work with the family of citizen B. She was rendered assistance with enrolling her older daughter in a homeschooling programme, while her young daughters were provided places in pre-school establishments. The removal of the children from their mother’s custody was found unjustified, the children were placed back in the custody of their birth family, while the specialist responsible for that unjustified decision was discharged.

For such cases not to recur in law-enforcement practice, it would be appropriate to consider amending the current legislation with regard to incorporating definitions of “a direct threat to life or health of a child”, as well as “failure of parents or other legal representatives of minors to perform their educational and maintenance obligations to their children” for a child not to be removed from his/her family whose problems are due to their desperate economic need rather than parental neglect.

The High Commissioner is especially concerned about appeals relating to removal of children from foster families. What matters here is that termination of adoption agreements, scheduled and unscheduled inspections of adoptive/foster families, establishing a limit for the number of children for adoption especially those with disabilities and health problems should be handled with the highest degree of sensitivity,
carefully, in the legal framework and on a case-by-case basis as it is a tragedy for a child to be separated from his/her family, a psychological trauma that may impact the child’s future well-being.

In October 2017, following Parliamentary hearings on “Improvement of family legislation to ensure state safeguards for families with children to prevent family breakdown and dysfunction”, the High Commissioner sent her recommendations to the Federation Council. She proposed to set a mandatory procedure for placing the child removed from his/her parents to a family of his/her relatives, to set a procedure for parental visits, and to ensure mandatory psychological support for the child removed from the family.

At the same time, we believe it would be reasonable to create a clear legal and regulatory framework for issues concerning the termination of foster agreements, scheduled and unscheduled inspections of foster families, grounds for refusal to take the child into the family.

Decree No. 969 “On Measures to Improve Child-Care Authorities’ Monitoring of Foster Parents (Guardians)”\(^1\) which approved model forms of the foster care agreement and the supplement agreement sparked a heated debate among foster families. The Department of Labour and Social Protection (the City of Moscow) adopted it on September 19, 2017. However, under the Law of the City of Moscow as of April 14, 2010 “On Custody, Care and Guardianship in the City of Moscow” (Article 11 (2)), a model form of a foster care agreement is adopted by the Government of Moscow alone. Thus there is a conflict between these regulations. The provisions of Decree No. 969 de facto compound the position of foster parents and may result in violations of the rights of foster families, as well as foster children. In this regard, the High Commissioner called on the Prosecutor of Moscow to verify the above-mentioned decree for compliance with the current legislation and, if necessary, take relevant measures.

In 2017, the High Commissioner invested a lot of effort in measures to safeguard the right of families at risk and children in difficulty.

The family of citizen O. from Yaroslavl is a low-income multi-children family that lives on social and retirement benefits. They had their electricity cut off due to the energy debt. All social subsidies were fully deducted by the Bailiff Service to cover the utilities debt. However, the inspection conducted by the Prosecutor’s Office of Yaroslavl at the High Commissioner’s initiative revealed violations of the legislation, as debtors cannot be levied more than 50% of the salary or other sources of income. In April 2017, the deductions from citizen O.’s retirement benefit were reduced, with some money returned to O.

In 2017, the High Commissioner received approximately 100 complaints from citizens about activities of agencies responsible for preventing child neglect and juve-

\(^1\) Order No. 969 of the Department of Labour and Social Protection of the Population of Moscow as of September 19, 2017 // Available at ‘Consultant Plus’.
nile delinquency, care, guardianship and health care authorities. The analysis of the complaints and consolidation of law-enforcement practice allowed to submit a number of proposals to the Government of the Russian Federation related to regulation of issues like performance criteria of actors in the system of child neglect and juvenile delinquency prevention; an algorithm of their actions to identify inappropriate conditions for minors (including “emergency situations”); methods to determine the standard number of permanent experts in commissions on juvenile affairs and their rights; a model structure of these commissions. Those proposals were also voiced at the roundtable “On working with families at risk”, held in the city of Khabarovsk in September 2017, where the High Commissioner proposed to amend the Decision of the Government of the Russian Federation “On selected issues of guardianship and custody if minor citizens”\(^1\) regarding mandatory training not only for future foster parents who want to take a child without parental care, but also their close relatives and individuals who dwell together with them.

Special attention is given to complaints regarding inadequate provision of government-sponsored support for families. In particular, the High Commissioner finds it necessary to allow to use the maternity capital for medical treatment of children. As of January 1, 2018, the government issued 725,000 maternity

(family) capital certificates, which is 21.6% less than in 2016 (924,800 certificates).\(^1\) Alongside this, the High Commissioner receives proposals to expand Government-sponsored support for families. As early treatment of children in the first years of life or those children with developmental defects is most effective, therefore the legislation should include a provision on using the maternity capital for such purposes. Support is also expressed for using the maternity capital to buy a vehicle, which is necessary for multi-children families and parents that care for disabled children.

The High Commissioner is concerned about restriction of foster parents' rights arising from refusals of social security authorities to allocate them social benefits as there is no registration at the place of permanent residence. Quite often there are incidences, where children in guardianship or care have a temporary registration at the place of the guardian’s residence, this being a ground for reason for social security authorities to deny them social protection measures.

The most difficult situation is in Moscow. Many foster families come to Moscow to find jobs, to receive education, to treat disabled children. After the Government of Moscow adopted Order No. 932-ПП\(^2\) as of December 23, 2015, the measures of support under the federal law and the law of the City of Moscow became applicable only to families with children, including families with orphaned children and children deprived of parental care in foster care (hereinafter orphans) who have registration at their place of residence in Moscow. At the same time, the same categories of families from other constituent entities who permanently reside in Moscow are deprived of this support. Both foster parents and the child in foster care are to be registered at the place of residence.

As a result, orphans who are not registered in Moscow are deprived of the government-sponsored social support, as they lose the relevant right in the region of origin and fail to acquire it in the place of their de facto residence. It concerns various social benefits, allowances for maintaining the orphans, monthly compensations to guardians, right to free fare in the public transport, rehabilitations services, etc. Foster parents have to resolve these issues in court, which takes a lot of time and effort that they could have invested in raising their children taking care of them.

However, the law stipulates that whether or not the citizen (including the minor) has registration they cannot be denied services or benefits if they are eligible for them (Article 3 of Law of the Russian Federation No. 5242–1 as of June 25, 1993 “On the right of Russian citizens to freedom of movement, choice of place of residence within the Russian Federation”).\(^3\) According to Article 20 of the Civil Code of the Russian Federation, “the place, where the citizen resides permanently or most of

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the time, shall be recognized as the place of his/her residence”; the place of residence of minors, or citizens who have been put under the guardianship, shall be recognized as the place of residence of their legal representatives – the parents, the adopters or the guardians.

Along with above-mentioned support, the High Commissioner helps to safeguard the right to court protection and fair trial in such cases.

In her appeal to the High Commissioner, citizen Ch., an adopting parent of minor disabled orphans registered at a temporary place of residence, complained that the local social security office (Moscow) had denied her allocation and payment of monthly compensation because the children in her custody were not registered at the permanent place of residence. In the first instance court, the claimant was granted the full amount of her claim. However, the judgment was reversed by the appellate ruling of the Judicial Division for Civil Cases of the Moscow City Court of October 28, 2016. Having found a violation of substantive law, the High Commissioner appealed to the Judicial Division for Civil Cases of the Supreme Court of the Russian Federation to revise the second instance decision. However, on July 27, 2017, a judge of the Supreme Court of the Russian Federation decided against lodging the cassation appeal of Ch. for consideration by an appeal court. The High Commissioner had to appeal to the Chair of the Supreme Court of Russia. Following the proceedings of the appeal court, the Supreme Court granted the High Commissioner’s request by reversing the appeal decision and sent the case to the second instance for reconsideration.

The state guarantees equal human rights irrespective of the place of residence, or other circumstances. Registration or lack thereof cannot serve as a ground to limit or as a condition to exercise individuals’ rights stipulated in the Constitution and the laws of the Russian Federation. In September 2017, the issue was discussed at a meeting of the Expert Council under the High Commissioner. Experts came up with various options of joint sources of financing: «the money follows the child», and a universal federal payment with an additional payment from the subject of permanent residence.

At the same time, the High Commissioner has appealed to the Government of the Russian Federation on this issue. As a result, the Ministry of Education of the Russian Federation has agreed that the issue is urgent and it is necessary to elaborate a draft law on safeguarding social rights of orphan children and children left without parental care, as well as of foster families. The issue is subject to the High Commissioner’s constant monitoring.

It should be noted, therefore, that despite promoting government-sponsored support for families, as of today, many issues related to family, motherhood, and childhood have not been addressed yet, and the relevant rights are not fully safeguarded by the state as provided by Article 38 (1) of the Constitution of the Russian Federation. On the eve of the Decade of Childhood, the High Commissioner urges the competent public authorities to step up efforts to address the above-mentioned issues,
Chapter 3. PROTECTION OF SOCIAL, ECONOMIC AND CULTURAL RIGHTS
AND FREEDOMS

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safeguard guarantees to protect children’s rights and ensure material and social support of family and motherhood.

3.6. Right to a Favourable Environment and Use of Natural Resources

Safeguarding the right to a favourable environment becomes particularly relevant given the deteriorating global environment. In 2017, Russia undertook comprehensive measures to improve the situation with the environment and use of natural resources: the country has approved a national strategy for environmental safety and security until 2025; launched priority projects “Clean Country”, “Preserve and Save the Volga from Contamination”, “Wildlife of Russia: Preserve and See”; carried out 86 campaigns as part of the Year of Ecology programme and 115 campaigns as part of the Year of Specially Protected Nature Areas; launched a new system of municipal solid waste management in the constituent entities of the Russian Federation. There is work in progress to address the impact of accumulated industrial waste in landfills along with a number of other measures underway.

Following the 2017 Year of Ecology Programme, the National public organization “Green Patrol” has announced leaders of the Environmental Index of the Russian constituent entities, including the Tambov, Belgorod, Kursk, Murmansk, and Ulyanovsk Regions, the Republic of Altai, the Chuvash Republic, the Komi Republic, the Altai Territory, Saint Petersburg. Still, the issue of safeguarding the right to favourable environment and use of natural resources remains high on the agenda. The High Commissioner has received a total of 1,789 appeals with a 12% increase in collective ones on a range of issues concerning violations of this right (Figure 33).

Residents of the Glazov District (the Udmurt Republic) complained to the High Commissioner about their right to favourable environment and health safety put at risk as a result of a new landfill close to the Glazov fresh water aquifer (Syaninsk field) that supplies water to 94,000 residents in adjacent settlements. Following the inspection initiated by the High Commissioner’s request, the environmental prosecutor of the Republic lodged an administrative lawsuit seeking declaration of invalidity. The invalidity action concerned the ecological expert conclusion and the Order of the Regional Department of the Federal Service for

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Supervision of Natural Resources (Rosprirodnadzor) that approved the expert conclusion to build this landfill. Thanks to the joint efforts of the High Commissioner and public prosecution bodies, the landfill construction has been suspended.

The right to a favorable environment with regard to investment projects underway close to protected territories is still high on the agenda. Despite our recommendations given in the 2016 Report, there is still an outstanding problem of the mining complex operating in the Yelansk and Yelkinsk prospects close to a densely populated agricultural area of the Voronezh Region in the vicinity of Khopyor Nature Reserve.

In June 2017, Presidential Control Directorate informed the High Commissioner that the Presidential instruction to the Government of the Russian Federation to examine feasibility of building the mining complex had been extended by December 15, 2017. At the same time, the time of the preparation, harmonization and approval of development projects for Yelansk and Yelkinsk plots by ООО “Mednogorskiy medno-sermiy kombinat” (Copper and sulphur enterprise, LLC) was moved from July 25, 2017, to July 25, 2020. According to additional information, their stocks of copper and nickel were updated in July 2017, with a higher content of main and accompanying elements. Increased ore stocks, especially for nonferrous and precious metals, makes these deposits more attractive for development. However, while preparing development projects, the user of mineral resources will have to conduct a multifactor validity assessment of the mining complex construction. Hence, the deadline for the Presidential Order was extended by July 21, 2018. As of January 1, 2018, amendments to
Federal Law No. 174 as of November 23, 1995 “On environmental impact audit”\(^1\) come into force. Given that, the state environmental impact audit of design project documentation for construction of mining enterprises at Yelansk and Yelkinsk fields becomes mandatory, which will facilitate prevention of possible negative environmental impacts. Thus, the final decision on the construction of the mining complex has not been taken yet, with the High Commissioner monitoring the situation.

There are still violations of the right to a favorable environment caused by operating industrial facilities. In 2017, the High Commissioner received more than 30 appeals from the Ashinsk District of the Chelyabinsk Region with regard to violations of environmental rights by OOO “Bashmineralresurs” as a result of construction and operation of non-public railway close to residential buildings.

They complained about what they considered violations of environmental and sanitation-and-epidemiological law resulting from a 24-hour a day transportation of manganous limestone in the residential district of the city of Ashi and about contamination of the rivers of Sim, Asha, Man-Yelga, and Belaya. The High Commissioner initiated a number of inspections by public prosecution bodies of the Chelyabinsk Region that revealed numerous violations of the current legislation. The investigation is still underway, with legal environmental assessment and other legal proceedings. Besides, public prosecution bodies revealed violations committed during the preliminary inquiry, with an order to the Investigative Committee of Russia to eliminate and prevent them henceforth. The situation is monitored by the Commissioner of the Chelyabinsk Region.

Over two years, the High Commissioner had been taking measures to restore the rights of the residents of the Vanino Settlement to a safe, healthy and ecologically-balanced environment due to loading coal in the seaport in the immediate vicinity of residential buildings. The concerted efforts of the High Commissioner and the prosecution authorities of the Khabarovsk Territory made it possible to handle this environmental problem successfully.

The inspection of the Vanino Transport Prosecutor’s Office initiated at the High Commissioner’s request, revealed violations of the legislation, including failure to perform carbon dust capture activities, and use of undocumented equipment. Later, the Vaninsk District Court ruled to grant the Prosecutor’s request to make OAO “Port Vanino” address all the violations. According to the Government of the Khabarovsk Territory, there was established an inter-ministerial group to ensure safe and socially responsible seaport operations and development. The undertaken measures made it possible to significantly reduce bulk dry

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cargo dusting in work sectors, to improve and adopt the environmental programme, to upgrade crushing-and-screening plants, to reach out to the local communities. The High Commissioner continues to monitor the situation.

In 2017, the High Commissioner also received complaints about violations of sanitation-and-epidemiological rules and regulations. Inquiries in these complaints revealed the problem of inappropriate maintenance of cemeteries and burial grounds.

_The High Commissioner received a complaint from the town of Novozybkov (the Bryansk Region) about burials at distance of 20 meters from a residential building. However, according to epidemiological rules and regulations,¹ the sanitary protection zone of cemeteries depends on the size (area) of the burials site and is at a minimum distance of 50 meters from residential buildings or country houses. Following the inspection initiated by the High Commissioner, public prosecution bodies issued an order to the head of the city administration to remedy the violation. According to the public prosecution bodies, a disciplinary measures were taken against senior specialist of the Department of Construction, Housing and Utilities Sector of Novozybkov for improper execution of duties._

This case demonstrates not only violation of the right to a favorable environment, but consequently violation of other constitutional rights and interests of individuals related to their health and safety protection. The High Commissioner believes that local authorities, law enforcement agencies and supervisory authorities should strengthen control over compliance with sanitation-and-epidemiological rules and standards, including those concerning the size of sanitary protection zones for cemeteries.

Within the context of the complaint of individuals from the Plodopitomnicheskiy residential neighborhood (the city of Semikarakorsk of the Rostov Region), particular attention was given to the problem of unauthorized use of a land plot within the protected shoreline belt of the Don River, as well as violations of rules of access to water conservation zones.

_In May 2017, it was determined that part of a land plot within the protected shoreline belt of the Don River was perimeter-fenced and was in private property, which is prohibited by the Article 27 (3) of the Land Code of the Russian Federation, thus impeding free access to the shoreline belt. Another violation concerned erodible dirt piles on the plot within 30 meters from the Don River, in its water conservation zone (Article 65 of the Water Code of the Russian Federation). In September 2017, the High Commissioner sent a request to the Prosecutor’s Office of the Russian Federation to examine this issue with regard to violations of the environmental law. Following their joint efforts, the ruling of the Semikarakorsk Dis-

trect Court (entered into legal force on October 5, 2017) granted the prosecutor’s claims to provide free access to this public water body, to dismantle the fence on the part of the plot within the protected shoreline, to have the erodible dirt piles removed, and to recultivate the soil. The Prosecutor’s Office and the High Commissioner continue to monitor the situation and enforcement of the judgment.

In 2017, the High Commissioner received more than 40 complaints concerning contentious relations between citizens and gas and oil pumping facilities with regard to demolition of structures located within a minimum permissible distance from main pipeline axis as well as in their exclusion zones. The High Commissioner had earlier expressed her opinion on the issue, with her position as outlined in the 2016 Report remains unchanged. It is necessary to examine methods of ensuring industrial safety protection of pipelines other than massive demolition of individual residential structures. The High Commissioner appealed to the Ministry of Energy of the Russian Federation on this issue, but the Ministry did not uphold her appeal. The issue was addressed in the instructions of the President of the Russian Federation.

Following the Direct Line with Vladimir Putin, the Government submitted a draft federal law to the State Duma: draft federal law No. 302180-7 “On amendments to the City Planning Code and certain legislative acts of the Russian Federation to improve city planning activities and special use zoning”. The State Duma approved it on first hearing, on December 21, 2017. The draft law is to regulate issues with regard to the status of minimum permissible distances from pipeline facilities and compensations to owners of real estate units other than unauthorized constructions within special use zones established after March 1, 2018. Its concept is in line with the High Commissioner’s stand outlined in her 2016 Report.

There are many complaints about what people regard as excessive taxes on land plots allocated for house construction, a private subsidiary farm, or horticultural and dacha non-commercial associations of citizens. To address this issue, the High Commissioner put forward a proposal to the Prime Minister and the President of Russia to amend the Tax Code of the Russian Federation (Chapter 31, Article 391) to reduce taxes for citizens entitled to benefits by the amount equal to the cadastral value of six hundredth parts (of a hectare) of the plot under evaluation, which made its way to Federal Law No. 436-FZ1 as of December 28, 2017.

The High Commissioner also proposed land plots equal to four hundredth parts (of a hectare) in size where the taxpayer has his/her one and only housing for permanent residence to be exempted from taxes (Chapter 31, Article 389 of the Tax Code of Russia). Nevertheless, federal agencies and legislators did not uphold the initiative. However, this measure could have significantly reduced the tax burden on individuals in difficult economic situations.

There are more concerns voiced with regard to supply of quality drinking water in the amount sufficient to meet sanitary and household needs.

A resident of Proletarskiy settlement (the Omsk Region) complained to the High Commissioner about a serious situation resulting from poor water supply that failed to provide decent, safe and healthy living conditions. The Commissioner in the Omsk Region took the situation under his personal control. In June 2017, the court upheld the prosecutor’s action in the interests of general public against the settlement authorities’ illegal inaction that resulted in inappropriate maintenance of wells. The court ordered local authorities to provide a non-centralized underground cold water supply, take measures to clean, decontaminate, and flush wells. The local authorities of Zvezdinskoye rural settlement acted on the decision on a voluntary basis: they completed related site work for each well and adjacent territory, resuming fresh water supply using special vehicles.

The 2016 Report prioritized the problem of industrial and consumer waste management, treatment and recycling. It remains urgent, with complaints coming to the High Commissioner with regard to this issue. Sources of contamination in landfills (effluents and landfill gas) damage soil, surface water and groundwater, the air, thus creating serious environmental consequences and posing a direct threat to life and health.

The High Commissioner continues to monitor the complaints from the Moscow Region concerning violations of the environmental legislation at Kulakovskiy landfill near the settlement of Manushkino, at a landfill near Ozherelye neighbourhood, Kashira municipality, and a complaint of the residents of the Shchelokovo District about illegal operations of the Saburovo landfill.

Special mention should be made of the complaint from a resident of the town of Bala-shikha, the Moscow Region, about violations of environmental, sanitary and epidemiological rules and regulations at the Kuchino landfill situated in close proximity to the dwellings zone. The problem was highlighted in the High Commissioner’s 2016 Report. As a result, the Kuchino waste-treatment facility became a subject of a robust public discussion. The issue of the illegal landfill was raised at the Direct Line with Vladimir Putin in June 2017. Thanks to the joint effort, the hazardous waste-treatment facility was closed and the landfill was shut down.

According to the High Commissioner, the problem of solid waste management and related problem of inaccurate official environmental information can be addressed only by means of an open constructive dialogue between the business community, government authorities, scientists, scholars, experts and citizens. The first step towards such cooperation has been made: in 2017, the High Commissioner held roundtable dialogues and parliamentary hearings at the initiative of the State Duma Committee for Ecology and Environmental Protection, the Civic Chamber of the Russian Federation, and the Presidential Council for Civil Society and Human Rights.

There is a large range of complex issues with regard to maintaining a safe and healthy environment. Along with their concerns about legal aspects of landfill opera-
tions, people are concerned with activities of local authorities with regard to new incineration plants projects.

Despite the studies\(^1\) that prove a higher risk of serious cancers, allergies and other permanent consequences for those living in the vicinity of incineration plants, especially for personnel of the plants, some constituent entities of Russia prioritize incineration as a method of waste management regardless of its inefficiency and hazards. Anti-incineration plants protests are held nationwide, with the problem being most urgent for the Moscow Region.

By 2019, incineration plants will be commissioned in Naro-Fominsk, Solnechnogorsk, Noginsk, and Voskresensk, one in each town. Their residents, while trying to prevent what might be the largest environmental disaster in the region, a danger to people’s life and health, have to resort to extreme measures, including protest actions. The above circumstances as well as inevitable budget expenses for environmental reclamation and other environmental and health protection activities, call into question the economic benefits of the region from these projects.

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Economic interests of private enterprises cannot prevail over environmental interests, as safeguarding the right to a safe and healthy environment is relevant with regard to future generations. Waste processing and recycling alone can reduce waste, landfills and address contamination of the environment. The issue was raised at a meeting of a relevant Section of the Expert Council under the High Commissioner. According to its members, it would be expedient to replace waste incineration facilities with waste recycling facilities which, according to experts, are more environmentally friendly and do not pose a threat to health.¹

Moreover, provisions of the federal legislation that sets hierarchy of goals and objectives of the national policy on waste management in terms of their priorities,² show that incineration is a less preferable treatment method compared to waste reduction and recycling.

The High Commissioner believes that the issues of waste management can be systemically resolved with a comprehensive mechanism of technical, economic, and legal measures that regulates relations in the field of environment.

July 25–27, 2017, there was a special meeting of the Coordinating Council of Commissioners for Human Rights on “Protection of Human Rights to a Favorable Environment” which brought together representative of the executive and legislative branches of power and experts. Following the meeting, decisions were taken to step up the protection of environmental rights and improve environmental legislation. In particular, it was proposed to more actively use good practices of safeguarding environmental rights while preparing annual 2017 Reports, as well as special reports. Besides, the High Commissioner decided to step up work on raising legal awareness in regard to environmental rights.

Considering the priority of safeguarding the right to a favorable environment and use of natural resources, it is hoped that following the Year of Ecology we will be able to create an efficient ecological route that will lead us all to a clean future.

¹ Social and educational rights discussed at the meeting of Expert Council Section // Website of the High Commissioner. Available at http://ombudsmanrf.org/news/novosti_upolnomochennogo/view/obespechenie_socialnykh_i_obrazovatel-
PROTECTION OF HUMAN RIGHTS IN CRIMINAL PROCEEDINGS AND CORRECTIONAL SYSTEM
4.1. Protection of Human Rights in Criminal Proceedings

The criminal proceedings are the only field of state activity where law enforcement bodies may interfere in the private life of individuals rather significantly, when the question of guilt in a crime, and consequently human honour, freedom, property and, at last, human fate, is rampant against the background of sharp disputes in some cases. Meanwhile, this is the only way for the victims of crime to restore violated rights and get compensation for damages. All actions of criminal investigators, interrogators or prosecutors, both justified and unlawful, cause moral distress to the individual.

A lot of people with various interests are involved in this sphere, acting as different participants of the criminal process. In this regard, the criminal proceedings should provide both protection of rights of individuals and enterprises falling victims of crime, as well as protection of the individual from illegal or unsubstantiated accusation, conviction, or restrictions to rights or freedoms. Suffice it to state that law enforcement bodies registered 2,058,476 crimes in 2017: 1,117,801 criminal cases were duly processed and courts considered 914,885 criminal cases.1

Complaints to the High Commissioner for protection of human rights in criminal proceedings account for nearly one third of all citizens’ applications. 12,779 complaints were received in 2017. This figure may be explained both by a high level of conflict intensity in this field, and by the fact that the High Commissioner is one of those state authorities that can request the materials for review on orders to dismiss criminal complaints and effective sentences.

Figure 34 shows types and ratios of different applications in their entirety. The stated data comprehensively reflects the whole range of problems in this field. Some changes took place in dynamics and the structure of applications in comparison with last year. There was an increase in the number of complaints against the violation of human rights during the reporting, recording and reviewing of information on crimes (+17.6%), violation of the right to defence (+11%), relevance of initiating criminal prosecution (+11.8%), arrest and the period of detention (+4.6%).

The majority of complaints received by the High Commissioner concerning violations against the participants in criminal proceedings relate to the relevance and fairness of sentences and other legal judgments. Citizens point at incorrect qualification of the act, excessively severe sentencing without regard to mitigating or aggravating circumstances, violation of the right to defence, as well as passing, in their opinion, unlawful sentences. All applicants’ arguments are studied thoroughly by the High Commissioner and her officials, and corresponding inspections are held. In case of any violations revealed during criminal investigations or sentencing, the High Commissioner may exercise the right to appeal to the court of cassation and request for reconsideration of enforceable judgements.

Thus, citizens S. and M. complained to the High Commissioner against violation of provisions of the Code of Criminal Procedure of the Russian Federation during sentencing. They tried for years to restore their right to defence, but they were refused repeatedly by the higher courts. Having studied complaints of applicants S. and M. and procedural documents, the High Commissioner established that cassation appeals had been considered without the defence counsel, appointment of which was obligatory for the court. The High Commissioner submitted a corresponding motion to the Chief Justice of the Supreme Court of the Russian Federation, which was subsequently upheld; case files were then submitted for consideration to court presidiums in constituent entities of the Russian Federation, where they decided to reverse prior cassation decisions and file the case for another appeal ensuring legal counsel for the defendants.

The issue of legal counsel for the above mentioned criminal trial defendants is not systematic. But nevertheless, the High Commissioner emphasises the importance
Chapter 4. PROTECTION OF HUMAN RIGHTS IN CRIMINAL PROCEEDINGS AND CORRECTIONAL SYSTEM

of exercising this constitutional right at various stages of criminal proceedings and draws attention of courts and law enforcement bodies to this fact. The Constitutional Court of the Russian Federation addressed this issue as far back as 2007. In its decision No. 251-О-П as of February 8, 2007,¹ it ruled that the Constitution of the Russian Federation establishes the outset but not the end moment of exercising the right to legal counsel by the accused, therefore this right must be ensured at all stages of the criminal process.

Quite often, the court does not consider mitigating circumstances when delivering verdicts or sentencing of the convicted persons.

A sentence passed on disabled person of group I M., suffering from the disease included into the List of serious diseases hindering custody of suspected or accused persons, caused a sharp public response. M., sentenced to 4 years and 6 months of imprisonment, was taken into custody in the courtroom and spent some time in the Pretrial Detention Center lacking necessary conditions for due care of the criminal defendant until medical certification examination took place. With the assistance of the High Commissioner, who requested the Moscow City Court to change the measure of restraint until appeal hearing, the defendant was transferred to the medical center, where he received due care. The measure of restraint in the form of detention was replaced with a written undertaking not to leave and proper conduct. In August 2017, after the case was examined on appeal, the court changed the sentence, taking into account the mitigating circumstances and health status of the defendant, and imposed M. a penalty below the minimum in the form of a fine.

The issue of small quantity of acquittal decisions by the courts causes certain concern. In 2017, 99.6% of all criminal cases under consideration resulted in convictions, and only 0.4% of sentences were acquittals. The number of the latter has dropped even in comparison with previous years (by 38.45% compared to 2015, and by 18.44% compared to 2016).²

Compensations to citizens rehabilitated by courts of the Russian Federation following a finding of unlawful criminal prosecution also decreased. In 2017, such compensation payments amounted to 164,747,981 roubles, while 177,678,081 roubles in 2016 and 228,597,722 roubles in 2015.³ Nonetheless, unlawfully prosecuted individuals, who lost their family and social relations and, sometimes, health, have the right to receive fair compensation for the mistake committed by the state.

As in previous years, the High Commissioner receives a lot of complaints regarding objectivity, completeness and length of preliminary investigation. Applicants point out subjective, prejudiced and biased attitude of investigators during criminal

³ Ibid.
investigation, incomplete clarifying of circumstances to be proven, and excessive periods of preliminary investigation.

Parliamentary hearings on the Concept of “Criminal policy – roadmap (2017–2025)”. April 2017

Citizen G. stated in her application that her 20-year old son disappeared in the beginning of 2013, when he left the Republic of Tatarstan for Moscow. The law enforcement bodies of the Republic of Tatarstan registered a missing person case upon the fact of disappearance of the son of citizen G.; the case was then closed after a man’s dead body with documents of the son of citizen G. was found in Moscow. Investigators decided to refuse initiation of a criminal case upon absence of criminal acts. Meanwhile, they did not inform relatives about this, and the body was buried as unclaimed at some cemetery in the Moscow Region. All mother’s attempts to find out whether her son had been buried did not lead to results. In order to protect the rights of the citizen G., the High Commissioner filed an application to investigative authorities to examine the facts of the case; as a result, exhumation was held as a part of investigation, samples were collected from the supposed relatives of the dead man, then a DNA test was conducted, and the parentage of the dead man and the citizen G. was established. This finding required more than 4 years of the mother’s struggle.

Often, investigators and interrogators refuse accused persons remanded in custody for a long time to see their close relatives or phone them, usually referring to the secrecy of the investigation. Experiencing emotional distress in this regard, accused persons become prone to false confessions, or even suicide.

The High Commissioner was informed of this during a face-to-face meeting with the defendants in pretrial detention: M., who had been denied phone calls with his daughter for 8 months, though investigation of his case had already been over, and L., who had been denied in a meeting with his elderly mother for over 12 months, referring to the fact that she could talk with him in Hebrew during visits, and others. The majority of prisoners who applied to the High Commissioner on this issue were accused of non-violent crimes, mainly economic ones. The High Commissioner sent requests to senior investiga-
tive authorities and to the Prosecutor’s Office in respect of each complaint, but only half of the cases were approved.

Such practice is contrary to good morals, criminal procedure legislation and the international law. The analysis of complaints concerning investigators and interrogators preventing meeting with close relatives, as well as the absence of legal criteria that investigators and inquiry officers should follow in such situations indicates that heads of investigating departments do not currently take a hard stance on using illegal methods to obtain confessions at all costs. The stated gaps can be filled through legislation of clearly defined criteria for investigators/interrogators to refuse visiting criminal defendants by relatives and other people.

The growing number of citizens’ appeals concerning the relevance of initiating criminal prosecution in 2017 presents a significant cause for alarm. Investigators and interrogators sometimes do not conduct necessary investigative actions, do not adduce certain evidence provided by the defence, which could facilitate a suspected or accused person to be acquitted of charges or suspicion. As a result, a person is groundlessly held criminally responsible.

The Report on the activity of the High Commissioner for 2016 referred to the case of K., who was accused of murdering his wife and daughter, though all the evidence pointed to the fact that the crime was committed by another person. Moreover, investigators decided not to exculpate K. until the real criminal would be found. The High Commissioner repeatedly appealed to the prosecution authorities with the request to take response measures; the Prosecutor’s Office issued 7 requests to eliminate violations of the law, but they were not executed by investigative authorities. Only in September 2017, the investigator of the Central Investigation Department of the Investigative Committee of the Russian Federation in Moscow decided to terminate criminal prosecution of K. By that time, K. had spent 10 months in the Pretrial Detention Center and 8 months in home detention.

It should be noted that in the law enforcement there are cases of refusing to file evidence significant for establishing the facts in criminal cases and using unlawfully obtained evidence.

Thus, the High Commissioner received an appeal from M. accused of crime stipulated by Article 228 (Part 2), Article 30 (Part 1) and of Article 228.1 (Part 4, Paragraph d) of the Criminal Code of the Russian Federation who had been remanded in custody for about 22 months. The video recording made by the law enforcement officers during the arrest of M. became a key piece of evidence for prosecution in a serious crime. However, investigators did not take into account a video recording made by a chance eyewitness to the case during preliminary investigation. Despite this fact, the record was introduced during the court hearings, upon which the criminal case was reversed by the court to the prosecutor in accordance with the procedure specified by Article 237 of the Code of Criminal Procedure of the Russian Federation. The High Commissioner had insisted on legal and reasoned decision on the case of continuing violation of M.’s rights for more than two years, and at last, justice was served and criminal prosecution of M. was terminated on December 27, 2017.
The stated case should be carefully considered by officers of prosecuting authorities and federal legislative bodies as well.

In this regard, the High Commissioner is pleased to note that a number of her suggestions on improving the state protection and guarantees of criminal defendants’ rights were reflected in the Federal Law No. 73-FZ as of April 17, 2017 “On Amending the Code of Criminal Procedure of the Russian Federation”. The stated law increased the power of defence counsel in the criminal justice procedure, which allowed extending constitutional guarantees of the individual rights to counsel and competent legal assistance, as well as procedural safeguards of the defence counsel independence. The law also prohibits rejecting applications of the criminal process participants (suspected and accused persons, counsels) not only for the investigative actions, but also for the admission of evidence, if the circumstances described in the applications are relevant to the criminal case and supported by this evidence. Though, investigative authorities do not always follow the letter of the law.

R. complained to the High Commissioner against unlawful criminal prosecution and violation of his rights by law enforcement bodies. R. was incriminated in fraudulent embezzlement to the total amount of 6,041,300 roubles. However, R.’s signatures were not discovered in bank cash flow documents. Numerous petitions to perform expert examinations which could be significant for the case were dismissed by the investigator. The High Commissioner sent an appeal in defence of R.’s rights to the prosecutor of the North-Western administrative district of Moscow, as a result the deputy of the supervising prosecutor made an order to return the criminal case to the investigator to perform additional inquiries and to perform forensic accounting review and to conduct further investigation and legal proceedings.

It is noted that the number of complaints against unjustified applying and extending detention as a preventive measure is typically significant from year to year. The Constitutional Court and the Supreme Court of the Russian Federation have repeatedly stressed that detention as a preventive measure, as well as other custodial measures restricting freedom of individuals could be justified by public interests, as long as such decisions are consistent with the principles of justice, provide a proportionate measure necessary for the protection of constitutional values.

Analysis of complaints received by the High Commissioner and the law enforcement practice demonstrates, that the initial inquiry or pre-trial investigation authorities when deciding on the petition to the court to apply (extend) detention as a preventive measure (as well as the courts when considering such a petition, verifying its legality and justification) do not always take into account all the data characterising the personality

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of the accused person, his/her personal circumstances, diseases, do not request documented evidence that the accused may disappear, continue criminal activity, threaten witnesses, or tamper with the evidence. However, in violation of the decree No. 411 of the Plenum of the Supreme Court of the Russian Federation as of December 19, 2013, the severity of the charges and the possibility of the long-term imprisonment on the sentence of a court are often the basis for pretrial detention of accused persons at initial stages of the criminal process, while unreasonably recognized as quite sufficient to extend the period of detention at later stages of preliminary investigation.

The High Commissioner received an appeal from Y., a disabled person of group II, accused under Article 126 (Part 2, Paragraph a) of the Criminal Code of the Russian Federation of kidnapping of her daughter in connection with her placement to the medical institution for drug abuse treatment. The Khamovnichesky District Court of Moscow sentenced and extended the sentence of custodial remand 7 times. The High Commissioner appealed to the Prosecutor General of the Russian Federation with the request to conduct the investigation into the adequacy of remanding Y. to such a severe restraint measure and relevancy of the decision for Y. The prosecutor participating in the court session of the Moscow City Court supported the High Commissioner’s arguments. The measure of restraint of Y. was changed by the court to a non-custodial sentence.

The country’s leadership, as well as the Supreme Court of the Russian Federation emphasised repeatedly that detention could be applied only when other preventive measures (house arrest, bail, surety) could not ensure the collection of evidence, or when there was evidence of the circumstances listed in Part 1 of Article 108 of the Code of Criminal Procedure of the Russian Federation which allowed the judge to take a decision on detention. Nevertheless, the situation is barely changing. The statistics show that requests of inquiry and investigating authorities for detention are satisfied by courts in 90% of the cases. But, still there are positive changes in the cases of corporate and business crimes. In 2017, courts refused investigators and interrogators to use detention as a preventive measure in more than half of the cases (55%).

The issue of detention periods is related to the issue of reasonableness of terms of criminal proceedings, the violation of which causes substantiated complaints of citizens to the European Court of Human Rights. In accordance with Paragraph 3 of Article 5 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, every person detained on a criminal charge shall be entitled to trial within a reasonable time or to release pending trial. Part 1 of Article 6.1 of the Code of Criminal Procedure of the Russian Federation also enshrined that criminal proceedings are carried out within a reasonable time.

Taking into account the fundamental nature of the right to freedom which is the natural state for the individual, the preliminary investigation bodies and courts should be guided by the so-called “presumption of liberty” principle.1

The case of accused journalist M. who has been under criminal investigation for about 10 years is a flagrant violation of reasonable time of criminal proceedings. The High Commissioner has been monitoring the case since 2016. On April 7, 2017, the head of the Central Investigation Department of the Investigative Committee of the Russian Federation newly charged M. with the offence under Paragraphs “a” and “c” Part 2 of Article 163 of the Criminal Code of the Russian Federation for the extortion of 700 roubles from the owner of the market outlet. The High Commissioner repeatedly applied to the investigative authorities and to the Prosecutor’s Office on the inadmissibility of such long terms of criminal investigation in respect of M.’s case and violations during the transfer of the case to the court. On November 17, 2017, the Kuzminsky District Court of Moscow returned the criminal case of M. to the Prosecutor’s Office of Moscow in accordance with Article 237 of the Code of Criminal Procedure of the Russian Federation.

The European Court of Human Rights first noted in a case in 2002 that the right to a trial within a reasonable time after detention,2 guaranteed by Part 3 of Article 5 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950,3 was violated in the Russian Federation. Similar violations were revealed in more than a hundred cases since that time during consideration of complaints against the Russian Federation.

According to the decisions of the European Court of Human Rights in respect of violations in the criminal proceedings, in particular, as a result of prolonged detention during the trial period, as well as violations of the international law in respect of the right to legal proceedings within reasonable period of time, more than 424 mln roubles in 2016 and 900 mln roubles in 2017 were paid from the budget of the Russian Federation.4

For several years, the High Commissioner has been supporting the legal limitation of detention periods, including the stage of trial. Unfortunately, today there are no such limitations, and these periods can sometimes stretch for years.

Prolonged detention in the course of court proceedings followed by receiving “actually served” sentences leads to violation of the reasonable terms of the criminal proceedings and impossibility to use the right to parole, which is a gross violation of human rights. Establishment of time limits for detention at the stage of judicial proceedings

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would, among other things, allow decongesting pretrial detention centers, minimizing
the negative effects of prolonged detention on the health of defendants, exposed to
the risk of acquiring chronic diseases during long periods of remand in custody.

Review of the Judicial Practice Concerning the Consideration of Applications for
Imposing Detention as a Preventive Measure and for Extending the Period of Deten-
tion, approved by the Supreme Court of the Russian Federation on January 18, 2017, is
noteworthy, since it provides considerations and recommendations to all subjects of
the criminal proceedings involved in passing custodial sentences.¹

Another issue related to improving the effectiveness of criminal proceedings con-
cerns the introduction of the proper procedural control and oversight in preliminary
investigations. In the High Commissioner's opinion, legal constriction² of the prose-
cutors' powers, such as the absence of authority to initiate criminal proceedings and
optional execution of the prosecutor's orders to eliminate violations of the law by
investigators, leads to serious problems in practice.

4.2. Victims’ Rights Protection

Protecting the rights of the victims of crime is a high-priority issue in line with
the basic function of the law in the realm of criminal proceedings, and the goals of
maintaining social justice and the rule of law.

In 2017, the High Commissioner received 3,085 applications concerning protec-
tion of rights of victims of crime, which is 7% more than in 2016 (Figure 35).

![Figure 35. Protection of victims' rights — appeals by subject](image-url)

¹ Review of the Judicial Practice Concerning the Consideration of Applications for Imposing Detention as a Preventive
4.2. VICTIMS’ RIGHTS PROTECTION

The majority of applications received by the High Commissioner related to violations of citizens’ rights at initial stages of the criminal proceedings, i.e. during filing, registration and handling of crime reports.

Only a few years ago, one of the problematic issues in the work of law enforcement authorities was omission of crimes from accounting and registration. The High Commissioner addressed this issue several times and provided proposals on resolving the situation; and, today, the High Commissioner is pleased to note that the situation has greatly improved due to measures undertaken by state authorities. However, it could not be said that the issue was completely solved. Still, complaints received by the High Commissioner indicate that unscrupulous law enforcement officers try to conceal crimes from accounting and registration and to avoid verification of crime reports established by the procedural law. There are cases of refusal to register crime reports, allegedly not providing sufficient information on crime, or groundless forwarding of such reports in accordance with competence and territorial origin.

The law enforcement bodies of the Republic of North Ossetia — Alania had not registered the report of M. on disappearance of her son for a long time. The High Commissioner addressed the Prosecutor’s Office of the Republic of North Ossetia — Alania in regard to this violation. At the request of the prosecutor the Department of the Investigative Committee of the Russian Federation in the Republic of North Ossetia — Alania registered the application of M., conducted inspection in accordance with Articles 144–145 of the Code of Criminal Procedure of the Russian Federation, and a criminal case was initiated according to Article 105 (Part 1) of the Criminal Code of the Russian Federation. The officials responsible for the red tape were punished.

Often, applicants do not receive notifications from law enforcement bodies on procedural decisions made on applications or copies of the decisions on refusal to initiate criminal proceedings, despite the fact that they must be sent to the applicants within 24 hours from the date of the relevant decision.

M. appealed to the investigative authorities of the Voronezh Region to notify them of the death of her son. After verification of the request, the order of refusal to initiate criminal proceedings was issued, but the applicant was not notified of this in the due period. The High Commissioner requested the prosecutor of the Voronezh Region to conduct an inspection, following which, the order of the investigator to refuse initiating criminal proceedings was reversed. According to the results of an additional inspection, a criminal case for an offence under Article 111 (Part 4) of the Criminal Code of the Russian Federation was initiated. Also, taking into account the revealed violations of the Code of Criminal Procedure of the Russian Federation, the Deputy Prosecutor for the region introduced the requirement to the head of the Investigation Department of the Investigative Committee of the Russian Federation for the Voronezh Region to eliminate all violations of the Law and to bring all liable officials to due legal responsibility.

The issues of compliance with the statutory period of time requirements for verification of crime reports by inquiry and investigating authorities and sentencing prac-
Practices are the subject of the prosecutor’s oversight. According to Part 4 of Article 148 of the Code of Criminal Procedure of the Russian Federation, a copy of the order to refuse initiating criminal proceedings should be sent to the prosecutor within 24 hours after the order is made. However, within the same terms, the considered statute does not provide for the responsibility to submit the crime verification files, on the basis of which, decisions to refuse initiating criminal proceedings are made. As a result, the prosecutor initiates inspection of legitimacy of the decision not within 24 hours after the order for dismissal of criminal proceedings was issued, but, as a rule, after receiving a complaint from the victim. Such practice prevents victims of crimes from timely appeals against unlawful decisions and actions (or omissions) by preliminary investigation authorities.

The High Commissioner received a complaint from P. against the inaction of the Department of the Ministry of Internal Affairs of the Russian Federation for the Krymsky District of the Krasnodar Territory during consideration of his application of grievous bodily harm caused by an unidentified person and unjustified refusal to initiate criminal proceedings. At that, the supervising prosecutor reviewed file documents only after the applicant had submitted a procedural complaint. After the High Commissioner appealed to the Prosecutor’s Office of the Krasnodar Territory, the order of the interrogator of the stated Department of the Ministry of Internal Affairs to refuse initiating criminal proceedings was re-
versed, and criminal proceedings for an offence under Part 1 of Article of the Criminal Code of the Russian Federation were initiated as a result of additional investigation.

On the basis of the foregoing, it is proposed to clarify the procedure and, most importantly, the terms of legitimacy verification of orders to refuse initiating criminal proceedings made by the prosecutor’s office in order to improve the legal guarantees for protection of victims’ rights at the stage of crime reporting.

Increase in the number of complaints on delays, excessive formalities and unjustified refusal to initiate criminal proceedings becomes alarming in comparison with 2016. According to applications, “inaction” is widespread among investigators and inquiry officers, after the order to refuse initiating criminal proceedings is reversed; they do not conduct additional investigations, in fact, in response copying orders they previously issued.

Citizen B. complained to the High Commissioner about the inaction of the investigating authorities in respect of his application about crime. The applicant stated that his disabled son died during treatment in the Moscow City Clinical Hospital No. 31 of the Moscow Department of Health as a result of staff failure to provide due medical services. The applicant addressed the Nikulinsky Inter-District Investigating Department as per stated matter, but according to the results of procedural inspections, the investigator made 5 orders to refuse to initiate criminal proceedings: they copied one and the same order following every reversal decision by the supervising prosecutor and additional inspections. The High Commissioner requested the Nikulinsky Inter-District Prosecutor’s Office, and the succeeding refusal of criminal proceedings initiation was reversed as illegitimate, while a criminal case upon the death of B. provided for in paragraph “c” of Part 2 of Article 238 of the Criminal Code of the Russian Federation was initiated as a result of additional investigation.

Prolonged conducting of pre-investigation checks by investigators and interrogators, formality verification process and unjustified procedural decisions lead to the loss of collected evidence critical for establishing the circumstances of crime, the impossibility of disclosing crimes “hot on the trail” and bringing perpetrators to justice, as well as compensation for damages caused to victims, which grossly violates their rights, including, first of all, the right to access to justice.

The number of appeals on improper criminal investigation, unlawful suspension or termination of investigations of criminal cases is constant from year to year. They make up one quarter of all victims’ appeals. In particular, citizens complain that inquiry and investigation authorities issue unlawful orders of suspension of investigations of criminal cases already initiated but unpromising from the point of view of their clearance.

According to the complaint of citizen B. from Omsk, a disabled person with group II disability, investigating authorities have not investigated her criminal case on a fraudulent acquisition of her apartment by deception for a long time. The investigation was suspended in August, 2014, and no actions were undertaken to identify the offenders for the following
three years. Only after the High Commissioner’s request to the Prosecutor’s Office of the Omsk Region, the unsubstantiated order of the investigator was reversed, and investigation of the criminal case was resumed. In regard to the delays committed during investigation, the Prosecutor’s Office of the city of Omsk submitted a remedial action order to the head of the preliminary investigation agency, and further investigation of the case was taken under personal control.1

In this regard, the procedure and terms for notifying the victims about the decision to suspend investigation of crime require clarification. In accordance with Part 1 of Article 209 of the Code of Criminal Procedure of the Russian Federation, the investigator, having suspended investigation, shall notify the crime victim, his/her representative, the civil claimant, the civil defendant or their representatives and, at the same time, provide information on the procedure of filing appeal against such decision. However, the procedure of notification of the person of decisions taken by the investigator, as well the terms for notification are not legally defined. This practically leads to the fact that the victim loses the possibility to react quickly to the decision made by the investigator and appeal against it, in accordance with the established procedure. Meanwhile, this procedure is provided for civil and administrative legal proceedings. It seems appropriate to consider the issue of introduction of electronic notifications via mobile communication, e-mail and the public services portal “Gosuslugi”. The participant in the proceedings is able to select any type of notification upon written application. By the way, such system of notifications is already widespread in courts.

Special emphasis should be given to the issues of respecting the rights of citizens recognized as victims in criminal proceedings. According to Part 1 of Article 42 of the Code of Criminal Procedure of the Russian Federation, the decision on recognizing victims must be taken immediately after the institution of the criminal case and executed by the decision of the interrogator, investigator, judge or a court decision. At that, the legal status of the person as a victim is set depending on his/her actual situation, it is specified in a procedural order, but not governed by said order. However, the problem is that investigators (interrogators) sometimes do not recognize a person as a victim, depriving him/her of opportunity to fulfill the rights provided for in Part 2 of Article 42 of the Code of Criminal Procedure of the Russian Federation.

The citizen K. complained to the High Commissioner about improper investigation committed by the investigative department of the Department of the Ministry of Internal Affairs for the Nagatino-Sadovniki district of Moscow in respect of the criminal proceedings initiated on June 11, 2014 in regard to obtaining financial advantage by deception with her bank card. K. had not been recognized as a victim in these criminal proceedings for more than 18 months. The criminal case was actually not investigated during that period, and then, on June 14, 2016 was terminated. Upon the request of the High Commissioner to the Moscow

Prosecutor, the Simonovsky Inter-District Prosecutor’s Office reversed the decision of the interrogator on termination of the criminal case on January 26, 2017, and the criminal investigation was resumed.

The issue of compensation for pecuniary damages caused by crime remains urgent, which is confirmed by the number of appeals to the High Commissioner on this issue.

Thus, citizen K. from the Novosibirsk Region complained to the High Commissioner against the refusal to initiate criminal proceedings on malicious non-compliance with the court decision on compensating pecuniary damages. Upon the High Commissioner’s request to the Prosecutor’s Office of the Novosibirsk Region, the decision of the interrogator of the Bailiffs Department on refusal to initiate criminal proceedings was reversed and additional inspection was initiated, while the head of the Bailiffs Department was ordered to eliminate violations of the law, and the head of the Novosibirsk Region Directorate of the Federal Bailiffs Service was made the same recommendations.

According to the Government Commission on crime prevention, losses from crime for 2017 (only in processed and suspended cases) totaled 408.5 billion roubles.\(^1\)

One of the guarantees of compensation for damages to the victims is the seizure of assets regulated by Article 115 of the Code of Criminal Procedure of the Russian Federation. However, despite the fact that investigation authorities’ applications to seize assets (including money of individuals and legal entities to seize property, including money, belonging to individuals or corporations and held in accounts, on deposit or in the custody of banks or other credit organizations) and to impose appropriate legal procedural measures are upheld in courts more often (courts considered 45,508 appeals in 2017 and 45,154 appeals in 2016, 39,751 and 38,921 of them were satisfied, correspondingly), the damage to the victims in most cases is not compensated. On average, compensation amounts to only 19%.\(^2\)

To a certain extent, the situation can be corrected if the investigator (interrogator) would be legally obliged to take measures to ensure compensation for the damage to property not only in criminal proceedings with direct property damage, but also in other criminal cases requiring execution of sentence in the part of civil actions and other monetary penalties, for example, in cases on causing harm to health. In the meanwhile, implementation of interim measures in such cases is up to the person in charge of criminal proceedings. Here, one should bear in mind that the filing of a civil action requires extensive time, partly due to necessary forensic medical examinations and a lot of preparatory work connected with calculating compensation for damages caused. But if investigative authorities do not take actions to find and seize the property of the suspect (accused) within the shortest time period, then the

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suspect (accused) person may dispose of such property at his/her own discretion or with the help of trustees by the time a civil action is initiated in criminal or civil proceedings, which eventually, would considerably hinder compensation for personal injury damages.

It appears that conditions, types and amounts of state compensation must be legislated in order to more effectively restore social justice in the part of compensation for damages and expenses caused by the crime to the victim. Meanwhile, payment of government victims of crime compensation does not eliminate responsibility of the accused person to provide restitution. In this regard, we can return the idea of establishment an extrabudgetary Federal foundation for assisting victims of crime, foundations activities should be governed by a special piece of legislation.

4.3. Protection of Human Rights in Places of Detention

Places of detention have always been a focus of special attention of the High Commissioner. A person deprived of freedom is separated from society, family and friends. His life is regulated by numerous rules that entail penalties for any failure to comply. It is therefore crucial that stringent conditions do not lead to violence and exacting standards do not lead to disregard for human dignity.

Pursuant to the Concept of Development of the Penitentiary System of the Russian Federation, the Government of the Russian Federation 1 has been consistently working to improve the situation at facilities where convicts, suspects and criminal defendants are held, and to enhance effectiveness of the correctional system authorities and facilities with the view to attain European standards for the treatment of offenders and the requirements of social development.

The Government is currently considering a draft federal target program for the penitentiary system through 2025 that provides for design, construction and renovation of 366 facilities and buildings. 986 buildings were repaired last year. Sustained efforts are under way to create a system of correctional centers by 2019. As of early 2018, there are 8 correctional centers and 15 segregated sections that function as correctional centers at penitentiary facilities.

A set of measures has been implemented to improve provision of specialized medical services, including technology-intensive medical care, and to enhance diagnosis and treatment of such socially significant diseases as HIV and tuberculosis.

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As a result, the incidence of tuberculosis among HIV-infected persons has decreased by 17.6%; tuberculosis-related deaths, including in forms associated with HIV, have decreased by 36.9% against 2016. Total mortality rate per 100,000 has decreased by 6.1%.¹

The High Commissioner has contributed to protecting the right of convicts to appeal to supervisory and monitoring authorities in absence of money. In January 2017, the Internal Regulations of Correctional Facilities² came into force allowing convicts who did not have money to submit complaints at the expense of the facility administration — as it had been proposed by the High Commissioner.

As of January 1, 2018, the incarcerated population was 602,176 people. 495,016 people served a sentence in 713 penal colonies, including 34,813 inmates placed in 126 open prisons; 2,014 inmates placed in 7 penal colonies for life prisoners and convicts whose death penalty had been commuted by way of pardon to life imprisonment; 1,429 inmates placed in 8 prisons. 104,336 people were held in 218 pretrial detention centers and in 98 premises operating as pretrial detention centers; 1,395 inmates were held in 23 juvenile correctional facilities.³

There is a growing number of appeals by incarcerated persons and on behalf of such persons. In 2017, 5,063 complaints were filed, which is 17% more than in 2016, including 100 collective appeals (253 in 2016). This indicates both a higher expected level of detention conditions and widespread violations of rights and lawful interests of inmates.

Most of the complaints came from inmates held in correctional system facilities in the Orenburg Region (644), the Saratov Region (174), the Sverdlovsk Region (152), Moscow (247), the Krasnoyarsk Territory (153), and the Komi Republic (144).

Complaints predominantly deal with substandard detention conditions, unsatisfactory medical assistance, refused transfer to another correctional facility, impeded remission of sentence, unlawful use of physical force or special restraining devices by corrections officers, and other issues related to detention conditions (Figure 36).

After the consideration of complaints, the High Commissioner assisted in protecting the rights of 9,500 people. 6,302 correctional officers were subjected to disciplinary measures for various violations; 77 criminal cases were initiated.\(^1\)

A considerable share of appeals concern violation of the procedure and conditions of detention in the correctional system facilities. Petitioners complain against substandard conditions of premises used for detention, including the need for a total refurbishment, food quality, non-compliance of living space with the required hygienic minimum, unusable state or lack of housekeeping equipment or bedding, as well as other general welfare issues.

Complaints concerning living space in cells of pretrial detention centers are especially relevant. A vast majority of pretrial detention centers are overcrowded, i.e. premises hold more people than allowed by their intended capacity. One of the revealing indicators of this situation is the case-law of the European Court of Human Rights, built on the pilot judgment on the Ananyev case\(^2\) and established a number of violations in this area. In 2017, a number of judgments were issued under that procedure, which has entailed certain financial losses and public image costs for Russia.

Thus, in its judgement as of 8 June, 2017, on the case “Volkova v. Russia”,\(^3\) the European Court of Human Rights awarded the applicant monetary compensation in the amount of EUR10,000 on account of inhuman conditions of her detention in the pretrial detention center in Novokuznetsk and in penal colonies in Nizhniy Tagil and Yekaterinburg.

In the High Commissioner’s opinion, the Government of the Russian Federation should take additional measures to improve detention conditions in pre-trial detention centers with due regard to international standards, including on living space, food, clothing and medical assistance.

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\(^1\) See 1.3


\(^3\) Judgement of the European Court of Human Rights as of 13 June, 2017 on the case “Volkova v. Russia” (Appeal No. 56360/07) // Rossiyskaya Khronika Evropeyskogo Suda. 2017. No. 3 (43)
The High Commissioner also believes that there is a pressing need for the Federal Penitentiary Service and the Ministry of Justice of Russia to develop a set of measures to ensure full realization of the constitutional right of suspects and accused of a crime in custody to qualified legal assistance and defence. This issue is considered relevant due to the received appeals concerning backlogs in public defender services in pretrial detention centers in some constituent entities and malfunctions in e-ticketing systems, both of which degrade the accessibility and quality of legal assistance.

20% of appeals to the High Commissioner concern timeliness and quality of medical assistance in correctional facilities. The correctional system is equipped with over 1,200 medical facilities, but complaints on complete or partial failure to provide medical care are filed virtually every day.

Convict R., serving a sentence in the IK-3 of the Department of the FSIN of Russia of the Republic of Bashkortostan, repeatedly asked for assistance in the treatment of an eye specialist. Only after the engagement of the High Commissioner the Prosecutor’s Office of the Republic of Bashkortostan sent a response that the inmate had been operated. The inmate was satisfied with the provided medical care.

The inspections carried out in regard with the appeals demonstrate that medical facilities of the correctional system lack medical specialists and necessary medication, inmates are sent for additional examination and treatment to the civil health facilities late, departmental medical facilities fail to confirm the diagnoses or disability group.

The analysis of appeals demonstrates that the availability of medicines in sufficient quantities is the persistent problem of detention facilities. This year, similar complaints were received from medical unit No. 10 of the Federal Penitentiary Service of the Murmansk Region, IK-17 of the Vologda Region Department of the FSIN of Russia, KP-44 of the Irkutsk Department of the FSIN of Russia, IK-3 of the Vladimir Region Department of the FSIN of Russia, SIZO-2 of the Astrakhan Region, Prison of the Chelyabinsk Region Main Department of the FSIN of Russia and other facilities.

Medical undersupply intensifies in the second quarter every year due to delays in public procurement tendering for medication. The High Commissioner recommends that relevant officials pay attention to the timing of tenders for the procurement of medicines and their priority over other tenders.

The High Commissioner has received 934 appeals on remission of sentence this year. The breakdown by type is as follows: remission of sentence due to illness — 478, parole — 268, pardon — 164, amnesty — 24.

Convict N., held in territorial hospital No. 2 of medical unit No. 23 of the FSIN of Russia, appealed to the Teuchezhsky District Court of the Republic of Adygea with the request to the remission of sentence due to severe illness included in the List adopted by the Decree of the
Government of the Russian Federation No. 54 as of February 6, 2004.¹ On August 30, 2017, the court rejected the petition on grounds of disciplinary violations by the convict during the time in custody. The High Commissioner sent a petition to the appellate court to uphold the appeal by the inmate and to consider it as soon as possible in light of the inmate’s critical condition. Tragically, the inmate died in the hospital on September 15, 2017, before the ruling was made.

This is not an isolated incident. In the first half of 2017, the courts received 648 petitions with regard to sentence remission due to severe illness. Among these petitions 173 were granted, 174 were denied, 321 were withdrawn or returned.

The report highlights these figures each year, yet no positive change ensues, even though all the parties — inmates, human rights defenders, corrections officers and researchers agree that the procedure for remission of sentences must be considered in the context of humanism, adequately regulated and geared to social needs.

Considering potential remission of sentence due to severe illness, the decision-making of the courts should be guided first and foremost by the fact of illness incompatible with detention.²

The High Commissioner advocates for comprehensive action to address this problem and, to that end, the High Commissioner prepared a draft federal law “On Amending Article 81 of the Criminal Code of the Russian Federation” aimed at resolving the issue of the unconditional remission of sentence due to severe illness. The proposals were sent to the Ministry of Justice of Russia. The High Commissioner expects that the discussion of the bill with the relevant federal executive authorities and representatives of human rights community will not be delayed.

In terms of improving the medical assistance to inmates, the medical projects implemented by the Federal Penitentiary Service of Russia Federation deserve to be supported. These projects are “Telemedicine”, allowing civilian doctors to remotely consult detainees held in Moscow pretrial detention centers, and “Road-train for Health” organized by the Krasnoyarsk Territory Main Department of FSIN of Russia that sends a group of vehicles outfitted with modern medical equipment to regional correctional facilities. The search for new modalities of delivering medical care to inmates should continue.

Over 900 of the complaints addressed the legality of actions and decisions by corrections officers. Inmates report unjustified sanctions and restrictions, and abuse of power by corrections officers. In every case the High Commissioner appealed to the Federal Penitentiary Service of Russia and prosecution authorities with a request to

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carry out an inspection and to take appropriate response measures. In a number of cases, the facts of violations were confirmed.

The High Commissioner received a complaint from inmate L. regarding obstruction of his potential parole by the administration of the IK-9 of the Krasnodar Territory Department of the FSIN of Russia. The High Commissioner appealed to the Apsheronsk District Court and the Prosecutor’s Office of the Krasnodar Territory. The Prosecutor’s Office considered the facts of the case and directed the head of the correctional facility at issue to comply with Paragraph 1 of Article 175 of the Code of Criminal Procedure of the Russian Federation. The guilty official was disciplined. The Apsheronsk District Court granted the petition for parole by the inmate and remitted the sentence.

The High Commissioner received 139 complaints on disciplinary action against criminal defendants and convicts. Unfortunately, the analysis of the complaints reveals that in some cases corrections officers do not follow the basic procedure for administering disciplinary measures against criminal suspects, defendants or convicts, which points to either unprofessionalism or deliberate violations.

In response to the High Commissioner’s appeal, the Prosecutor’s Office of the Orenburg Region found be illegal and invalidated two orders of the acting head of the IK-9 of the Orenburg Region Department of the FSIN of Russia regarding confining inmate M. to a punishment cell for 15 days.

Upon the request by the High Commissioner, the prosecution authorities invalidated orders by the head of SIZO-1 of the Yaroslavl Region Department of the FSIN of Russia regarding taking disciplinary action against criminal defendant K. in the form of placement into solitary confinement and two orders by the head of the KP-39 of the Irkutsk Region Main Department of the FSIN of Russia regarding ungrounded confinement of inmate B. to a punishment cell.

Legislative action is necessary to further regulate this issue and prevent ungrounded disciplinary sanctions against criminal suspects and defendants. A relevant draft law has been developed and, according to the Ministry of Justice of Russia, it is undergoing the procedure of coordination with the interested public authorities.

Complaints against unlawful use of physical force or special restraining devices by corrections officers are also a focus of attention. It stands to mention that the number of such complaints in 2017 has markedly decreased compared to the previous years. This results largely from the entry into force of Federal Law No. 503-FZ1 as of December 28, 2016, that has incorporated the proposals by the High Commissioner. The adopted amendments regulate the use of physical force,

special restraining devices and firearms in correctional facilities and pretrial detention centers, and set forth a procedure for inspections in cases where criminal suspects, defendants or convicts suffered bodily harm, including from physical force or special restraining devices. Complaints to the High Commissioner continue nonetheless.

The High Commissioner received an appeal in defence of the rights of inmate L., held in IK-28 of the Primorye Territory Main Department of the FSIN of Russia, with a complaint against unlawful use of physical force. After the request by the High Commissioner, the Prosecutor’s Office of the Primorye Territory corroborated the applicant’s allegations. In connection with the beatings of the inmate, the criminal proceedings were initiated under Part 1 of Article 111 of the Criminal Code of the Russian Federation; the head of the Primorye Territory Main Department of the FSIN of Russia was directed to eliminate breaches of the law.

The High Commissioner believes that there must be no incidents reasonably originating such complaints.

Prevention of unlawful use of physical force and special restraining devices at places of detention requires universal deployment of stationary CCTV cameras and body cameras for corrections officers, as well as prolonged storage of recordings. To date, there are 110,434 CCTV cameras and 15,038 body cameras in use in correctional facilities. The video recordings are stored for 30 days.

To ensure the rule of law at places of detention, it is important to increase the number of cameras and the storage period of recorded information to 6 months.

Identification of human rights violations at places of detention relies in great part on Public Monitoring Commissions of the constituent entities of the Russian Federation (hereinafter referred to as PMC) ensuring human rights monitoring in correctional facilities. Active efforts and free access to detention facilities by Public Monitoring Commissions allow ensuring that corrections officers respect the rights and lawful interests of citizens in their custody.

The High Commissioner notes the importance of PMC members training in order to increase the effectiveness of their activity, and supports legislative initiatives aimed at the extension of the competence.1

To that end, the High Commissioner and regional Commissioners for Human Rights participate in seminars on improving the PMC activity. It is hoped that in 2018 the State Duma will pass bills Nos. 949326-62 and 269379-73 expanding the list of detention facilities subject to public control by including holding cells of courts.

1 See 8.3
Last year, the High Commissioner received 663 appeals regarding transfers to other correctional facilities, 496 of which were appeals for transfer to a facility near the place of residence prior to conviction or near the residence of inmate's relatives.

_Inmate N., convicted in the Samara Region, was sent to Secure Hospital No. 1 of the Altai Territory Department of the FSIN of Russia; inmate I., convicted in the Stavropol Territory, is serving the sentence in the Krasnoyarsk Territory; inmate T., convicted in the Khabarovsk Territory and initially placed there, was transferred to the Republic of Karelia. The list goes on._

It is the firm belief of the High Commissioner that sending an inmate to a correctional facility thousands of kilometers away from the family deprives the inmate of the necessary moral support and contribute to the correction. Moreover, transfer of the inmate to other regions is expensive.

The High Commissioner often receives petitions for transfer based on inmates' apprehensions about the safety of their life and health.

_The High Commissioner considered a complaint by inmate I., held in the IK-2 of the Department of the FSIN of Russia in the Republic of Tatarstan, regarding violation of the right to personal safety, and use of moral and physical pressure by the administration. Upon the request by the High Commissioner, the Federal Penitentiary Service of Russia conducted the inspection that confirmed a conflict situation between inmate I. and other inmates. In this regard, it was decided to transfer the inmate to another correctional facility of the Republic._

The Ministry of Justice of Russia is currently considering proposals drafted by the High Commissioner to amend Articles 73 and 82 of the Code of Criminal Procedure of the Russian Federation to introduce the rule on serving the sentence in the region of the residence. These amendments will allow inmates to retain positive social relations while serving a sentence, foster a better mental well-being in correctional facilities, and generally promote re-socialization and law-abiding behavior upon release.

Complaints against the procedure and conditions of employment for inmates or denial of compensated employment account for a small fraction of the complaints. Still, this is a valid issue. This problem directly affects the ability of inmates to repay their dues as stipulated by a writ of execution, buy food, print media, pay for telephone or mail services for communicating with the family.

According to the Federal Penitentiary Service of Russia, in 2017 almost 60% of inmates remained unemployed for various reasons. Of course, this situation is unacceptable and demonstrates a clear need to create more jobs in correctional facilities and employ more inmates.

However, employment of inmates is not an end in itself. Inmates raise reasonable concerns about decent compensation of their labour, compliance with legally stipulated working hours and conditions.
The High Commissioner received a complaint by inmate K., held in IK-4 of Correctional Colonies Cluster No. 11 of the Perm Territory Department of the FSIN of Russia, regarding employing them at the car service without compensation. The High Commissioner sent a request for inspection to the Prosecutor’s Office of the Perm Territory. The inspection confirmed the allegations and the Prosecutor’s Office directed the head of the facility to ensure compliance with the law. As a result, 6 convicts, who previously worked without pay, are recruited to piecework paid work in a car service.

Although the number of inmates with trade qualifications increased by 8.4% in 2017, a review of the status of their employment leads to believe that a more constructive approach is necessary in defining the list of skilled trades practiced in correctional facilities.

Given the prevalence of garment making operations in penal colonies, there is a naturally high demand for such workers as sewing machinist, cutter, knitter and some others. Upon release, however, they are unlikely to be relevant for men. It is therefore important to train inmates in other trades even if those are not in demand at their correctional facility. The intention is for the newly acquired skillsets to make inmates more employable upon release. Such trades for men may be professional driving with a pathway to obtain a certification, including as a heavy machinery or forklift operator, or, for women, hairdresser, manicurist, florist. Obtaining these skills will give former inmates much better prospects for resocialization and a law-abiding lifestyle.

The High Commissioner often receives appeals concerning assistance to convicts released from correctional facilities who struggle with a life after prison, indulging due to lack of job skills. As it stands today, released inmates are entitled to a ticket home, a packed lunch for the travel, appropriate seasonal clothing and 850 rubles. Such aid is glaringly insufficient. Resocialization is hindered by lack of identity documents, housing, family or job. The High Commissioner tries to assist in overcoming such difficult life situations.

Citizen K. appealed to the High Commissioner with a request for assistance in resolving housing problems. K. lost housing while serving his sentence. Following a number of declined applications to various public authorities, citizen K. was housed at the Lublino Center.
for Social Adaptation in Moscow only after a request from the Office of the High Commissioner; the center also helped K. to find a job.

The High Commissioner draws the attention of the Government of the Russian Federation to the need for a federal target program aimed at providing public support to former convicts. This should provide specific support measures, assistance in employment and a place at a social boarding house upon release. Institution of a probation service in Russia is long overdue.
5

PROTECTION OF RIGHTS AND FREEDOMS OF INDIVIDUAL CATEGORIES OF CITIZENS
5.1. Protection of Women’s Rights

Throughout the entire world, the history of the last few centuries is inseparably connected with the purposeful fight for women’s rights, and their equal opportunities with men. The history of Russia, which has traditionally been associated with feminine strength, is no exception. Suffice it to recall the role that women played in all spheres of life, including politics, art, science and sport: Princess Olga, Ekaterina Velikaya (Catherine the Great), Sofya Kovalevskaya, Anna Akhmatova, Valentina Tereshkova, Marina Ladynina.

Equality between men and women is enshrined in Article 19 of the Constitution of the Russian Federation, which states that men and women have not only equal rights and freedoms, but also equal opportunities for their implementation. The Russian legislation in general meets the requirements of international legal standards in the field of protection of women’s rights. The government takes active measures for its implementation, strengthening the position of women in society: more women occupy top positions in public and corporate governance, their number is also increasing in all government bodies, measures are taken to improve the quality of medical care during pregnancy, childbirth and postpartum period, modern perinatal centres are built; the mechanism of payment of benefits related to childbirth and upbringing of children is being improved, maternal capital programs are being implemented; favourable conditions are created for women to combine family responsibilities related to raising children, including children with disabilities at work, in small and medium-sized enterprises with a high percentage of women employees being supported.

Women are actively participating in the administration of state, occupying 72.1% of the state civil and municipal service posts, 59% of the central offices of federal
bodies of governmental authority, 42.3% of public power bodies of the constituent entities of the Russian Federation, 78.8% of the municipal bodies.¹ 17% of the members of the Federation Council, 15.6% of the deputies of the State Duma are women. In the constituent entities of the Russian Federation, women hold 17.4% of positions of the legislative branch, and 30.8% in representative bodies of municipal entities.² Women make up a significant part of figures in science: 25% among doctors of sciences and 41% among PhDs are women.

Order of the Government of the Russian Federation No. 410-p as of March 8, 2017 established “The national women’s strategy for 2017–2022” (hereinafter referred to as the Strategy). The document defines the main directions of state policy towards women and is aimed at the realization of the fundamental rights and freedoms of men and women and the creation of equal opportunities for their implementation in accordance with the provisions of the Constitution of the Russian Federation, generally recognised principles and norms of international law and treaties of the Russian Federation. The Strategy sets the goal for the full and equal involvement of women in the political, economic and cultural spheres of life, which is a priority of the state policy of the Russian Federation.

However, the problem of equality between men and women still exists, which can be proven by the appeals on this issue received by the High Commissioner. There are common cases of "career discrimination" arising from conservative ideas in the society that women’s responsibilities are limited to their house, husband and children. Such views can be harmful: they preserve outdated ideas about a woman’s role in society and undermine her social status and prospects for educational and career growth.

At the same time, when talking about equality, for example, in regards to access to some professions, it is obvious that the overwhelming majority of women are still unlikely to choose the career of a truck driver or a miner. “The equality of rights is not in everyone taking advantage of them, but in everyone being given access,” said Seneca. The thing is in the very possibility, in the principle of equality: after all, nothing is holding a man from doing embroidery or working as a tutor in a daycare only because he does not belong to the womankind. Although it happens with women all the time. It raises some real paradoxes: a young woman can be an astronaut, but there is no way for her to become a train driver in the subway.

This inequality often manifests itself in latent forms. For example, the law (Article 64 of the Labour Code of the Russian Federation) prohibits the establishment of direct or indirect restrictions while recruiting — a job seeker has to have appropriate education and experience. However, employers often secretly try not to hire young women: what if they suddenly get married and go on maternity leave? Moreover, what happens if they ask for childcare leave? This appears to be double discrimina-

tion: a woman is not only getting rejected for a job, but also for the mission chosen for her by nature itself — the right to be a mother. This happens, despite the fact that the demographic situation in the country is very far from favourable, and for 90% of families living on a single salary of the husband and father is quite problematic, to put it mildly. Administrative measures to protect women from such cases of discrimination are taken extremely rarely, and it is just as difficult to prove in court such cases of violation of the principle of equality when hiring a female employee. The existence of Article 145 in the Criminal Code of the Russian Federation, which forbids unjustified refusal to employ a pregnant woman or a woman with children under the age of three, unfortunately does not significantly affect this situation.

Women with young children, children with disabilities, single mothers, those with no work experience or at a pre-retirement age make up this especially socially disadvantaged category of people in the labour market. Once in the midst of the unemployed, they are much more vulnerable to the loss of their social status, which is one of the reasons for the development of deviant behaviors: growth in drug and alcohol abuse, prostitution and various types of unlawful behavior.

Meanwhile, women are striving for actual provision of equal rights and opportunities between them and men, as well as equal access to work, services and resources in all spheres of modern life. This can be proven by a letter to the High Commissioner written collectively by a group of women who work in the fields of passenger, freight and water transport, as well as printing houses.

They draw attention to the restrictions and prohibitions established by Order of the Government of the Russian Federation No. 162 as of February 25, 2000 “On the approval of the list of arduous jobs and jobs with harmful or dangerous working conditions forbidden to women”, according to which it is forbidden for women to be employed in over 400 professions. The list of banned occupations was adopted in 1974 and readopted in 2000; it includes such trades as a trucker, captain and co-captain of a ship, miner and several others. Meanwhile, in September 2017, the Samara District Court declared the refusal of Samara River Passenger Shipping Company to take a woman as a helmsperson/engine-minder to be discriminatory. The authors of the letter ask to pay attention to the problem of discrimination against women and promote the abolition of prohibitions restricting labour rights.

In the opinion of the High Commissioner, the Ministry of Health and the Ministry of Labour of the Russian Federation need to consider the list of professions forbidden for women once again and evaluate its relevance given modern conditions. At the same time, the list should meet women’s safety standards and their ability to withstand increased pressure.

Female military employees who were denied the right to hold flight positions in the Aerospace Forces of the Russian Federation asked the High Commissioner for assistance. Our current legislation gives women the right to contract military service. According to the Ministry of Defense of Russia, there are more than 45,000 women serving in various positions in the Russian army. Most of them serve in the communi-
5.1. PROTECTION OF WOMEN’S RIGHTS

cations, logistics, medical service, military educational institutions and some others. However, women are deprived of the right to occupy flight positions in the army: they are not admitted to flight schools and not appointed to flight positions. This situation, according to the High Commissioner, violates the equality of rights of men and women.

Thus, the Lance Corporal B. has been struggling for several years to make her dream come true. She wanted to be in military aviation. Having been rejected from a military aviation school, she graduated from the Civil Aviation School with honours and became a pilot, received a certificate of proficiency in aviation English, entered military service under a contract to an airborne military unit and completed refresher training for military specialists in the field of radio aviation. Despite this, B.’s application to the post of the senior air radio operator — airborne specialist aboard an aircraft, but was refused due to the lack of flight positions in the list of military registration specialties for female service-people. In her appeal, B. asked to reconsider military occupations giving female members the right to hold flight positions in the Aerospace Forces of the Russian Federation.

Besides, thanks to the High Commissioner’s request to the Minister of Defense of the Russian Federation on August 16, 2017, a “Road map” was adopted to admit females to the Krasnodar Higher Military Aviation School in 2017, and the normative legal base of the Ministry of Defense of Russia was revised.

The other side of these stereotypes existing in the society is the remaining extremely painful problem of using force against women, especially domestic violence. The appeals addressed to the High Commissioner speak of its relevance. It is possible and necessary to resist such a destructive phenomenon. Ensuring human rights in the family is an urgent task that human right and public and state structures are facing. The way this problem will be solved can allow us estimate the maturity of civil society in our country. Meanwhile, thousands of women and children suffer as a result of family and domestic conflicts. Unfortunately, there is no official statistics on this issue.

Despite the urgency of the problem, there is no law that would ensure the prevention and prosecution of crimes in the family and everyday life. Since the beginning of the 1990s, more than 40 draft laws on domestic violence have been developed, but none of them has yet become a law.

In January 2016, a law was adopted on the decriminalization of domestic violence\textsuperscript{1} committed for the first time, including that against member of the family and other connected persons. They are transferred to the category of administrative offences, for which the penalty is provided in a form of a fine equal to 5–30 thousand rubles, or arrest for a period from 10 to 15 days.\textsuperscript{2} The adopted amendments were

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followed by reaction on an international level. For example, the UN Committee on Economic, Social and Cultural Rights has recommended the Russian authorities to repeal the amendment to the Criminal Code that decriminalizes the first offence of domestic violence in order to protect all victims of domestic violence, prosecute those responsible and prevent impunity, among observations on the sixth periodic report of the Russian Federation on the implementation of obligations according to the International Covenant on Economic, Social and Cultural Rights.¹

Moreover, cases of violence against women are characterised by high latency, as many women either tend to tolerate its manifestations, or prefer to seek a solution without appealing to the authorities, because they do not hope to find support there. Unfortunately, practice shows there is indeed a lack of attention paid to the statements from women about threats of violence.

Thus, in December 2017, the society was shocked by an incident that happened in the Moscow Region, when G. chopped off his wife’s hands trying to prove his dominance while they were walking in the woods. This crime was committed out of jealousy. Previously, he had threatened to murder her, saying he would leave her crippled. 18 days before the incident took place the woman came to the district inspector to make such statement, but the latter only limited himself to conducting a preventive discussion with G.

As a result of the police having failed to take the necessary measures, a family tyrant B. from Nizhny Novgorod murdered his pregnant wife, six children and his own mother in 2016.

In December 2017, the High Commissioner took part in the International Conference “Women Against Violence” organized within the framework of the UN International Campaign ”16 Days of Activism Against Gender-Based Violence” (November 25 is the International Day for the Elimination of Violence Against Women). In her speech, the High Commissioner stressed the importance of the problem of domestic violence in Russia, the need to support a volunteer movement on helping victims of domestic violence, including the establishment of special crisis centres where women can stay at the time of real threat of violence. She also called for drafting of a bill fighting family violence, taking into account measures by foreign countries and international experience. The High Commissioner suggested opening a hotline on the problem of domestic violence in order to have a clear picture and understand the scope of this phenomenon throughout the country. This proposal is currently under consideration of the High Commissioner.

The High Commissioner also advocates a broad discussion on the possibility of the Russian Federation joining the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, or the so-called Istanbul Convention. It entered into force on August 1, 2014, and became one of the

¹ Committee on Economic, Social and Cultural Rights. Concluding observations on the sixth periodic report of the Russian Federation (approved at the Committee’s 78th meeting, held on October 6, 2017) // UN Website. Available at http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4sIq6QSm1BEDzFEovLCuW6SHcc6q5tFq5SK59IPSaqqb5nUq5Vg%2Fe-bzIAtAs91Lbsv6hI8yQdQRQuEoanmhjYvn%2FO0dR99Dyo4TL2dCSiILDbwFFxqipDVXExw (accessed March 12, 2018).
most important and comprehensive legally binding instruments to combat violence against women. This international instrument is accessible to any country in the world and provides a full set of measures to combat violence against women and domestic violence. At the beginning of 2018, 28 out of 47 Council of Europe member states have ratified this Convention and brought their legislation and policies in line with its requirements; another 17 states and the European Union have just signed it.

Physical, mental, and sexual violence against women also happens in the criminal business, where they become victims of pimps who force them to engage in prostitution. After the revision of the 8th periodic report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women by the Russian Federation at its 1335th and 1336th meetings, on October 27, 2015, the UN Committee on the Elimination of Discrimination against Women has made a number of recommendations aimed at assisting women, who want to abandon prostitution, helping them to reintegrate into society as well as providing them with alternative income-generating opportunities. Besides, measures will be taken to reduce the demand for prostitution.

The issue of upholding women’s maternal rights, primarily to raise young children due to the unlawful separation organized by their former husbands has also become quite controversial. In 2017, the High Commissioner received more than 30 appeals from women to assist in the return of children, including the execution of the court’s decision to award custody of the child to the mother. Unfortunately, women have to struggle for a long time to reunite with their children, and the High Commissioner is taking all possible measures to help them.

For example, the High Commissioner’s appeal to the Ministry of Foreign Affairs of the Russian Federation has facilitated the implementation of the decision of the juvenile court in Rome, which obliged the father to return his son to the mother who is a Russian citizen and couldn’t return the child.

With the assistance of the High Commissioner, Directorate of the Federal Bailiffs Service of the Russian Federation in the Chuvash Republic discharged the enforcement proceedings in the case of S. to transfer custody of his underage daughter to the mother N., who had not seen the child for over two years. On July 19, 2017, K., who had been ignoring the decision of the Novosibirsk Regional Court for over 12 months, returned the daughter, born in 2012, to her mother.

One of the most serious problems of protecting women’s rights is ensuring their social well-being and supporting them in difficult situations. In Russia, a significant
number of women are raising children alone. Many of them, especially in rural areas, have poor housing conditions and low incomes, and are often unemployed. Social conditions and living problems lead to alcohol abuse, which means they end up in at risk category. However, these women do not receive any assistance.

**Women in detention** is a separate topic. According to the Federal Penitentiary Service of Russia, as of January 1, 2018, the number of women in correctional facilities amounted to 47,732 or 8% of the total number of people in the relevant institutions, including 38,695 in correctional colonies, secure hospitals, and treatment and preventive care establishments, and 9,037 in pretrial detention facilities and premises operating as pretrial detention facilities at colonies.¹

In recent years, the conditions for the detention of convicted women have been significantly improved. Considerable work has been done to improve the facilities and equipment of children’s homes, improve the quality of medical care, and provide social support to women who have given birth to children in penitentiaries and detention facilities. However, there are still problems remaining in the sphere of having the convicted women serve sentences in the institutions of the correctional system.

In 2016–2017, the High Commissioner received complaints from the convicted women on the provision of the right to receive information and communicate with the children. Presented arguments and the results of the conducted inspections show that officials often refuse to provide women with information about the location of their children, provide inaccurate information, or deliberately prolong the examination of their appeals.

*Convict P. serving a sentence in a correctional institution on the territory of the Volgograd Region addressed the High Commissioner on the issue of preserving family ties with her young son born in 2010. The mother did not have information about her child, who was living in a foster family, as the foster parents and the guardianship authorities prevented P. from maintaining a maternal relationship with her son. Taking into account the social significance of the problem, the High Commissioner sent an appeal to the executive authority of the Volgograd Region to establish the facts of the case and provide all possible assistance in restoring the child-parent relationship between the mother and the child. As a result, the guardianship and custody bodies cooperated with the blood relatives and the minor child. Due to these measures, the boy was able to adapt to the living conditions in the foster family, maintains contact with his mother and is waiting for her return.*

It is important to note, that it is often difficult to provide the opportunity for the women sentenced to imprisonment to see their families, especially children. For example, in a situation when children (or the child) live at a significant distance from the correctional facility, where the convict (the mother) is being held. Sometimes, children even live in other constituent entities of the Russian Federation.

The problem of ensuring the protection of the rights of convicted pregnant women and women with children is of particular concern. The Concept of the Development of the Correctional System of the Russian Federation until 2020 contains a requirement to develop a mechanism for legal protection of these categories of people. At the same time, we have to state that the rights of these individuals and their young children are not fully protected.

13 children’s homes were established in women’s correctional colonies to house children of convicted women from birth to three years old, in which, as of January 1, 2018, 5351 children live according to estimates by the Accounts Chamber of the Russian Federation. The annual number of pregnant female convicts is 1.5–1.7 thousand people, and the number of children’s homes created at women’s correctional institutions is much lower than the number of women’s institutions themselves (13 and 68 respectively). This proves that the problem of taking care of children born in the institutions of the correction system is remaining.2

It is just as important to ensure regular contact between imprisoned women and their young children who do not live in correctional facilities. In 2017, the High Commissioner received over 30 of relevant appeals. We certainly can not leave them unaddressed. Each of these complaints remains to be monitored by the High Commissioner until its full resolution.

Thus, after the High Commissioner’s request to the Prosecutor’s Office and the Ministry of Education of the Krasnoyarsk Territory, the interests of J., serving a sentence in a correctional institution, to communicate with her children have been protected. The department of guardianship and custody agency has informed J. about their location. Now it corresponds with J. about her children and sends her their pictures and photographs; convicts P. and U. were given assistance in establishing links with children who had been placed in foster families after their requests to the administration at their former residence.

In order to provide a child with a right to communicate with his/her mother and to promote the preservation of social ties of convicted women, the High Commissioner actively participated in the preparation of Federal Law No. 200-FZ as of July 26, 2017 “On amendments to the Criminal Correctional Code of the Russian Federation to protect the rights of children whose parents are serving their sentences of imprisonment”.3 For the first time the law established the rights of convicted women with a child under the age of 14 (taking into account their personality and behavior) to additional visits, two trips a year for a visitation with the child for up to 10 days each (exclusive of travel time). These norms also apply to convicted men who have a child under the age of 14 and are the only parent.

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Chapter 5. PROTECTION OF RIGHTS AND FREEDOMS OF INDIVIDUAL CATEGORIES OF CITIZENS

The High Commissioner supports further humanisation of legislation in this area, including the provision of more visits to convicted women. Among the positive results is the adoption of Federal Law No. 292-FZ as of October 16, 2017 “On Amendments to the Criminal Correctional Code of the Russian Federation”. A corresponding law, developed in accordance with Ruling of the Constitutional Court of the Russian Federation No. 24-P as of November 15, 2016, provides for the establishment of the right of convicts serving sentences in a maximum security correctional facilities (including those sentenced to life imprisonment) and in prisons to one extended visit per year. To ensure the differentiation of conditions for serving terms of imprisonment, the bill also provides for the increase in the number of visits for convicts serving sentences in minimum security correctional facilities, maximum security correctional facilities and juvenile correctional facilities.

In the High Commissioner’s practice, there are appeals from women held in correctional institutions who were previously deprived of parental rights in regards to their children, asking for assistance in securing opportunities for their communication with children.

Convict I., deprived of parental rights in respect of three young children, contacted the High Commissioner with a request for assistance in ensuring the communication of children with her and their grandmother. Due to the children having expressed a great desire to correspond with their mother, adoptive parents and the guardianship and custody bodies of the Almenevskiy District of the Kurgan Region in accordance with the principle of humanism and the best interests of children, took measures to organize the communication of children with their mother through written correspondence. In addition, the foster parents considered it possible to communicate with the mother through telephone calls.

In accordance with the Family Code of the Russian Federation, persons deprived of parental rights lose all rights based on kinship relations with the child, including the right to communicate with the child and the right to receive information about the child, provided for by Article 66 (Parts 1 and 4) of the Family Code of the Russian Federation, respectively. The consequences of deprivation of parental rights indicate that this measure is aimed at ending personal contact with the child. However, unconditional deprivation of the right of the parent to communicate with the child is not logical enough in the context of the provisions of the Family Code of the Russian Federation and is criticized by a number of researchers. Earlier the legislation was more tolerant on this issue. Article 62 of the Marriage and Family Code of the RSFSR provided that parents deprived of parental rights were eligible to see their child on the side of a trusteeship and guardianship body, given that their communication would not be detrimental for the child.

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3 Earlier the legislation was more tolerant on this issue. Article 62 of the Marriage and Family Code of the RSFSR provided that parents deprived of parental rights were eligible to see their child on the side of a trusteeship and guardianship body, given that their communication would not be detrimental for the child.
The High Commissioner supports the need to improve and liberalise the legislation concerning women in prisons for committing minor offenses, including a wider application of grounds for their exemption from serving the sentence, provided by Article 172 of the Criminal Code of the Russian Federation in regards to pregnant women and women with young children, as planned in the National women’s strategy for 2017–2022.

Based on the results of the Strategy realisation, by 2022, a final system of measures is expected that will ensure the increase of economic independence, opportunities for women’s self-realization, overcoming stereotypical conceptions about social roles of men and women. The High Commissioner intends to perform targeted monitoring of abidance of women rights in the frameworks of the tasks defined by the Strategy, including rights regarding the increase of the availability of qualified medical assistance; strengthening the prevention of occupational diseases of women and their detection in early stages; reducing the pay gap between men and women; increasing the number of female founders/managers of small and medium enterprises, including social entrepreneurship and self-employed women; reduction of vacancies with harmful and/or dangerous working conditions for women; reducing the amount of incidents of violence against women; increasing the proportion of women among civil service staff, impacting the statistics related to the status of women in political, economic, social and cultural spheres.

Sustainable Development Goals for the period of 2016–2030 approved by the UN General Assembly in September, 2015, could serve as a potentially effective monitoring tool, including the monitoring of issues of protecting the rights of women. According to this, more specifically according to Goal No. 5, every country should “achieve gender equality and empower all women and girls”.

5.2. Protection of the Rights of Minors

There are 30 million minors (20%)1 of all 147 million people living in Russia. They need special care, assistance and protection from the Government mainly due to the necessity to prepare for living in society independently. The issue is becoming more urgent, especially taking into account children and their families’ contemporary status in the society.

The Convention of the Rights of the Child2 is the main international document on the protection of children. The Russian Federation is a participant to the Convention.3 The main idea of the Convention is how best to safeguard minors’ interests.

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In accordance with international documents, a basis for national legislation is established in Russia. The basis is sought to protect minors’ interests. The main Government policies to protect minors’ legitimate rights and interests have been established. They are healthcare and promotion of healthy lifestyles, providing quality education and childcare, raising living standards and increasing the efficiency of the state system of supporting children in especially difficult circumstances.

As a result of the policy for protection of children that is aimed at improving the child’s status and creating a favourable environment for their lives and growth, there has been a reduction in the number of minors who live in special care homes for orphans and children left without parental care (hereafter referred to as “residential care homes”). Also there is an improvement in living and equipment in residential care homes and much attention is paid to finding a family for a child and helping foster families.

The legislation supporting and protecting the rights of minor children is being improved. In 2017, several changes in the legislation of the Russian Federation were made. They are directly relevant to additional mechanisms to counter the stress that is able to induce suicidal behaviour among children. The opportunities of maternal capitals usage are improved, monthly payments to low-income families due to the birth or adoption of the first or second child are federally established, there has been an extension to the timeframe for distribution of financial support from the federal budget, which is intended for the implementation of activities of the Fund for Children in Especially Difficult Circumstances.

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The issue of the minor rights’ protection has many facets. Since it represents a whole complex of human civil, political, economic and cultural rights, it is considered by the High Commissioner in various paragraphs of the Report. In the current paragraph a number of different issues related to children rights’ protection will be touched upon. The relevance of the issues is confirmed by the analysis of citizens’ complaints, sent to the High Commissioner.

In total, the issue of children’s rights protection is represented quite seriously — the High Commissioner has received 2,600 complaints of that kind.

The main group of complaints addressed to the High Commissioner refers to child support payments. During the year, there came 236 corresponding appeals, which means that almost 10% of overall complaints are for minors’ rights and the protection of their legitimate interests. As for the previous years, the largest amount of complaints deals with a quite ineffective work of court marshals who are in charge of recovery of outstanding child support. In that regard, in order to provide supervision, a number of requests have been sent to the Federal Bailiffs Service of Russia and its local bodies as well as prosecution authorities. The High Commissioner requested inspections and, if necessary, remedial measures.

Unmarried mother I. looking after her disabled child made a complaint to the High Commissioner about bailiffs’ inaction in searching for her ex-husband and in recovering the payments for child support. At the High Commissioner’s initiative, an inspection was led by the Prosecutor’s Office of the Kaluga Region. As a result of the inspection, Zhukovsky District Bailiffs Department of the Directorate of the Federal Bailiffs Service of Russia in the Kaluga Region put the debtor on the wanted list. His place of residence in Moscow was identified in the shortest possible time and he was warned about administrative charges according to Paragraph 1 of Article 5.35 of the Administrative Offences Code of the Russian Federation. He paid off the debt in a partial payment of the outstanding child support payments. The indicated enforcement proceedings are currently being monitored by leadership of the Federal Bailiffs Service.

According to the applicants’ complaints, there are many cases of refusals to prosecute enforcement proceedings on child support payments.

A member of the Assembly of Deputies of Sinegorsky village, Belokalivinsky District (Rostov Region) applied to the High Commissioner for the benefit of D. asking for collection of child support payments from her ex-husband for their three-year-old child.

The bailiff of the Bailiffs Department of the city of Shahty and Oktyabrsky District of the Directorate of the Federal Bailiffs Service of Russia in the Rostov Region made an order to refuse initiating the enforcement proceedings. In the absence of the debtor’s date and place of birth in the writ, the rights of both mother and minor child to receive child support were violated. After the intervention of the High Commissioner, the Prosecutor’s Office of the Rostov Region ordered the Directorate of the Federal Bailiffs Service of Russia in the Rostov Region to remedy the violations. The enforcement proceedings were brought against

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1 See 2.2, 3.1, 3.2, 3.5, 4.3, 5.1 etc.
the debtor, his place of work was discovered where the resolution on the enforcing attachments of earning order was served.

The following issues are still relevant: identification of the real income amounts of child support parties; enforcement of court judgements in cases of deliberate refusal to pay child support; enforcing the attachment of property orders on the debtors leading antisocial lifestyles; identification of a debtor’s place of work via the Pension Fund Departments of the Russian Federation and a subsequent resolution to enforce the attachment of earnings order, since a number of debtors work without formal employment relations agreements; enforced employment of persons obliged to pay child support, serving their sentences in institutions of the system of penal enforcement; practically missing persons obliged to pay child support and others.

The adoption of Federal Law No. 48-FZ as of March 7, 2018 “On Amending Article 278 of the Civil Procedure Code of the Russian Federation and the Federal Law ‘On the enforcement proceeding”’1 plays a significant part in solving the problems emerging in enforcement practices in reporting someone missing. This law provides for the timely protection of children’s rights to receive survivor benefits in cases where a debtor was ordered to pay child support.

The amendments to the Administrative and Criminal Law in 20162 raised citizens’ concern as far as they allegedly expanded the possibilities to avoid paying child support. The enforcement practices monitoring led by the High Commissioner revealed that the imposition of the administrative liability for refusal to pay child support and its separation from criminal liability is implemented with the maintaining of the criminal law protection of property interests of children or disabled parents. Therefore, this has not led to diminishing legal responsibility measures for those not paying child support, or to the increased instances of the evasion of responsibilities by individuals who are found guilty. Clarifications on this matter were also sought by the Supreme Court of the Russian Federation.3 Conversely, decriminalization of Article 157 of the Criminal Code of the Russian Federation provides the opportunity for a parent obliged to pay child support to take his own activities much more seriously and to realize that the second offense would cause a stricter, criminal liability.

According to the statistics of the Federal Bailiffs Service of Russia there is an increase in the amount of administrative proceedings prescribed by Article 5.35.1 of the Code of Administrative Offences (from 59,171 in 2016 to 119,909 in 2017) and in the number of initiated criminal proceedings against child support defaulters (from

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43,074 in 2016 to 35,080 in 2017). However, for the moment, some difficulties in law enforcement have been encountered. In particular, the term “non-payment” used in legal regulations is interpreted by some courts as the total absence of monetary assets payments. Even in the case of minimal disproportion to the debt payments that are not prescribed by the court order, as well as in the case of the redemption paid off against an individual’s will, that is to say during the involuntary enforcing the attachments of a debtor’s property, the case of administrative offences is closed due to lack thereof. Meanwhile, the provision of Paragraph 1 of Article 157 of the Criminal Code of the Russian Federation imposes criminal liability for nonpayment of child support by a parent without valid reasons, that it is considered to be a subordination to the court order (notarised agreement), in case of repeated violations.

On the described concerns, the High Commissioner requested the Director of the Federal Bailiffs Service of the Russian Federation to give his opinion on a possible response, particularly aimed at legislative improvements in ensuring children’s rights to receive child support. According to the Russian Federal Bailiffs Service, they prepared a report on the criminal prosecution of the offences prescribed by Article 157 of the Criminal Code of the Russian Federation. The standardizing of the enforcement practices related to the offense on both Article 157 of the Criminal Code and Article 5.35.1 of the Code of Administrative Offences would promote to bring child support defaulters to well-founded and equitable justice.

The issue of children and adolescent suicides has been a pressing one for years. According to the Investigation Committee of the Russian Federation, there were 1,656 reports of suicides by minors registered only during 6 months in 2017. That is almost 120.2% more than during the same period in 2016. So-called “death groups” created in social networks are a serious threat at the present time. In 2017, a number of related appeals came to the High Commissioner.

The applicants reported on activities led by the “death groups” in the social network “Vkontakte”. Their activities were inducing children to commit suicide. It was also reported to be spreading the information via the Internet that induced minor children to use illegal drugs and psychotropic substances. It is further reported that information was spread on the Life.ru website that was able to induce children to self-harm, cause self injuries and hurt themselves. On these facts, the High Commissioner sent appeals to the Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor), which has authority to make decisions on inclusion of domain names to the Single Register, as well as network addresses, which enable them to identify websites on the Internet that contain forbidden information. 


Chapter 5. PROTECTION OF RIGHTS AND FREEDOMS OF INDIVIDUAL CATEGORIES OF CITIZENS

The High Commissioner reiterated the importance of improving legislation and changing legal practice aimed at prevention of children’s suicides. Federal Law No. 120-FZ as of June 7, 2017, can contribute to it.\(^1\)

Prevention of children’s suicides requires a special training program for counselors in the system of education, healthcare, social security. It is necessary for counseling services to take a proactive stance in conversations with parents and those around the child. The Ministry of Education and Science of the Russian Federation supported the initiative of the High Commissioner to include the issue of “The state of affairs and measures aimed at prevention of suicides and incidents causing harm to the life and health of children. Activities on providing rehabilitation, psychological and pedagogical assistance to the family and minors” in the 2018 agenda of the Government Commission on Juvenile Rights and Affairs.

The High Commissioner receives a lot of complaints concerning insufficient measures of prevention of sexual harassment against minors. The number of child abuse crimes has grown. Urgent measures are necessary to address the situation. In 2017, the Investigative Committee of the Russian Federation initiated 7,011 criminal cases with children as victims of sexual abuse (of 9,600 minor victims, 1,800 were under 10) compared to 5,835 in 2016.\(^2\) Many of the crimes are connected with children’s activities in the Internet. Given the new challenges, it is important to teach minors fundamentals of cyber security and identify potential sources of cyber threats.

In their appeals to the High Commissioner, people raise the issues of drug addiction among children. During the meeting of the Security Council of the Russian Federation on “The National Antidrug Strategy by 2020 and additional measures to counter drug addiction”, the President of the Russian Federation noted that the number of minor drug addicts had risen by 60%.\(^3\)

The problem was discussed at the meeting of the Government Commission on Crime Prevention (June 26, 2017), which was attended by the High Commissioner. The participants focused on engaging the healthcare system in prevention of crimes by drug-addicted minors. Government agencies and organizations, especially healthcare establishments, should actively participate in activities aimed at identifying children who take addictive substances and suppressing that habit. According to FKU “GIATs MVD Rossii” (Federal State Institution “Main Information and Analysis Center of the Ministry of Internal Affairs of the Russian Federation”)\(^4\) of 45,288 crimes committed in

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\(^4\) Letter by the Federal State Institution “Main Information and Analysis Center of the Ministry of Internal Affairs of the Russian Federation” No. 3/1877001254748 as of February 8, 2018.
2017, 42,504 were committed by minors compared to 53,736 crimes and 48,589 minor offenders in 2016. Those included 2,148 offenses related to drug trafficking (compared to 2,511 in 2016). 343 minors committed a criminal act under the influence of the drug (2017) compared to 535 (2016), which shows a downtrend in this category of crimes.

It should be noted that minors have increased their usage of smoking blends ("spices" (JWH018, CP 47 etc.)) and synthetic drugs ("salts"). It is difficult to identify minors who use this new type of drugs as there are no advanced methods and snap tests to identify them. High latency and imperfect system for accounting of minor drug addicts considerably distort the statistics. Therefore, the Ministry of Healthcare of the Russian Federation should develop modern methods of finding traces of drugs that continue to evolve. The Ministry of of Internal Affairs, Ministry of Education and Science, Rosstat, etc. along with other ministries and agencies that have to address this problem should develop new methods for accounting drug addicts, which would help to create a comprehensive clear picture of drug addiction (including that among minors) in the Russian Federation.

The High Commissioner attaches particular importance to the applications for protecting the rights and legitimate interests of children detained in correctional facilities. As of January 1, 2018, there were 1,395 people\(^1\) detained in these institutions. Among the typical problems for correctional institutions is the spread of criminal subculture among minors, which is aided by groups involved in criminal activity in social networks as well as the activities of adults residing in penitentiary facilities of the Federal Penal Correctional Service of the Russian Federation, who involve minor children in criminal activity. Spreading of the criminal subculture represents a threat to minors entering the cycle of reoffending. According to the Ministry of Internal Affairs of the Russian Federation, approximately one fourth (26%) of all the minors who committed crimes in 2017 had previous convictions.\(^2\)

During the relocation of individuals from correctional detention centres to penitentiary facilities sometimes the rights to receive general and vocational education are violated (in cases when such a relocation takes place in the beginning or middle of a term, which precludes graduation). Enforcement experience confirms the fact that relocation from a juvenile correctional center at the age of 18–19 to adult penitentiary facilities doesn’t cause the correction of the adolescents behavior and creation of law-abiding individuals, but quite the opposite, it leads to development of destructive behavior and further implies an increase of reoffending.

In this regard, it is necessary to amend the current legislation, taking into account an opportunity of raising the age limit for the inmates serving their sentences in penal colonies, who behaved well and had not served an earlier sentence. One of the

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ways to solve the problem may be following reallocation to penal settlements or imposition of the lighter penalty as an alternative to the deprivation of liberty. These amendments may be defined in the process of finalizing the text of draft federal law No. 901151-6 “On amending the Criminal Correctional Code of the Russian Federation”,1 referred to the questions of serving sentences in penal colonies, taking into account the comments outlined by the Government of the Russian Federation in the formal review of the bill.

The above-mentioned problems confirm the necessity in concerted work of public authorities together with human rights institutions aimed at the protection of rights and legitimate interests of minors.

The Government of the Russian Federation approved the 2017–2020 implementation plan for “The Concept for Prevention of Juvenile Delinquency and Child Neglect by 2020”.2 In accordance with Paragraph 8 of the plan, the Ministry of Education and Science of the Russian Federation jointly with concerned federal authorities of the executive branch developed a project of exemplary procedures for cooperation of authorities and facilities in the system for prevention of minors neglect and offences on assistance on the employment and housing issues as well as other types of assistance for the minors released from institutions of the juvenile justice system.

It is necessary to supplement the respective project with the issue of providing minors released from detention facilities with the necessary documentation (Passport, State pension insurance certificate etc.) in case they were not issued in the detention facilities; temporary accommodation; monetary payments or free clothing and food until they find employment or begin receiving unemployment benefits. It continues to be necessary to establish the authority responsible for accompanying those minors released from detention facilities and arrange their cooperation with the authorities involved in the cooperation procedure.

5.3. Rights of Persons with Disabilities

There are more than 1 billion people with disabilities living on the Earth, which is about 15% of the world’s population.3 11.46 million such people live in Russia. There are 4.8 million men and 6.6 million women among them. More than 7 million of the

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disabled people are persons aged 60 or over. The major reasons for their disability are systemic diseases or childhood disabilities.¹

People’s attitude to disabled persons is one of the most important criteria for assessing the society’s level of civilization. Comforts of the disabled, respect for their rights and accessibility of the environment are the measures of civilization degree.

In compliance with the ratified UN Convention on the Rights of Persons with Disabilities (hereinafter referred to as the “Convention”)² and other international documents, the Russian Federation pursues a consistent policy in the sphere of rights protection of persons with disabilities. The guiding principle of the state policy is equalization of opportunities for disabled persons to exercise their civil, economic, political and other rights and freedoms under the law of the Russian Federation, generally accepted principles and norms of international law and international agreements to which the Russian Federation is a party.

Today, we have developed a set of laws providing for the rights of disabled persons. The system-forming law is Federal Law No. 181-FZ as of November 24, 1995 “On Social Protection of Disabled Persons in the Russian Federation”.³ Besides, the government program ‘Accessible Environment’ for 2011–2020 has been adopted and is being implemented. The Program includes a sub-program “Ensuring the accessibility of priority facilities and services in vital spheres of life for people with disabilities and limited mobility”.⁴

A federal government information system Federal Register of Disabled People has been operating since January 1, 2017.⁵ Each disabled person is provided access to a personal account reflecting all the information on the monetary benefits and social safety net, his or her individual rehabilitation program progress. A law has been adopted providing for employment of persons with disabilities. This law describes the cooperation mechanism of the medical and social assessment institutions and public employment services of promotion of employment for the disabled.⁶ The Action Plan (road map) up to 2020 was approved in May, 2017.⁷ Its goal is the improvement of the medical and social assessment system. 32.84 billion roubles have been allocated for technical means of rehabilitation (TMR), which is 3.54 billion more compared to 2016 (29.3 billion roubles). It allowed providing about 1.6 million people with necessary

rehabilitation equipment. Annual monetary compensation for living and veterinary attendance of guide dogs has increased by 5.39% against the level of the year 2016, and today the compensation is 22.9 thousand roubles.

Due to a gap in the law on determining the actors of administrative proceedings, for a long period of time, the entities have not been held liable for the avoidance of providing accessibility of the facilities of engineering, transport and social infrastructure for the disabled (Code of the Russian Federation on Administrative Offences, Article 9.13). The High Commissioner has proposed the Government of the Russian Federation consider a draft law, which would allow the executive government bodies of the constituent entities of the Russian Federation responsible for social security, to draw up reports of administrative offences related to accessible environment ensuring.

Federal Law No. 116-FZ as of June 7, 2017 “On amending the Federal Law ‘On Social Protection of Persons with Disabilities in the Russian Federation’” reflected the High Commissioner’s proposal. The Law provides that some state control (supervision) of engineering, transport and social infrastructure and services accessibility for disabled persons can be fulfilled by the authorized bodies both of federal government executive bodies and of the constituent entities of the Russian Federation.

Despite such considerable achievements in developing accessible environment for persons with disabilities, they still face some difficulties related to social integration and protection of their personal and social rights. These issues are still urgent today, as was found by the ombudsmen during the Coordinating Council of Russian Commissioners, which took place in December, 2017. The Commissioners recognize the necessity of close cooperation of public authorities, local government authorities, business communities and non-governmental organizations aimed at providing favorable conditions for persons with disabilities in Russia. The corresponding action plan was adopted.

Appeals received by the High Commissioner prove the topical nature of the problem. The total number of appeals is 675. Most of the complaints were about medical and social assessment, the procedure of assessment of disability, care delivery and pharmaceutical policy, rehabilitation equipment and health resorts vouchers availability, accessible environment ensuring, etc. (Figure 37).

In the most of appeals (252 or 37.3%) people asked for assistance in disability degree establishment, including applying and re-applying for disability benefits, changing the causes for disability, implementing revisions in the individual rehabilitation program and its fulfilment. After the new standards of disability approval procedure provided for by the Convention were adopted in 2015, it has become more difficult to re-assess existing disability.

The implemented methods require more practical experience; medical and social experts often make various mistakes, which result also in technical errors.

Each complaint connected with refusal of medical and social assessment to assess disability and any difficulties with medical assessment board, was the target of
5.3. RIGHTS OF PERSONS WITH DISABILITIES

Review by the High Commissioner. The rights of the disabled were restored in half of the requests.

For instance, the Medical and Social Assessment Bureau refused to prove disability to citizen K. residing in Moscow, based on the documents submitted. After the High Commissioner had filed a request to the Bureau to check the applicant’s arguments stating that his diseases prevent him from having a normal life, citizen K. was invited for personal assessment and as a result he was proven to have group 3 disability.

Citizen S. appealed to the High Commissioner during reception of citizens in Kazan. She asked for assistance in proving her 16-year-old daughter’s disability and arranging rehabilitation for her. An athlete in the past, A. suffers from hereditary neuropathy characterized by foot deformity and weak ankles. She was examined and received medical treatment and had several high-tech operations. Due to the disease, she has to be homeschooled. She moves with the help of crutches. According to the specialists’ medical notes, the girl needed special means of rehabilitation (corrective insoles). However, A.’s petition to prove disability was rejected, which prevented her from the rehabilitation course. After the High Commissioner had appealed to the Minister of Health of the Republic of Tatarstan, the girl’s medical records were again reviewed by Federal State Institution “The Main Office of Medical and Social Assessment”. After the re-assessment in August, 2017, A. was proven to have a disability and was referred to rehabilitative treatment in Kazan City Children’s Hospital No.1.

Situations of this kind could have been remedied in time if there were independent medical and social assessment institutions. The High Commissioner has repea-
tedly submitted proposals to the Government of the Russian Federation, ministries concerned, and the Presidential Commission of the Russian Federation for the Disabled. However, the idea of establishing independent medical and social assessment institutions has still not been realized.

The issue of providing disabled persons with technical means of rehabilitation according to their personal programs is still urgent. People complain of long waiting periods for a specific technical means of rehabilitation, TMR provision, TMR quality, difficulties and delays in receiving monetary compensation receiving in case a person independently procures TMR and social insurance system failures.

The High Commissioner was approached by citizen G., a disabled person of group 2, who complained of failure to provide him with technical means of rehabilitation. The High Commissioner sent an appeal to the Social Insurance Fund of Russia. According to the response to the High Commissioner, the supplier was instructed to supply G. with all the required TMR immediately. G. was provided with TMR in August, 2017.

One more complaint was about refusal to replace the technical means of rehabilitation — a mattress for preventing pressure sores for Ch., a disabled person of group 1. After the High Commissioner had appealed to the Social Insurance Fund of Russia, the regional office of Chelyabinsk decided to provide the disabled person Ch. with a mattress for preventing pressure sores equipped with a compressor.

In the light of analysis of the aforementioned and other complaints, the High Commissioner submitted proposals to the Ministry of Labour, the Social Insurance Fund of Russia and the Government of the Russian Federation, suggesting adoption of measures for promotion of the rehabilitation means production, so that it became possible to provide the disabled with sufficient amount of the goods and TMR of high quality. Besides, new mechanisms of TMR and services provision from the federal budget resources need to be developed, so that the state can properly observe its obligations.

A decision was made to introduce in 2018 a system of certificates, which will allow disabled persons to procure the required TMR independently from various suppliers. The disabled persons won’t have to wait till social security authorities buy TMR according to the tendering procedure. A projected law has already been developed by the Ministry of Labour and will be soon submitted to the State Duma.1

Persons with disabilities reasonably complain of difficulties in provision with health resort treatment free of charge. Due to insufficient financial support of this sphere, the disabled persons are not fully provided with this service. The High Commissioner received 50 such complaints from citizens in 2017 (compared to 30 in 2016). Only 6 of the applicants were provided with health resort vouchers with the assistance of the High Commissioner.

In this regard, the High Commissioner submitted a proposal to the Government of the Russian Federation to budget the required health resort treatment for the persons with disabilities for the coming years. In case a disabled person is not provided with a voucher due to the limited bed capacity of health resort institutions, such a person may be paid compensation. The compensation shall be provided also in case a disabled person independently procures a health resort voucher because it has not been available in social security authorities.

Petitions from disabled persons addressed to the High Commissioner in 2017 indicate various issues of medical availability and healthcare. Unfortunately, disabled persons quite often face coldness of medical personnel, who have to refuse them home visits and provision of medical services. There is some difficulty in obtaining specialized medical consultations. Mobile teams’ visiting of disabled patients is not widespread enough. The disabled have to wait for hospital beds, including hospitalization for high-tech treatment in specialized federal centers. 80% of High Commissioner’s appeals to health authorities to support persons with disabilities have been a success.

The issue of provision of free medicines remains unresolved. It is especially tough on those patients who need vital essential medicines. Their treatment is often interrupted because the required medicines are not available in the pharmacies, which often results in health deterioration or even death.

The High Commissioner received 45 complaints from disabled persons of irregular provision with expensive medicines in 2017. The major part of the problems was settled only after the High Commissioner appealed to the regional health authorities.

With the assistance of the High Commissioner, Group 2 disabled person I. from the Moscow Region was provided with Alphacalcidol, which she should have received for free according to the recommendations of the specialists of the Federal State Budgetary Institution “Piorov National Medical Research Center of Traumatology and Orthopedics”. Cancer-stricken disabled person S. was provided with the required medicine and examination in Tsyb Medical Radiological Research Center only with the help of the High Commissioner.

Violation of the rights of disabled persons for vital essential medicines is caused not only by insufficient financing, but also by a failure of the healthcare organizations to prepare in a timely fashion for the demand for the medicines. Disabled persons
suffering from cancer have been complaining for two years already, that they are either not prescribed the medicines they need, because it is not available in the pharmacies, or are prescribed substitutes.

The High Commissioner was addressed by 32 citizens complaining of violation of their right to accessible environment. Every third of them was satisfied.

For example, two wheelchair-bound disabled women T. and L. from Krasnodar were referred for treatment to the hospital where conditions for their mobility were provided only with the help of the High Commissioner.

A wheelchair-bound disabled person E. was denied admission to one of the restaurants of Rostov-on-Don. The restaurant was not adapted for persons with limited mobility. The High Commissioner sent an appeal to the Prosecutor’s Office of the Rostov Region. The restaurant was inspected; the director was submitted a remedial action order. The violation was corrected and the liable persons had penalties imposed.

State and municipal institutions and commercial organizations very often do not comply with regulations to equip the adjacent territory with designated free parking lots for persons with disabilities, including parking lots nearby the objects of engineering, transport and social infrastructure.

It appears that the number of parking lots for persons with disabilities should be object-specific, i.e. depend on the total number of parking lots and on the kind of the object.

As previously stated, the ongoing state program ‘Accessible Environment’ is being implemented in the Russian Federation. The program establishes a framework for the social policy of the country, which ensures the rights of disabled persons be equal to other citizens. At the same time, the mechanisms for creating accessible environments for disabled people remain complex; there are still many unresolved issues.

People with disabilities living in old multi-apartment residential buildings face difficulties in getting in and out of their apartments, which makes the objects of social infrastructure hardly accessible.

Specialized equipment (ramps, elevators) is used to adapt such buildings for persons with disabilities, but applicable laws do not specify the procedure of mounting such equipment in multi-apartment residential buildings.

The High Commissioner in her address on the Protection of the Rights of Persons with Disabilities (June 21, 2017), stressed the necessity to fully comply with the construction standards and regulations which ensure accessibility of social infrastructure to persons with limited mobility. In addition, special focus shall be placed on the issue of adaptation of the residential buildings for persons with disabilities to prevent them from social exclusion.1

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Protection of the rights of persons with disabilities institutionalized in **residential social service facilities, including neuropsychiatric nursing homes** is under the High Commissioner’s scrutiny. People whose disability in activities of daily living is either full or partial, who are unable to get around by themselves and are not able to communicate and regulate their conduct, are provided with an opportunity to be institutionalized.

There are 1,277 residential social service facilities functioning in the Russian Federation, which include 523 neuropsychiatric nursing homes, where about 160,000 people live. As of January 1, 2017, 8,083 persons suffering from psychological disorders are on the waiting list for placement into psychoneurological institutions.1

Upon receiving complaints from disabled people, who do not have relatives and who are in desperate need of social care, the High Commissioner and the staff of her Office assisted them in placement in such nursing homes.

Inspections of the residential social service facilities initiated due to 28 complaints submitted to the High Commissioner, discovered systemic violation of civil and social rights of the institutionalized disabled persons. Among the violated rights is the right to integrity of the person, and the right to private property. Personnel of some of the facilities prevented their patients from execution of the right to petition the government. Residential social service facilities are still difficult to access and citizens suffering from psychological disorders residing in them are not able to protect their rights themselves. Their petitions very often contain information on unsatisfactory nutrition, rough treatment, violation of the freedom for movement and excessive payments for the social services provided.

In 2017, a representative of the High Commissioner, the Commissioner for Human Rights in the Ivanovo Region, prosecution authorities, social and healthcare authorities, representatives of the Federal Service on Customers’ Rights Protection and Human Well-being Surveillance inspected State Budgetary Specialized Stationary Social Service Facility of the Ivanovo Region “Kineshemsk Neuropsychiatric Nursing Home ‘Novinki’”. The inspection was caused by the patients’ collective complaint about the housing conditions. As a result of the inspection, the grounds of appeal were confirmed. The wards for the disabled persons did not meet the requirements of space standards; there was a lack of furniture. Furthermore, the facility did not possess a sufficient amount of outerwear, so that the patients were not provided with the opportunity to go out during cold times of the year. Three wheelchairs were broken. The facility did not have access to the Internet. The Social Security Department of the Ivanovo Region quickly and efficiently put in place the necessary remedial measures. Outerwear, footwear and headwear were purchased. In addition, the dressing area was properly furnished. Supplementary lighting was mounted in the wards. Two walks a day attended by the personnel were included in patients’ schedule. CCTV cameras were mounted. It is planned to purchase the required furniture and to renovate the wards.

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Observance of patients’ rights in Neuropsychiatric Nursing Home “Novinki” is still monitored by the High Commissioner.

The issue of disabled persons residing in neuropsychiatric nursing homes is also pointed out in the 2016 Annual Report of the High Commissioner for Human Rights in the Russian Federation. In her opinion, these institutions shall be restructured. Developing the system of assisted living could be a real way of resolving the issue, but the legislature of the Russian Federation does not provide for such notions like “assisted living”, “assisted daycare” and “assisted employment”. As a result, there are no specialists of this kind. Some pilot programs are implemented only in several constituent entities using grants.

The government and the entire civil society shall also focus on the rights of disabled persons held in places of detention of the penitentiary system. As of October 2017, 19.2 thousand disabled people (3% of the total number of convicted persons) were held in pretrial detention centers and correctional facilities.¹

Some adjustments were made in the Concept of Development of the Penitentiary System of the Russian Federation until 2020 due to the initiative of the High Commissioner. The adjustments are aimed at creating better conditions for persons with disabilities whose disability in activities of daily living is either full or partial. Unfortunately, these requirements of the Concept are not fully observed.

The detention facilities of the Federal Penitentiary Service of Russia are not adapted for persons with disabilities. The facilities are not equipped with such means as lavatories for wheelchairs, ramps, handrails for wheelchair ramps at the entrances to the clubs, medical units, dining and bathing facilities or shops. Living conditions for these persons are not improved. The situation is particularly unsatisfactory for persons whose disability in daily activities is such that they require additional care, who unable to take care of themselves and who cannot get around by themselves. There is also the lack of sign language interpretation services for persons with hearing disabilities. Conditions of the detention of disabled people are almost the same as for others.

Conditions of transfer of suspected, charged and imprisoned persons by rail and road transport not adapted for disabled people also give rise to unfavorable criticism. In October 2017, the High Commissioner submitted proposals to the Minister of Justice of the Russian Federation to resolve the regulatory issue of transfer of wheelchair-bound persons and other persons with musculo-skeletal/mobility disabilities by rail and road transport. The Ministry of Justice of the Russian Federation supported the proposal and developed the regulatory documents governing the adaptation of special railroad cars for persons with disabilities. The documents are submitted to the Ministry of Internal Affairs of the Russian Federation.

In a similar vein to the above, Resolution No. 343-SF of the Federation Council as of July 25, 2017, includes a recommendation to the Government of the Russian Federation to budget adapting the detention facilities for persons with disabilities within the framework of the ‘Accessible Environment’ program, and the recommendation to the Federal Penitentiary Service of Russia to take the required measures for improving the detention conditions of persons with disabilities, including adapting the facilities in accordance with the disabilities of the imprisoned.

Social integration of persons with disabilities shall become a common cause of the state and municipal institutions, business communities and civil society institutions. Only through cooperative efforts, it is possible to reverse the situation and create the most favorable conditions for disabled people in our country and abroad. As the High Commissioner notes, a positive trend is observed in society’s attitude towards persons with disabilities; people realize the existing problems and are eager to assist in resolving them.

5.4. Rights of Pensioners and Veterans

Senior citizens, pensioners and veterans are the creators of the effective systems to help our state to function. They have laid the groundwork for the material goods accessible to us nowadays, and which we are to preserve and pass down to the next generations. It is a natural generational bridge, inheritance of traditions and legal foundations of society, a basis of life and its continuation. One of the objectives of the social state is putting maximum efforts into ensuring the rights of pensioners and veterans. The pension system shall be as stable and fair as possible and aimed at a well-deserved adequate standard of living.

According to social research by the Public Opinion Foundation, 46% of the respondents consider the right to social security to be the most significant one. The highest rate is observed among retirees (60%). The respondents live mainly in the following regions: the Khabarovsk Territory (64%), the Lipetsk Region (62%), the Oryol Region (59%), the Kursk Region (59), and the Republic of Bashkortostan (57%). The right to sufficient pension is the second significant right according to 31.2% of respondents, who think that the pension amounts are very low.

As of the beginning of the year 2017, 36.7 million elderly people (60 and older) are registered in Russia, which is 25% of country’s population. By 2021, the proportion of older persons in the country is expected to be 26.7% according to forecasts of

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2 See 5.3

the Rosstat. Such increase is caused by early retirement age of some of the citizens (under 60 years old). About 45.7 million pensioners have been residing in Russia as of January 1, 2017. If we compare this ratio with the data of the Rosstat, there were registered 40.2 million pensioners just five years ago; there is a tendency towards a steady increase.\(^1\)

36 million pensioners (79%) receive a retirement pension. 9.9 million (22.9%) of the elderly continue working.\(^2\)

Government Order No. 164-р as of February 5, 2016, approved the Strategy on actions for the benefit of elderly people up to 2025, aimed at improvement of the quality of living.\(^3\)

Priorities of the Strategy are employment incentives for senior citizens, health care system development, providing access to information and educational resources, leisure development, updating forms and developing market of social services, and production and services incentives.

Despite these strategic plans, there are still significant issues of protection of the rights of pensioners and veterans. Pensions are barely above the minimum subsistence level and their increase is usually insignificant. It appears that a great part of a pension is spent on utilities bills and medicines. According to Federal Law No. 400-FZ as of December 28, 2013 “On Insurance Pensions”, a new procedure of the insurance pension development and calculation within mandatory pension insurance shall be implemented in January 1, 2015.\(^4\)

According to the data of the Russian Public Opinion Research Centre, 39% of people in Russia were short on money for food and clothing in May 2017; this ratio among the pensioners and the poor is 54%.\(^6\)

The High Commissioner received 3,907 appeals about the rights of pensioners and veterans in 2017. Citizens mostly touched upon such issues as assigning, accounting and timeliness of pension payment, payment of social benefits and allowances, health care, pharmaceutical benefits, social services, housing rights violation and as-

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\(^5\) Pension is formed through employers’ fees to the Pension Fund of Russia. Their amount depends on the employee’s wage size. In the reformed system, the Individual Pension Coefficient (IPC) and the weight of one IPC determine the amount of the insurance pension. People qualify for the insurance pension with the necessary track record and IPC. In 2017, the insurance pension was assigned with 8 years of insurance covered track record and the IPC of 11.4. The formula for the insurance pension = the sum of pension points * the pension point value in the year when the pension is assigned + the fixed-rate payment. Official retirement age is set at 55 for women and 60 for men, with those who decide to retire later receiving additional points.

istance for people in financial difficulty (Figure 38). Pensioners complain about significant reduction of real income.

Some citizens upon reaching the age limit are refused insurance pension because of an insufficient employment period or low wages, which do not meet the requirements of the point-rating system. In cases where there are not enough points for insurance pension, the citizen can be provided with social pension, available for men aged 65 years and older and for women aged 60 years and older. Therefore, a person who reaches retirement shall either have a minimum employment period and earn individual pension coefficients, or wait for the age appropriate for social pension assignment. The insurance pension rate is half the amount of the social pension (12,830 roubles against 8,302 roubles in 2017). Such a system may result in an increase of the number of persons living below the poverty line due to potential pensioners’ low incomes, adding to an already high poverty level at 13.5%.1

Employment confirmation required for assigning pensions deprives some people of the right to a deserved pension, because some of the enterprises where they had been employed are closed down, their records are lost, and the employment record books are improperly filled in. All these factors adversely affect the pension amount.

Employees in hazardous industries complain of issues with applying for early insurance pension caused by absence of documental confirmation of contributions to be paid by the employer to the Pension Fund of Russia.

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The Pension Fund refuses to include professional training of teachers and doctors in the reduced employment period, notwithstanding that such professional training is provided by the orders and wages and contributions paid to the employees. The citizens have to defend their right in court, but although such cases are often a success, the procedure of accounting insurance pensions is not adjusted by regional Pension Funds.\(^1\)

Sometimes the Pension Funds miscount the employment period, so that it influences the pension amount.

\textit{Pensioner Z. residing in Moscow received an improperly calculated pension amount caused by miscount of his special employment period. His right was restored and pension amount was re-calculated after the High Commissioner appealed to the Pension Fund. The pension amount reached 15,483.20 roubles against the previously paid 11,206.66 roubles.}

\textit{The High Commissioner assisted pensioners I. and Ch. residing in Moscow and the Moscow Region respectively in adjusting the pension amount in accordance with the current legislation. Besides, the pensioners received additional payments for several months.}

One of the priorities in protection of the rights of senior citizens shall be \textbf{creating conditions for improving the quality of their life and increasing life expectancy, and the promotion and preservation of health.}

Judging by the pensioners’ complaints received by the High Commissioner, their right to free medical treatment in state and municipal healthcare facilities is not provided properly in terms of quality and timeliness. Senior citizens often face indifference to them; they have to queue in the waiting rooms, and very often just to get a prescription for a medicine or quota for high-technology medical care.

\textit{The High Commissioner received a complaint of pensioner M. from the Saratov Region, who was diagnosed with cancer in August, 2014, but he has not been provided with any medicines, even analgesics, since 2015. After the High Commissioner sent an appeal to the Ministry of Healthcare of the Saratov Region, M. was consulted by an oncologist of the district hospital and his analgesic therapy was adjusted. The pensioner was scheduled for a cancer council of specialists of the regional hospital. In case the council considers that there are medical grounds, the oncology patient shall be referred for free treatment in a federal medical center.}

Periodic medical examination allows for the prevention of various diseases. In accordance with the medical examination procedure,\(^2\) a senior citizen, depending on his/her year of birth, has a right to be triennially examined by specialists. In the High

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Commissioner’s opinion, this period should take into account age-specific changes and should vary depending on the patient’s age. It would be better to provide such periodic examinations annually. It is essential that elderly people are informed in a timely fashion about coming periodic medical examination. It should be well-planned and conveniently scheduled.

Expansion of the CMI package financed by governmental subventions to the constituent entities of the Russian Federation, and territorial State Guarantees of Free Medical Care to Citizens of the Russian Federation is also sure to contribute to the accessibility of medical care to the pensioners.¹

It would make sense to include some extra services in the CMI package. For example, diagnostic and special medical services for senior citizens.

There are still many complaints from rural residents about inaccessibility of medicines caused by remoteness of pharmacies and paramedic stations.

_Pensioner K., residing in the Oryol settlement (the Usolsk District of the Perm Region) sent an appeal to the High Commissioner. She explained that the pharmacy and the ambulance station were closed down in the settlement (with a total population of 2,300 people). The nearest pharmacy is located in neighbor towns 17 or 30 km away. The regular bus runs between the settlement and the towns every two hours. In addition, injection and infusion therapy is not available to people there. The nearest emergency medical service team is stationed in the Usolsk District. After the High Commissioner appealed to the Ministry of Healthcare of Perm Region, the decision was made to establish a rural outpatient clinic (ROC) and pharmaceutical activity was planned._

Modern social development requires the introduction and application of gerontological and palliative care services.² Under the current legislation, there are three types of social services: in-home, day hospital and in-hospital.³ But the prescribed standards are not implemented properly.

_The High Commissioner received a complaint from citizen M., residing in the Kostroma Region. The following situation was described in the appeal: the citizen’s mother aged 76 years residing in the Schelkovo settlement (the Velikoluzhsk District of the Pskov Region) in a wood-stove-heated house without running water, was refused social services and was deregistered by social security authorities in January, 2017. As it was clarified, the elderly woman had been the only person who used social services in the settlement, while the social worker who had been her carer resigned. The complaint of the citizen was considered reasonable after the appeal of the High Commissioner to the Social Security Department of the Pskov Region. The woman was provided with required social services according to her individual needs program._

² See 3.5
Unfortunately, there is a problem related to hospital social services accessibility. 1,277 residential social service institutions function in Russia; 250 thousand citizens reside there. 56% of the patients require constant care and medical treatment. In addition, there are 28 gerontological centers providing for the needs of 7 thousand people.¹

From year to year, queues for residential facilities and nursing homes are increasing. The most difficult is the situation involving getting vouchers to such homes by rural residents.

Rooms for the elderly people often do not meet the requirements of sanitary and hygienic regulations. About 20% of the facilities are located in dilapidated post-war buildings.

Private for-profit nursing care facilities may help in resolving the issue. There are about 20 thousand such facilities in the Russian Federation. But the cost of accommodation is too high there — from 40 to 70 thousand roubles, besides for-profit nursing care facilities are not controlled by the government, which sometimes results in tragedy.

Three patients died and several were injured in a fire in private nursing care facility “Zhemchuzhina” in Krasnoyarsk on August 28, 2017.

A similar accident in Irkutsk on October 18, 2017, shows that the activity of private facilities of this kind must be brought under regulation. In light of analysis of these accidents, the High Commissioner submitted a proposal to the Chairman of the State Duma Committee of Labour, Social Policy and Veterans’ Affairs and the Minister of Labour and Social Protection of the Russian Federation to amend the Federal Law “On Fundamentals of Social Service for Citizens of the Russian Federation” for stipulating control and responsibility of private companies providing social services (residence and care) to elderly and disabled people in for-profit residential facilities. The initiative of the High Commissioner was met with support. The Committee started developing the amendments to Federal Law No. 442-FZ. Within its competence, the Ministry of Labour is reviewing the proposals on improving control of non-governmental organizations-social services suppliers.

Within the context of social security development, it is essential to legislate such a category as foster families for elderly people. Pilot projects are being implemented in 30 constituent entities. The Samara Region was one of the pioneers, and then, in

2017, the Republics of Tatarstan and Bashkortostan joined it. It is pleasant to note that over the last three years not a single complaint has come to the High Commissioner from the citizens in foster care.

Some of the systemic problems of pension provision are still unresolved and urgent. The minimum retirement pension, a social standard of a pensioner’s life, is guaranteed to any citizen. The retirement pension is an annually adjusted payment based on cost of the minimum consumption basket. The subsistence level for a pensioner in the Russian Federation determined in 2017 was 8,540 roubles. As of January 2018, the amount of the average pension was 13,323 roubles.

The retirees whose income is below the subsistence level are provided with additional benefits and allowances. Federal assistance is intended for those who are paid the amount below the fixed subsistence level. Constituent entities of the Russian Federation are entitled to fix the subsistence level for a pensioner, which is used for accounting allowances and subsidies. They develop a list of social benefits and allowances to be provided, including terms of provision. There are such allowances as residence allowance, utility allowance, and communication and transportation allowances.

In the view of change-over to target and needs orientation, which means that the allowances are distributed according to material position of the beneficiaries, a lot of pensioners have lost their right to benefits and social allowances in 2017. For example, pensioners residing in the Republic of Tatarstan and the Nizhny Novgorod Region are not provided with social allowances if their income is above 20,000 roubles, in the Republic of Mordovia — 16,000 roubles. It resulted in disfavor among pensioners from other constituent entities and led to protests.

The High Commissioner was monitoring the situation in the Samara Region all year, where the veterans of the Great Patriotic War, veterans of labour and pensioners protested against the repeal of social benefits and allowances to the pensioners whose income is above 19,500 roubles. The reform affected the interests of 175 thousand pensioners. Under the instruction of the President of the Russian Federation, all of the repealed social benefits and allowances were resumed by November 2017.

In the High Commissioner’s opinion, the government should proceed with targeted support, but not by means of repealing benefits for pensioners and veterans. And it is unacceptable when standard old age benefits are reduced, because many of these benefits recipients are persons with disabilities and veterans of labour.

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Chapter 5. PROTECTION OF RIGHTS AND FREEDOMS OF INDIVIDUAL CATEGORIES OF CITIZENS

The analysis of the complaints received by the High Commissioner demonstrates that due to low pension amount, pensioners cannot cope with utilities bills payments and contributions to capital repairs and housing preservation. According to the current laws, pensioners are provided with subsidies and residence and utility allowances, and the senior citizens are relieved from some payments upon reaching a certain age. However, in case there are any outstanding utility bill arrears, the allowance is either suspended or repealed, which only worsens the financial situation for the pensioners.

The High Commissioner received a complaint from citizen G. residing in Tomsk. He explained that he had outstanding utility bill arrears, due to which he was refused benefits by the relevant authorities. The citizen fell into hardship and that is why he was not able to settle the arrears in a timely fashion, but G. makes payments each time he receives pension. In addition, there are three children who are dependent on him, one of whom is a Group 2 disabled person. After the High Commissioner’s appeal to the Social Security Department of the Tomsk Region, the citizen’s family was provided with financial aid of 25,000 roubles for use in settling the outstanding utility bill arrears.

One more systemic issue is enforced attachment of previously provided personal injury insurance allowances. In 2017, the High Commissioner received 20 complaints of attachment of earnings, i.e. allowances that had been provided by the Social Insurance Fund of Russia earlier within the execution of valid judicial decision, according to which the amount of the personal injury insurance allowance should be raised. In the course of enforcement, proceedings were made in regards to attachment of property and earnings (pensions) orders.

As the citizens explained, the judicial acts providing for allowances they had received were repealed in cassation. According to the Social Insurance Fund of Russia, the courts made decisions concerning reverse attachment of earnings, so that people have to pay back quite large amounts of money. All of the petitioners are disabled. Their disability resulted from work accidents or work-related disease. People considered the money to be legal, which is why they managed it according to their needs. The money was spent on medical treatment and housing improvements.

The above-described issue was the question under discussion during a working meeting of the High Commissioner and the Chairman of the Social Insurance Fund of Russia on August 22, 2017. The Chairman was receptive to the issue and expressed his eagerness to resolve it. Such cooperation in each particular case contributed to resolving the issues in a positive way.

In High Commissioner’s opinion, extended interpretation of Article 392 (Part 4, Paragraph 5) of the Code of Civil Procedure of the Russian Federation by the courts resulted in the repeal of the judicial decisions, which is contrary to the Constitution of the Russian Federation. The High Commissioner supported the complaints of the citizens and submitted her opinion to the Constitutional Court of the Russian Federation. She explained that interpreting the contested legal provision insofar as it allows adding grounds for reviewing effective judicial decisions at discretion, violates
5.5. PROTECTION OF THE RIGHTS OF MILITARY SERVICEMEN AND LAW ENFORCEMENT OFFICERS

the right to protection by the state, including judicial protection stipulated by the Constitution of the Russian Federation. The opinion of the High Commissioner was reflected in Ruling of the Constitutional Court of the Russian Federation No. 24-П as of October 17, 2017.¹

At the same time, the High Commissioner is still receiving complaints of unfair attachment of pensions.

Public outcry was caused by a published letter to the President of the Russian Federation from V., a low-income pensioner aged 72 years residing in the Oloyanninsky District of the Trans-Baikal Territory. The full amount of his monthly pension transferred to his card was written off on account of utility debt repayment. As a result, he was left unprovided for food and medicine. The High Commissioner appealed to the Prosecutor of the Trans-Baikal Territory, and following that, half of the amount was transferred back to the pensioner.

According to current legislation, attachment of pensions shall be under standard enforcement proceedings with some restrictions stipulated in Article 99 of Federal Law No. 229-FZ as of October 2, 2007 “On Enforcement Proceedings”.² Subject to Article 99 (Parts 2, 3) of the Federal Law, attachment of earnings cannot exceed 50% of a citizen’s wage or any other income. This restriction does not refer to attachment of alimony payments on the maintenance of minor children, compensation of harm to health, redress of injury in connection with the breadwinner’s death, and compensation of harm resulting from a crime. In these cases, attachment of earnings shall not exceed 70% of the debtor’s income.

Taking into consideration that pensioners comprise a special social category, the High Commissioner proposed to amend Article 99 of Federal Law No. 229-FZ as of October 2, 2007 “On Enforcement Proceedings”. The amended article shall restrict the amount of monthly attachment of pensions so that a pensioner still has at least the subsistence level amount fixed in his/her constituent entity.

5.5. Protection of the Rights of Military Servicemen and Law Enforcement Officers

Military servicemen and law enforcement officers are a separate category of citizens united by professional activities aimed at preventing internal and external threats to Russia’s national security, arrangement of conditions for the enforce-

ment of constitutional rights and freedoms of citizens, sustainable development of the country, as well as preservation of the state's territorial integrity and sovereignty. The accomplishment of these objectives requires great moral stamina, professional skill and courage, readiness not to spare one's efforts, and, if necessary, careless of one's life while answering the call of duty. In this regard, the provision of the rights of military servicemen and law-enforcement officers falls within the sphere of the High Commissioner's particular attention.

Over a number of years, within the framework of the Agreement on the procedure for interaction between the High Commissioner and the Chief Military Prosecutor's Office signed on June 16, 2006, the employees of the High Commissioner's Office together with the officers of the military prosecutor's office take part in the work of visiting reception offices in various garrisons of the country. During the missions, personal receptions of military servicemen, citizens dismissed from service, members of their families, civilian personnel of military units are conducted. Military units and detention centres are inspected, conversations and meetings with servicemen are conducted, the execution of the current legislation is verified, and if violations are detected, measures are taken to eliminate the above-mentioned.

In 2017, joint visits were conducted to the Baltic Fleet, to the Southern Military District, as well as to the disciplinary military unit. Based on the results of the inspections conducted by the Ministry of Defense of Russia, proposals were forwarded in defense of the rights of the military personnel serving in the Kaliningrad Region and convicted servicemen being in the disciplinary battalion.

The Memorandum of Understanding between the High Commissioner and the Ministry of Defense of the Russian Federation, which intensifies the meaningful dialogue between the Office of the High Commissioner and specialists of the Ministry of Defense various services, has been in force since November 11, 2009. The agreement is to provide guarantees for the state protection of rights and freedoms of military servicemen, those citizens who have been discharged from military service and members of their families, as well as civilian personnel of the Armed Forces of the Russian Federation (hereinafter referred to as "the servicemen").

The issues of law-enforcement officers’ rights protection also fall under the High Commissioner’s jurisdiction. Dealing with them, the High Commissioner relies on the concluded interdepartmental documents, i.e. the Memorandum of Cooperation between the High Commissioner and the Ministry of Internal Affairs of the Russian Federation as well as the Agreement on Interaction of the High Commissioner and the Ministry of the Russian Federation for Civil Defence, Emergencies and Elimination of Consequences of Natural Disasters.

As a result of the High Commissioner’s interaction with the governmental authorities in 2017, rights of more than 1,100 military personnel and law-enforcement officers were restored. Among them, rights of 40 families related to housing issues,
606 citizens — pension coverage and benefits issues, and more than 300 citizens — registration issues.

However, the problems of exercising the rights of servicemen and law-enforcement officers remain. In 2017, the High Commissioner received 1,722 appeals, mainly regarding the issues of exercising housing and social security rights (Figure 39).

As in the previous year, the main part of appeals in the field of enforcement of housing rights of servicemen and law-enforcement officers related to the provision of housing or a one-time welfare payment for buying it.

The issues of termless delay in the provision of accommodations and a welfare benefit for the procurement or construction of housing for law enforcement officers have already been covered in the High Commissioner’s Report for 2016. Unfortunately, the state of things has not changed thus far. To finance activities regarding provision of housing for law enforcement officers and pensioners, 1.29 bln roubles were allocated to the budget of the Ministry of Internal Affairs of Russia for 2017 (1.28 bln roubles in 2016) and 746.5 mln roubles were allocated to the Federal Penitentiary Service (284.5 mln roubles in 2016). Several more funds were supplied to provide a one-time welfare payment for buying or the construction of housing: the Ministry of Internal Affairs of Russia — 2.09 bln roubles (2.47 bln roubles in 2016); Federal Penitentiary Service of Russia — 1.991 bln roubles (2.188 bln roubles in 2016).¹

However, the federal budget funds allocated for resolving the housing problems of law-enforcement officers are clearly not enough, the queue is moving slowly. So, as of January 1, 2018, 37,609 law enforcement officers (41,046 people as of January 1, 2017) and 8,295 employees of the penitentiary system were registered as those who need accommodation (6,958 people as of January 1, 2017). At this time, the first ones to receive housing are those persons on the waiting lists that were registered with the Russian Ministry of Internal Affairs in 1986, and concerning the Federal Penitentiary Service of Russia — in 1983–1988.

The situation is similar to the provision of a one-time welfare payment to law-enforcement officers for buying or the construction of housing, although certain progress is visible. 94,917 law enforcement officers were on the waiting list as of January 1, 2018 (91,474 people as of January 1, 2017), and 16,260 employees of the penitentiary system (7,427 people as of January 1, 2017). If this amount of monetary funds allocated for resolving the housing problem remains, it will take many years.

The statistics testifies to the insufficient fulfillment by the state of its obligations regarding provision of law enforcement and penitentiary system employees with accommodations within a reasonable time. In this regard, the Government of the Russian Federation considers it necessary to recommend additional opportunities and means for financing activities to provide housing for the mentioned category of citizens.


For example, former serviceman B. wrote to the High Commissioner: “My whole family is Russian, I retired from the Ukrainian Armed Forces in 1995, and my family was on the waiting list for housing since that year. This year, I will turn 68 years old, we ask you to appreciate our position and help the officer’s family in provision of housing”.

It has been stated in the appeals of the Chairman of the Regional Public Organization “Association of the Sevastopol Reserve Servicemen”, addressed to the High Commissioner on behalf of the families of the reserve servicemen, dismissed before March 16, 2014, that “the housing provision department of the Ministry of Defense of Russia refuses to register us as persons in need of improved living conditions, referring to the lack of laws and regu-
lations; after the end of the transitional period (January 1, 2015), the social guarantees of reserve servicemen from among the former citizens of Ukraine have not yet been brought into line with the social guarantees of a similar category of the citizens of the Russian Federation...”.

In the 2016 Report, the High Commissioner spoke in favor of adopting a corresponding Order of the President of the Russian Federation. The problem is solved: on March 22, 2018, the President of the Russian Federation signed Order No. 116 “On providing housing for certain categories of citizens of the Russian Federation living within the territories of the Republic of Crimea and the city of Sevastopol.” Pursuant to the Order, housing accommodations were provided for more than 100 families of Russian citizens from among former servicemen of the Ukrainian Armed Forces registered as the persons in need of housing accommodations and dismissed before March 18, 2014.

At the same time, the High Commissioner notes with appreciation that the issues of registration of the citizens of the Russian Federation from among the former servicemen of the Ukrainian Armed Forces and the members of their families living within the Republic of Crimea and the city of Sevastopol are also resolved at the moment. Meetings were held and field visits were arranged with the High Commissioner's participation for two years in order to resolve this issue. As a result, the problem was announced to the President of the Russian Federation, who assigned the Government of the Russian Federation to assume measures to resolve the above-mentioned.

Order of the Government of the Russian Federation No. 1379 as of November 15, 2017 “On Residence Registration of a Certain Category of Russian Citizens Living within the Territories of the Republic of Crimea and the City of Sevastopol” was adopted based on the results of the work fulfilled. The citizens of the Russian Federation from among the former servicemen of the Ukrainian Armed Forces and the members of their families are given the opportunity to register at the address of a military enlistment office located within the territory of their residence, which allows them to exercise their constitutional rights.

The analysis of the appeals coming to the High Commissioner concerning the theme under consideration revealed yet another serious housing problem. Previous service in law enforcement agencies is not included when calculating the length of service for military servicemen for housing registration.

According to the High Commissioner, such an approach infringes upon the constitutional right to housing. It does not correspond to the accepted legislative practice of summing up the periods of service of military and law enforcement services while resolving other social issues. Thus, service in the Internal Affairs Agencies, the

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State Fire-Fighting Service and in a number of other national security, defense and law enforcement agencies is included in prolonged meritorious service along with military service in assigning a military pension.\(^1\) The issue is resolved in a similar way while enforcing the right to receive a welfare benefit using the funds of the federal budget for purchasing housing accommodations to be certified by a state housing certificate.\(^2\)

In regard to the above, it seems advisable to consider the issue of introducing amendments to the laws and regulations of the Russian Federation providing for recording the prolonged meritorious service in the military and law enforcement services when calculating the total length of service for the enjoyment of the right to housing and other social-support measures by citizens.

In addition to housing problematics, a vast amount of appeals received by the High Commissioner regarding military personnel and law enforcement officers concern **social welfare issues**, most of which are related to **pension coverage**. Within the limits of competence provided by the federal constitutional law, the High Commissioner promotes the restoration of the violated pension rights of the citizens receiving a military pension.

In July 2017, G., an 80-year-old citizen living alone in the Ryazan Region, appealed to the High Commissioner on the issue of charging a supplement to the pension due to the death of the second breadwinner, her younger son, a police officer (her eldest son and husband had died earlier). As a result of the work conducted, the issue was resolved positively. In accordance with Art. 38 of Law of the Russian Federation No. 4468-1 as of February 12, 1993 “On the provision of pensions for persons who have completed military service, service in internal affairs bodies, the State Fire Service, bodies for controlling the circulation of narcotic drugs and psychotropic substances, institutions and bodies of the criminal executive system, the troops of the national guard of the Russian Federation, and their families”, an increment of 200% of the notional rate of the retirement pension specified in Part 1 of Art. 46 of the mentioned Law was added to the pension received by G. She has confirmed the receipt of the increment to the pension in a letter of gratitude to the High Commissioner.

In their appeals, citizens often raise the issue of violations of the legislation on the increase of military pensions, in particular, regarding the failure to comply with the provisions of Order of the President of the Russian Federation No. 604 as of May 7, 2012 “On Further Improvement of Military Service in the Russian Federation”

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with regard to increasing the rates of military pensions.¹ In fact, Subparagraph “d” of Paragraph 1 of the above-mentioned Order has a requirement of an annual increase in military pensions not less than 2% above the inflation rate, but this requirement is not fulfilled in a real life.

The High Commissioner considers unacceptable the impairment of the pension rights of the military and law-enforcement service veterans, and supports the proposal of the State Duma to the Government of the Russian Federation to ensure the requirements of Subparagraph “d” of Paragraph 1 of the above-mentioned Russian Federation Presidential Order are met to the full extent.²

Another social problem was identified during joint visiting reception of the High Commissioner and the military prosecutor’s authorities, which took place in the Baltic Fleet in June 2017. Servicemen doing military service in the Kaliningrad Region applied with a request for assistance in resolving the issue of reimbursement of the expenses for travel by air to the place of the basic leave usage within the territory of other constituent entities of the Russian Federation and back.

Previously, contract servicemen and their family members had the right to free travel by rail, air, water and road to the places of the basic leave usage and back. However, within the framework of the monetary allowance reform of the servicemen of the Armed Forces of the Russian Federation in 2011, the right to travel on a free-of-charge basis was retained only for the servicemen who serve in the regions of the Far North and equated localities, other areas with unfavorable climatic and/or ecological conditions, including remote ones, as well as within the territory of the constituent entities of the Russian Federation included in the Ural, Siberian and Far Eastern Federal Districts, and outside the territory of the Russian Federation.³

The High Commissioner supposes that this provision should be applicable to the servicemen and law-enforcement officers serving in the Kaliningrad Region. Due to the enclave location of this region, separated from the territory of the Russian Federation via several state borders, in essence, air transport remains the only possible transport for servicemen and their family members. The introduction of appropriate amendments to the Article of the Federal Law “On the Status of Servicemen” approving a similar procedure established for the families of the servicemen serving outside the Russian Federation is the way out of the existing situation.

According to the statistics of the appeals examined by the High Commissioner, the fourth part (26.8%) of the appeals of servicemen and law-enforcement

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Officers concerns the issues of doing service and discharge from it. Complaints of this category cover a wide range of official legal relations: entry (conscription) into service, appointment to a position, career advancement, awarding a military (special) rank, awarding state and departmental awards, conducting appraisal, career development, change of a duty station, granting leave and discharge from service.

To check the appeals regarding the issues of doing the military service and dismissal from it, the bodies of military administration and military prosecution authorities are being involved by the High Commissioner. Based on the results of inspections initiated by the High Commissioner, the violated rights of citizens are restored as a rule.

Thus, for example, colonel of the internal service M. addressed a complaint against the administration of the Federal Government Institution Medical Treatment and Correctional Facility No. 4 of the Udmurt Republic Department of the Federal Penitentiary Service of Russia in relation to violation of the procedure for conducting appraisal, consideration of the statement concerning discharge from service submitted by him, settlement of the payments due to him, and the issuance of his employment book. The reply of the Personnel Administration to the High Commissioner's request regarding the inspection conducted has confirmed the facts specified by the applicant. The revealed violations were corrected: the applicant was given an employment book; relevant monetary payments were made, following which he was dismissed from service on the basis available. The persons guilty of committed violations were brought to disciplinary responsibility.

It was revealed during the inspections that the personnel decisions in certain cases are made by the commanders of the military units without regard to the actual circumstances wherein the applicants have found themselves. In these instances, the High Commissioner initiates an additional examination of the full circumstances of the case and achieves a positive result in many cases.

Thus, contract serviceman D. appealed to the High Commissioner for assistance in countermanding the already signed order concerning her transfer to a new duty station into another garrison. The servicewoman’s request was dictated by the circumstances caused by a serious disease of one of her two children, as well as by the oncological disease of her mother. Based on the High Commissioner’s appeal, the Russian top military officials have decided to countermand the order to transfer the applicant to a new duty station because of her family situation.

The issues of social support for the families of servicemen and law-enforcement officers who perished (died) as a consequence of injury or other damage to health sustained while performing their official duties require the constant attention of authorities at all levels. It is very important that the constituent entities of the Russian Federation be active in tandem with the federal government on the way to solving this task, which has a powerful moral burden.
During 2017, the issue of restoring the right to free travel by public transport of the Novosibirsk Region of the family members of the perished (died) employees of the Ministry of Internal Affairs of Russia remained under the High Commissioner’s control. The High Commissioner spoke about this problem in the 2016 Report. It should be emphasized that the regional authorities reacted with understanding and civic responsibility to the High Commissioner’s proposals. The Government of the Novosibirsk Region has paid a compensation for the cost of travel to family members of law enforcement officers who died while doing their official duties. Moreover, on July 5, 2017, the Novosibirsk Region Law was adopted according to which the unemployable family members of the persons of private corps and command staff of the Internal Affairs Agencies as well as the troops of the National Guard, who were killed while performing the duties of military service (official duties), were granted the right to travel on municipal and inter-municipal routes based on the purchased special monthly travel card.¹

At the same time, the High Commissioner calls the attention of the heads of the Russian Federation constituent entities to the need to take further social-support measures for the families of servicemen and law-enforcement officers who perished (died) as a consequence of injury or other damage to health sustained while performing their official duties.

The problem of observing the rights of citizens while transferring the property of military towns that have lost the status of restricted-access towns, as well as official residential accommodation from military authorities to municipal property has a systemic nature. Living in a closed military garrison (hereinafter referred to as “CMG”) imposes certain restrictions on the rights and freedoms of the citizens. Due to the fact that CMG is often inhabited by those citizens who have lost touch with the Ministry of Defense of Russia long ago, they are unreasonably deprived of certain types of rights and freedoms, for example, they are limited in their right to privatize housing and freedom of relocation. This problem, with regard to enjoyment of the right to privatize living accommodations, concerns not only civilians, but also citizens discharged from military service who have remained to live in rent-free apartments.

By the time the military units are disestablished and the status of a CMG has been withdrawn from a garrison town, the Ministry of Defense of Russia has stopped or drastically reduced financing expenses for maintenance and operation of housing and utilities sector as well as social infrastructure facilities in these zones. As a result, citizens suffer and survive adversities. The transfer of the maintenance of CMG housing stock and other social infrastructure facilities to local self-governing authorities is the way out of this situation. However, these issues are being resolved very slowly. The solution of this problem is under the High Commissioner’s control.

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5.6. Assistance in Protecting the Rights and Legitimate Interests of Russian Citizens Abroad

Freedom of movement of people around the world, the choice of place of stay and residence is the norm for the contemporary international community. According to the Unified Interdepartmental Information and Statistical System (UIISS), the number of citizens traveling away from the Russian Federation for tourism purposes increased by 47.8% in 2017 compared to 2016 and amounted to 14,587,000 people. 760.6 thousand people, which is 3% greater than in 2016, moved for the purposes of business. According to the Ministry of Education and Science of the Russian Federation, up to 60,000 Russian students were studying at various educational programs in foreign universities in 2017. At the same time, the number of citizens who moved to a permanent place of residence to other countries decreased by 17.7% (126 people) in the past year. According to expert estimates, approximately a million citizens of the Russian Federation have citizenship of foreign countries or a permit for residence abroad.

Federal Law No. 28-FZ, the work on which was being performed in 2017 with the High Commissioner’s participation within the framework of the Government Legislative Commission, was adopted as of February 19, 2018, with a view to improve the guarantees of freedom of movement for Russian citizens. The Law provides for simplification of the procedure for issuing foreign travel passports via reducing the period of their issue at a place of stay from 4 to 3 months.

In accordance with Article 7 of Federal Law No. 62-FZ as of May 31, 2002 “On Citizenship of the Russian Federation,” citizens of the Russian Federation outside its borders are given protection and patronage of the Russian Federation. The governmental authorities, diplomatic missions and consular posts of the Russian Federation are obliged to ensure that citizens are provided with the opportunity to fully enjoy all the rights established by the Constitution of the Russian Federation, federal constitutional laws, federal laws, generally accepted principles and norms of international law, international treaties of the Russian Federation, laws and regulations of the states of residence or stay of the citizens.


of the Russian Federation as well as the opportunity to protect their rights and legally protected interests.

State support is also guaranteed to our compatriots. According to expert estimates, the Russian diaspora in the world ranges from 25 to 30 mln people; it is the third-fourth largest diaspora in the world. According to Federal Law No. 99-FZ as of May 24, 1999 “On the National Policy of the Russian Federation on Compatriots Abroad”, the Russian Federation represented by the competent authorities provides support and assistance to compatriots in exercising and enjoying human and civil rights and freedoms in accordance with generally recognized principles and norms of international law, international treaties of the Russian Federation, federal laws and other laws and regulations of the Russian Federation, taking into account the legal regulations in foreign countries.

Within the framework of her mandate, the High Commissioner also promotes the protection of rights and legitimate interests of citizens of the Russian Federation, as well as assists compatriots abroad. Appeals coming to the High Commissioner demonstrate the feedback and demand for her participation.

687 appeals of individuals and non-governmental organizations regarding the provision of assistance to Russian citizens abroad were registered in the High Commissioner’s Office in 2017. The highest number of appeals have come from the near abroad countries: Ukraine, the Republic of Azerbaijan, the Republic of Armenia, the Republic of Belarus, the Republic of Kazakhstan and the Republic of Uzbekistan (Figure 40).

Three times less — 186 appeals have been received from non-CIS countries, and most of them have been received from Germany, the USA, Turkey, Estonia, and Latvia (Figure 41).

If we compare these figures with the statistics of the previous years, for example, with 2016, we see a trend of decrease. Thus, the total number of complaints was 773 in the past year, of which 212 were from non-CIS countries and 561 were from the countries of the CIS “near abroad” countries. The total number of appeals has decreased by 11% (9% decrease — from near abroad countries, 17% — from far abroad countries).

Russian citizens while being abroad often asked for assistance in repatriation, dispensation from imprisonment, mitigation of criminal sentence, extradition, delivery of legal services, assistance in obtaining medical services, the return of minors under the age of 16 year of age illegally taken abroad.

The High Commissioner received an appeal regarding G., a convicted citizen of the Russian Federation serving a sentence in Izmir (Turkey), concerning transferring him to another

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Figure 40. Number of Russian citizens’ appeals from neighboring countries

Figure 41. Number of Russian citizens’ appeals from non-CIS countries
cell with the aim of protecting his rights. Subsequent to the High Commissioner’s appeal to the Ministry of Foreign Affairs of the Russian Federation, G. was transferred to another cell; he was also rendered assistance in getting in touch with his wife.

The High Commissioner often receives requests for assistance in the repatriation of Russian citizens staying abroad, including sailors, who are constrained in foreign jurisdictions because of unconscientious employers violating shipping rules.

K. appealed to the High Commissioner in defense of the rights of her son, a citizen of the Russian Federation, a sailor of the Russian dry-cargo ship Merle ("MT group" St.Petersburg company), detained on March 5, 2017, off the coast of Libya and conveyed to a naval base in the port of Tripoli. According to the applicant, the ship crew (7 people) was removed from the ship and transferred to prison at the base of Mitinga (Libya). The High Commissioner appealed to the Ministry of Foreign Affairs of the Russian Federation with a request to provide information on the measures taken to resolve the critical situation encountered with Russian citizens in Libya.

Thanks to the united actions of the High Commissioner with the Ministry of Foreign Affairs of the Russian Federation, all the crew members of the Russian Merle dry-cargo ship were released, including the son of applicant K., who returned to his homeland in April 2017.

In the sector of interaction with compatriots, the High Commissioner received requests for resettlement to the Russian Federation, resolution of labour issues, receiving subsidies and social security benefits, enrolling into higher educational institutions, rendering assistance in teaching them the Russian language, including the right to study in the native language.

In 2017, 29 appeals were received from compatriots with a request to assist in resettlement to the Russian Federation within the framework of the State program to assist the voluntary resettlement of compatriots living abroad to the Russian Federation1 (hereinafter referred to as “the State Program”). Nowadays, the implementation of the State Program is fulfilled by 61 constituent entities of the Russian Federation. During the year, 84.5 thousand petitions for participation in the State Program were received,

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including 44.2 thousand petitions from compatriots abroad. 118.6 thousand participants of the State Program were registered with family members.¹

The issue of ‘repeated’ participation of Ukraine citizen G. in the State Program was positively resolved with the High Commissioner’s assistance. In 2014, G. and his family were granted provisional asylum in the Russian Federation, in 2015 he got involved with in the State Program in the Tambov Region, but he did not receive the due state support, except for relocation allowance, which he repaid after moving to the Murmansk Region, where he found a job which he was qualified for at the Olenegorsk Mechanical Plant. G. was denied participation in the State Program in the Murmansk Region due to lack of regulations concerning repeated participation in the legislation. Taking into account the circumstances of the case and its social significance, the petition of the High Commissioner regarding introduction of relevant amendments to the current legislation to allow persons who had not received state support as participants of the State Program to re-participate in it was sent to the Ministry of Internal Affairs of the Russian Federation. As a result of the measures taken, the Murmansk Region Office of the Ministry of Internal Affairs decided to issue G. a certificate of the State Program participant on July 5, 2017.

Given that the problem of the State Program implementation continues to be relevant, as well as in relation to the human factor, i.e. violations in the sphere of law enforcement, the High Commissioner supports the initiative of the Ministry of Internal Affairs of the Russian Federation to introduce amendments to certain acts by the President of the Russian Federation on the implementation of the State Program. In this regard, the Draft Order of the President of the Russian Federation was elaborated, which provides the possibility of the repeated participation of a compatriot in the State Program in the case of voluntary renunciation of the status of participant or the status of a member of the participant’s family. Adoption of the document will make it possible to strengthen the guarantees of the compatriots’ rights to receive measures of state support provided for while returning to one’s historical homeland.

The High Commissioner received an appeal from K., a citizen of Ukraine, who is a participant of the State Program. In the appeal, the applicant reported difficulties while formalizing documents necessary for his and his family members’ living within the territory of the Russian Federation. In defense of the rights of the applicant, his wife and child, the High Commissioner has made a specific request to the Directorate for Migration Affairs of the Yaroslavl Region Office of the Ministry of Internal Affairs. As a result, K., his wife and underage son born within the territory of Russia were assisted in application for migration registration, and temporary residence was allowed within the territory of the Russian Federation as participants of the State Program. Besides, K. was given full explanations regarding the receipt of social support and the procedure for acquisition of the Russian Federation citizenship by all his family members.

It was possible to **render assistance in the implementation and protection of rights of more than 500 citizens upon 45 appeals** in close cooperation with the Ministry of Foreign Affairs of the Russian Federation and the ombudsmen of foreign countries.

The mother of S., a citizen of the Russian Federation who was detained at an airport of Hong Kong while attempting to carry a narcotic substance, appealed to the High Commissioner. As it follows from the appeal, her son needs a daily medication. She was also unaware of his whereabouts and the selected measure of restriction. In the course of work regarding this complaint, the High Commissioner made a specific request to the Consular Department of the Ministry of Foreign Affairs of the Russian Federation with a request to provide the available information on the case of S. as well as to assist in protecting the health of the detainee. Such information was furnished and medical assistance was provided, whereof the applicant was informed.

For five years, the High Commissioner together with relevant authorities was dealing with protecting labour rights of a large number of Russian citizens who had previously lived within the territory of the Republic of Uzbekistan.

Since 2012, the High Commissioner received numerous collective appeals from the applicants, who were delayed with cash outflows regarding compensation for harm to health caused during the period of labour activity within the territory of the Republic of Uzbekistan. On June 26, 2014, the High Commissioner addressed a letter on this matter to the Government of the Russian Federation with a request to work out an alternative mechanism of transferring funds to compensate for the damage caused to the Russian citizens who had worked in the Republic of Uzbekistan earlier. As a result of the work of the Interdepartmental Commission for Economic Cooperation between the Russian Federation and the Republic of Uzbekistan, measures were taken to arrange compensation for harm to the citizens of the Russian Federation and the Republic of Uzbekistan,¹ and the relevant payments were resumed on a regular basis, and the accumulated debts were repaid.

In the course of rendering assistance to compatriots living abroad, the cooperation with foreign partners holds a valuable place; therefore, the High Commissioner pays much attention to **human rights diplomacy at the level of a bilateral relationship** with the ombudsmen of foreign states, especially those with whom the cooperation agreements have been concluded.

In the same vein, positive results in protecting the rights and legitimate interests of Russian citizens were achieved in the interaction of the Russian High Commissioner with the Ukrainian Parliament Commissioner for Human Rights.

A resonant appeal in defense of the rights of servicemen of the Russian Federation O. and B., who had been abducted by the Security Service of Ukraine on the border of Russia and accused of committing crimes such as desertion and high treason, was also under consideration of the High Commissioner. As a result of cooperation with the Ukrainian Parliament Commissioner for Human Rights, the High Commissioner managed to visit O. and B. in the pretrial detention facility of the city of Nikolaev, Ukraine, and to render them assistance in obtaining necessary medical and legal support.

The analysis of complaints concerning protection of the rights of citizens of the Russian Federation and compatriots living abroad submitted to the High Commissioner enabled us to name a number of systemic issues in the mentioned sphere that require a balanced and immediate decision.

Recently, cases of extradition of Russian citizens from the territory of third countries upon the request of US authorities in violation of international law became more frequent. Unfortunately, the High Commissioner’s appeals to the competent authorities of foreign countries in defense of the rights of Russian citizens S. Lisov and P. Levashov were ignored.

The High Commissioner pays special attention to the issues of preservation of the Russian language and culture abroad. More than two years have passed since the President of the Russian Federation approved the Concept of the “Russian School Abroad” and the Concept of State Support and Promotion of the Russian Language Abroad,¹ which determine the primary goals and objectives of the Russian policy regarding education in the Russian language in the international educational space. In the High Commissioner’s opinion, the implementation of these concepts should be accelerated as much as possible, since these documents are aimed at increasing the opportunities for children from compatriots’ families to keep the Russian language for communication. It is important for Russian compatriots to be integrated into the local community, but at the same time, they could preserve their national and cultural identity, make free use of their native language, teach chil-

dren in it, and perform their professional activities that they have chosen without artificial obstacles.

5.7. Protection of the Rights of Foreign Citizens

The Russian Federation accumulates large-scale migration flows. According to the Ministry of Internal Affairs of Russia, in 2017 more than 17.1 million foreign citizens and stateless persons (hereinafter referred to as “foreign citizens”) entered Russia for various purposes (tourism, work, study, treatment, etc.). More than 1.7 million patents and 148.3 thousand work permits were issued (extended) for foreign citizens to perform their labour activity. In total, as of January 1, 2018, there were 9.3 million foreign citizens in the Russian Federation.¹

Foreign citizens in Russia have all the human rights that are enshrined in the Constitution of the Russian Federation; they are subject to a human rights mechanism that is specific to Russian citizens. Accordingly, they can apply for the protection of their rights to the ombudsmen.

In 2017, the High Commissioner received 1,643 appeals on the issues of observance and protection of the rights of foreign citizens, mainly from citizens of the states of the former USSR. These appeals touched upon a wide range of issues — from the request for assistance in obtaining citizenship of the Russian Federation to complaints about authorities’ actions on deportation from the Russian Federation (Figure 42).

Figure 42. Protection of foreign citizens’ rights — appeals by subject

Based on the results of consideration of complaints and verification of their relevance, restrictions for entering Russia for 11 foreign citizens were cancelled; 7 citizens were granted a temporary residence permit or a residence permit; 6 citizens were granted a temporary stay in Russia; 6 citizens were granted asylum in the territory of the Russian Federation.

The analysis of appeals received from foreign citizens on the issues of entry into the Russian Federation, deportation from the Russian Federation and legalization of the stay of foreign citizens in the territory of the Russian Federation is given below. The remaining issues of foreign citizens’ rights protection are considered in other paragraphs of the Report.¹

The first and largest of these groups are the appeals of foreign citizens in connection with the restrictions imposed on them for entry into the territory of the Russian Federation. The grounds for prohibitions are defined in Articles 26 and 27 of Federal Law No. 114-FZ as of August 15, 1996 “On the Procedure for Exiting and Entering the Russian Federation”.² The study of appeals shows that foreign citizens are aware of legislative prescriptions and, as a rule, do not challenge the restrictions adopted in accordance with them. But the appeals rightly indicate that the databases of migration authorities are not always duly updated on the cancellation of these restrictions.

Citizen of the Russian Federation A. asked the High Commissioner for assistance in the deletion from the database of the Ministry of Internal Affairs of Russia of a ban on the entry of his spouse S., a Ukrainian citizen. In February 2017, the decision of the Sovetskiy District Court of Bryansk reversed the decision to ban her entry to the territory of the Russian Federation; however, the necessary changes to the relevant database were not made. Only after the intervention of the High Commissioner, on July 24, 2017, the Bryansk Region Office of the Ministry of Internal Affairs decided to lift the S.’s restriction to enter and made appropriate changes to the database of the Ministry of Internal Affairs of Russia.

The next problem is that when making a decision to restrict entry to the territory of the Russian Federation, the migration authorities do not always take into account the marital status of a foreign citizen and the presence of family members who are citizens of the Russian Federation. This is a direct responsibility of the migration authorities.³

Citizen of the Russian Federation M. applied to the High Commissioner in defense of the rights of her son V., a citizen of the Republic of Armenia. Despite the fact that

¹ See 2.2, 5.7, 5.8
the members of the V.’s family were citizens of the Russian Federation, this fact was not taken into account by the Directorate of the Federal Migration Service of Russia for the Kursk Region when deciding to deny V. to enter the territory of the Russian Federation. The corresponding decision was challenged in court and revoked by the Leninsky District Court of the city of Kursk in August 2016. At the same time, despite its revocation, V. had difficulties entering the territory of Russia. According to the information received, V. is excluded from the list of persons whose entry into the territory of the Russian Federation is restricted. Thus, the situation preventing the entry of V. into the territory of Russia, has been corrected.

Many appeals are received on the issue of legalization of stay in the territory of the Russian Federation of foreign citizens who are family members of citizens of the Russian Federation, but who do not have a temporary residence permit and residence permit in the Russian Federation. The provisions of the law do not provide for benefits for the above-mentioned category of persons, which does not fully comply with the principle of family protection, proclaimed in Article 38 (Part 1) of the Constitution of the Russian Federation applicable to Russian citizens, as well as foreign citizens and stateless persons. At the same time, in a number of cases, the migration authorities were sympathetic to the relevant appeals of the High Commissioner and as a result managed to resolve the problems of individual families.

Thus, citizen of the Republic of Uzbekistan F. born in 1943, a native of the Samara Region, applied to the High Commissioner for assistance in legalizing her stay in the territory of the Russian Federation. She came from Uzbekistan for permanent residence in Russia in 2003. She could not do the paperwork when her temporary residence permit expired in October 2016. F. has adult children, citizens of the Russian Federation residing in the territory of the Russian Federation and taking care for her. Based on the results of the consideration of the High Commissioner’s appeal, the General Administration for Migration Issues of the Ministry of Internal Affairs of the Russian Federation decided to register F. at her temporary residence, and she submitted an application for a temporary residence permit.

The High Commissioner received many appeals from Russian citizens about the existing problems in legalizing the stay of members of their families who are foreign nationals in the territory of the Russian Federation. In this regard, the High Commissioner suggested that the Ministry of Internal Affairs of Russia consider the issue of amending the legislation with respect to extending the term of temporary stay in the territory of the Russian Federation for foreign citizens. In order to address the above issues, the Ministry of Internal Affairs of Russia has developed a draft federal law “On Amending Certain Legislative Acts of the Russian Federation”. The bill, in particular, provides the possibility of extending the term of temporary stay for a period of up to one year for a foreign citizen who arrived in the Russian Federation on a visa-free basis, or on an ordinary private visa, being a member of the family of a citizen of the
Russian Federation who has a residence in Russia. Adoption of such a law will undoubtedly help to strengthen the guarantees of the constitutional right to protect the family, motherhood and childhood.

Over the past few years, the flow of appeals has not decreased in connection with the decisions taken by judicial and other authorities on the deportation and administrative deportation of foreign citizens from the territory of the Russian Federation. Citizens do not agree with the decisions made regarding them about the undesirability of staying in Russia and deporting them to the country of citizenship or to the country of their former residence. And sometimes their complaints are justified.

The High Commissioner was addressed by citizen of Uzbekistan N., who was sentenced to an administrative fine of 5,000 roubles by an order of the Moscow Basmanny District Court of August 1, 2017, for committing an administrative offense with administrative deportation outside of Russia. Before the court decision taking legal force, the court placed N. in the Center for Temporary Detention of Foreign Nationals. The applicant asked the High Commissioner to facilitate his deportation to an EU member state rather than to Uzbekistan, as far as he would be persecuted there for homosexuality. Administrative deportation was suspended on the basis of the ECHR judgment of August 4, 2017, on the application of preliminary measures against N. in the form of a ban on his deportation to Uzbekistan during the period of the trial in the ECHR. Meanwhile N. was issued a permit of temporary residence in Germany and a travel document of the International Committee of the Red Cross for travel outside of the Russian Federation, as well as a valid EU visa to enter Germany. The High Commissioner sent a petition to the Supreme Court of the Russian Federation to verify the court’s decision regarding the detention of N. in the Center for Temporary Detention of Foreign Nationals for an indefinite period and administrative deportation and asked to replace the deportation with a controlled independent departure. The judge of the Supreme Court of the Russian Federation agreed with the reasons given in the High Commissioner’s petition and, in the decision of January 22, 2018, abolished the previous court decisions against N. and sent the case for reconsideration to the Moscow City Court. Following the reconsideration of the case in February 2018, citizen N. was able to leave for Germany.

Foreign citizens have also complained about the length of the deportation procedure, because during this period they have to remain in the Center for Temporary Detention of Foreign Nationals, waiting for deportation. In accordance with Article 31.9 (Part 1) of the Code of Administrative Offenses of the Russian Federation, the maximum period of detention of foreign citizens in Centers for Temporary Detention of Foreign Nationals can reach two years.

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2 In 2017, 6,200 deportation decisions were passed with regard to foreign citizens, including 5,700 (91.3%) deportation decisions due to the undesirability of staying in the Russian Federation (based on materials of the Ministry of Justice of Russia), 5,500 foreign citizens were deported (12.5% more than in 2016).
PROTECTION OF THE RIGHTS OF FOREIGN CITIZENS

The High Commissioner received a collective request from foreign citizens held in the Center for Temporary Detention of Foreign Nationals No. 2 of the Main Directorate of the Ministry of Internal Affairs of Russia for St. Petersburg and the Leningrad Region, who complained of a lengthy detention in the detention center. In order to protect their rights, the High Commissioner applied to the Prosecutor’s Office of the Leningrad Region. Based on the results of the inspection conducted by the Prosecutor’s Office, it was established that the proceedings were completed in connection with the expulsion of 31 applicants from the Russian Federation, with regard to 5 applicants the work is being continued to establish their identity, the deportation of 4 persons who applied to the High Commissioner is impossible due to their unauthorized leave of the Center for Temporary Detention of Foreign Nationals. With respect to 5 applicants, the enforcement proceedings were terminated due to the cancellation of the court decision on deportation or refusals by foreign states to document the persons concerned. In connection with violations committed during detention of foreign nationals in the Center for Temporary Detention of Foreign Nationals, the head of the Main Directorate of the Ministry of Internal Affairs of Russia for St. Petersburg and the Leningrad Region was presented a remedial order by the prosecutor; the head of the Center for Temporary Detention of Foreign Nationals was brought to disciplinary responsibility.

The High Commissioner hopes that additional budget allocations for the implementation of the functions of compulsory deportation will, to a certain extent, alleviate the problem.1

The analysis of appeals also makes it possible to draw attention of the authorized bodies to formalism, which sometimes is associated with the decision to place the persons subject to expulsion in the Center for Temporary Detention of Foreign Nationals. At the same time, all the mitigating circumstances are not always taken into account.

So, on December 23, 2017, citizen of Ukraine V. was arrested by members of the Ministry of Internal Affairs of Russia on the ‘Moscow-Odessa’ train No. 23. The reason for the arrest was a suspected false stamp in his passport extending his stay in Russia. On the same day, by the decision of the Volodarsky District Court of Bryansk he was brought to administrative charges under Article 18 (Part. 1.1) of the Code of Administrative Offenses of Russia, and the court issued an administrative penalty in the form of a fine in the amount of 2,000 roubles and administrative deportation from the Russian Federation. Prior to the execution of the court’s decision on the compulsory deportation, he was placed in the Center for Temporary Detention of Foreign Nationals of the territorial body, although the fine was paid immediately. Without going into the ethics of the legality of bringing administrative charges, since the relevant documents were not received from the citizen, the High Commissioner appealed to the law enforcement agencies and to the regional Commissioner to establish the legality of keeping V. in the center. Based on the results of the inspection, the issue was

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1 The Initiative of the Federal Bailiffs Service of Russia was upheld in the High Commissioner’s Letter to the Ministry of Finance of Russia.
resolved positively and on December 29, 2017, V. together with his parents, who came for him, departed to Ukraine.

The High Commissioner has repeatedly noted that custody in the Center for Temporary Detention of Foreign Nationals is only a means of ensuring the enforcement of administrative penalties, and the definition of an individual deadline for the detention of foreign nationals in the Center for Temporary Detention of Foreign Nationals should be commensurate with the pursued purpose of deportation. The High Commissioner recommends that the competent authorities consider the forced deportation of a citizen from the Russian Federation as an exceptional measure.

In accordance with the plan of the legislative activity of the Government of the Russian Federation approved by the Order of the Government of December 26, 2016, a draft federal law “On Amendments to the Code of Administrative Offenses of the Russian Federation (regarding the establishment and extension of the term of detention of persons in special institutions for administrative deportation from the Russian Federation, as well as the procedure for appealing against the relevant decisions)” was elaborated. In November 2017, the draft law was submitted to the State Duma; on December 21, 2017, it was adopted in the first reading. An analysis of the draft law provisions shows that the bill is aimed at eliminating legislative conflicts and regulatory deficiencies. The proposals of the High Commissioner for the observance of the rights of foreign citizens and stateless persons in respect of whom a court decision was made on administrative deportation to the country of their nationality were taken into account.

Another serious issue is related to the determination of the legal status of persons released from places of detention in relation to which the Ministry of Justice of Russia adopted the decision on undesirability of their stay (residence) in the Russian Federation and placed in the Center for Temporary Detention of Foreign Nationals for execution of decisions on deportation. The practice continues when persons placed by a court decision in the Center for Temporary Detention of Foreign Nationals do not have valid documents proving their identity and confirming their citizenship. In these cases, the timeframe for execution of decisions by the bodies of the Federal Bailiffs Service of Russia on deportation is delayed due to the fact that the Ministry of Internal Affairs of Russia takes a long time to establish the citizenship of the persons concerned, as a result of which the periods of their detention in the Center for Temporary Detention of Foreign Nationals are significantly increased.

Draft Federal Law No. 306915-7 “On Amending the Code of Administrative Offenses of the Russian Federation” (on the length of detention of foreign citizens or stateless persons subject to deportation from the Russian Federation and the procedure to extend the length of detention, as well as the procedure for enforcement and termination of the administrative offence) // SOZD GAS «Zakonotvorchestvo». Available at http://sozd.parliament.gov.ru/bill/306915-7 (accessed February 12, 2018).
Until now, the issue of documenting persons released from the Center for Temporary Detention of Foreign Nationals in connection to the impossibility of securing executive proceedings for deportation has not been regulated by the legislature, for lack of evidence of belonging to any citizenship or permanent residence outside of the Russian Federation. At the same time, the existence of an outstanding or an un-expunged criminal record is an obstacle to obtaining a temporary residence permit, a residence permit or the acquisition of citizenship of the Russian Federation by these persons.

Russian citizen L. addressed the High Commissioner in the interests of her son R., a stateless person against whom the decision of the Ministry of Justice of Russia on the undesirability of stay (residence) in the Russian Federation was adopted. At the time of the conviction of R., a native of Azerbaijan, his passport of a citizen of the Russian Federation was found illegally issued and seized in the Tver Region. At the same time, when preparing documents for his deportation, he was found to have no Azerbaijani citizenship, and therefore the execution of the decision became impossible. Alongside with his mother, R.’s wife and son are citizens of the Russian Federation, but this fact was not taken into account by the various courts that examined his complaint against the decision of the Ministry of Justice of Russia. Taking into account the decision of the Ministry of Justice of Russia and the presence of an outstanding or unexpunged criminal record, it is not possible to permit R. to remain in Russia.

At the end of 2016, the High Commissioner drew attention of the Ministry of Internal Affairs of Russia to the absence in the Russian legislation of the norms regulating the legal status of former citizens of the USSR long residing in the Russian Federation, but lacking the opportunity to legalize their status in the country because of an unexpunged or outstanding conviction. The Ministry of Internal Affairs of Russia supported the proposal of the High Commissioner on the need to make appropriate changes to the legislation of the Russian Federation and is developing a bill on a special identity document for persons with undetermined legal status. It seems that such a document should provide its owners with temporary protection (asylum) because of the absence of a state willing to accept such a stateless person.

5.8. Protection of the Rights of Asylum-seekers in the Russian Federation

The contradictory and multifaceted process of world globalization does not only affect the environment, purpose and direction of traditional financial and information flows, but also actively influences the intensity and structure of transna-
tional migration. The general trend is clearly demonstrated by the following data: the number of migrants worldwide increased from 173 million in 2000 to 258 million in 2017. In addition, more than 40 million forced migrants are within their countries. Those who have already lost their last hope of finding protection from their government go to other countries in search of security and stability. The Russian Federation ranks fourth in the world list of recipient countries of migration flows.

According to official statistics, about 12 million migrants currently reside in the country.¹

In accordance with the Geneva Convention on the Status of Refugees, the Russian Federation has established mechanisms for the protection of foreign citizens that can be implemented by granting refugee status and obtaining temporary or political asylum.

Russia’s contribution to the solution of migration problems, including forced migration, was noted by the Office of the United Nations High Commissioner for Refugees (UNHCR) in the Russian Federation. According to the Office, Russia has accumulated vast experience in managing migration processes and receiving people forced to leave their homes in search of security, as evidenced by the reception and arrangement of hundreds of thousands of refugees from the southeast of Ukraine after the known events of 2014.² UNHCR highly appreciated the efforts of the Government of the Russian Federation in this difficult period; in particular, the adoption of laws facilitating the receipt not only of asylum, but also of residence permits and further naturalization of the appropriate category of persons, housing, food, medical and other social assistance.

The total number of persons recognized as refugees in the Russian Federation remains low. According to official statistics, in 2017, 619 foreign citizens applied to the authorized state bodies for recognition as a refugee in the territory of the Russian Federation, only 33 of them (5.3% of the number of applicants) were recognized as refugees. At year-end 2017, the total number of refugees registered in Russia amounted to 592 people, of which the largest number is located in Moscow (405) and Moscow Region (57).

On the contrary, the number of persons to whom the Russian Federation granted temporary asylum is high. In 2017, 13.5 thousand foreign citizens applied to state bodies for granting temporary asylum in the territory of the Russian Federation. Most of them were Ukrainian citizens (80%). Out of the total number of applicants, 10,400 citizens were granted temporary shelter. According to the Ministry of Internal Affairs of Russia, as of January 1, 2018, 125.4 thousand persons who had received


temporary asylum in the territory of the Russian Federation were registered, the largest number of which is located in the city of St. Petersburg and the Leningrad Region, Krasnodar Territory, Voronezh and Kaluga Regions (Figure 43).\footnote{Migration situation in the Russian Federation as of January 1, 2018, and activities of the Russian internal affairs agencies in the sphere of migration in 2017 (Letter of the Ministry of Internal Affairs of the Russian Federation No. 1/1290 as of February 7, 2018).}

In 2017, the High Commissioner received 61 appeals on the implementation of the right to asylum in the Russian Federation, most of them submitted by foreign citizens and stateless persons residing in neighboring countries.

The High Commissioner was addressed by chairperson of the Civic Assistance Committee S.A. Gannushkina in defense of the rights of citizen of Ukraine A. detained in the Center for Temporary Detention of Foreign Nationals of Intermunicipal Administration of the Ministry of Internal Affairs of Russia “Novocherkasskoye”. By the decision of the Donetsk City Court of the Rostov Region, A. was found guilty of committing an administrative offense, provided for by Part 1.1 of Art. 18.8 of the Code of Administrative Offenses of the Russian Federation. He was sentenced to a fine with administrative deportation from the Russian Federation. In response to A.’s request for temporary asylum in the territory of the Russian Federation it was refused by the Main Directorate of the Ministry of Internal Affairs of Russia for the Rostov Region. At the same time, it was not taken into account that...
A. participated in military operations in the territory of the Donetsk Region, and deportation on the basis of this court decision posed an immediate danger to his life and freedom. As a result of the measures taken by the High Commissioner, the decision of the Main Directorate of the Ministry of Internal Affairs of Russia for the Rostov Region to refuse to grant A. temporary refuge of the Ministry of Internal Affairs of Russia was reversed on December 28, 2017, and A. was granted temporary asylum in the Russian Federation.

The analysis of appeals received by the High Commissioner shows that asylum-seekers in Russia, first of all, face difficulties when submitting corresponding applications to migration authorities. Personnel of the Units for Migration Issues of the Internal Affairs Agencies reasonably require applicants to present valid documents proving their identity, visas, or migration cards. For citizens of foreign countries arriving in Russia through the territory of third countries, the absence of the required documents becomes the reason for refusing to consider an asylum request or violating the deadlines for considering their applications.

But the absence of documents is not the only reason for refusing to accept applications for granting foreigners the appropriate status. Unfortunately, migration authorities sometimes do not take into account all the vital circumstances in which a foreign citizen has found himself, and allow red tape when considering their requests.

Citizen of the Kyrgyz Republic M., detained in the Pretrial Detention Center No. 1 of the Saratov Region Department of the Federal Penitentiary Service of Russia, in his letter to the High Commissioner expressed fears for his life in the event of his extradition to Kyrgyzstan. At the request of the High Commissioner, the General Administration for Foreign Issues of the Ministry of Internal Affairs of Russia for the Saratov Region reported that a statement that M. could not independently file granting him temporary asylum and a request for recognition as a refugee in the Russian Federation was accepted for consideration.

Appeal of citizen of the Russian Federation T. in the interests of her son G. was successfully resolved. G. is a citizen of Ukraine whose application for temporary asylum in Russia wasn’t accepted due to the fact that he violated terms of residence for visitation by foreign citizens and was brought by the court to administrative charges, in the form of a fine with administrative deportation from the Russian Federation. At the same time, apart from the mother, there is G.’s underage daughter in Russia. According to the Moscow Region General Administration for Migration Issues of the Ministry of Internal Affairs of the Russian Federation, the application of G. on providing him and his minor daughter with temporary asylum in the Russian Federation, which he couldn’t submit earlier, was accepted for consideration.

The ECHR decisions against Russia in connection with the failure to provide temporary asylum or refugee status to applicants have repeatedly stated that the state

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authorities of the Russian Federation did not conduct an independent risk assessment justifying the need for temporary asylum or refugee status. In this regard, in each case, when persons apply for recognition as refugees or for temporary asylum, the competent authorities should conduct a thorough and comprehensive assessment of the circumstances that constitute the grounds for applying for asylum.

In March 2017, the ECHR issued a decision obligating Russia to pay 95,000 euro to four migrants from Syria, Iraq, Palestine and Somalia who spent periods of time ranging from five months to two years in the transit zone of the Moscow airport, waiting for temporary asylum status in Russia. In September 2017, the ECHR satisfied the requirements of the Russian Federation on the revision of the case, according to the established procedures; it is now being reconsidered. Despite the ambiguous nature of the relevant decree of the ECHR, the facts contained therein point to the problem of creating appropriate conditions for those who applied for asylum status, but have not yet received it.


2 Requirements of the Russian Federation to reconsider the cases of illegal migrants who refused to leave the Sheremetyevo Airport Tranzit Zone have been satisfied // Website of the Ministry of Justice of the Russian Federation. Available at http://to49.minjust.ru/ru/novosti/trebovanija-rossijskoj-federacii-o-peresmotre-dela-nezakonnih-migrantov-otkazyvayushihся (accessed February 08, 2018).
In light of the above issues, the preparation by the Russian Ministry of Internal Affairs of the draft federal law “On Asylum in the Russian Federation” deserves support. The High Commissioner believes that its adoption will simplify the procedures for granting asylum, both for asylum-seekers and for executive bodies dealing with these issues, and stands for its early adoption.

The events taking place in the world, including the conflict in the territory of Ukraine, also demonstrate the need for legislative regulation of the institution of political asylum. The draft federal law No. 184643-7 “On granting political asylum by the Russian Federation” seems to be significant and worthy of support. It is aimed at expanding the circle of people who will be able to use this right by excluding the prohibitions on granting political asylum to persons who have arrived from countries with developed and established democratic institutions in the sphere of human rights protection, as well as from countries with which the Russian Federation has an agreement on visa-free border control.

Analysis of the issue of provision and protection of human rights in the field of forced migration has shown that positive changes in this area largely depend on close interaction of government agencies, ombudpersons at the federal and regional levels and civil society institutions. At the same time, it is worthwhile to note the important role of humanitarian organizations in protecting the interests of refugees, displaced persons and other victims of persecution or armed conflicts in providing them with necessary assistance. A good example is the practice of working with citizens who forcibly left the South-East of Ukraine. With the direct participation of non-governmental organizations, a page has been created on the “State Service” website to help these people, which contains all the necessary information on the competence of government agencies working with forced migrants, indicating the necessary algorithms for their legalization in Russia and obtaining assistance.

The unprecedented scope of the problem of forced migration has determined the agenda of the IV International Symposium on Ombudsman Institutions “Migration and Refugees”, held on March 2–3, 2017, in Ankara (the Republic of Turkey), which was attended by the High Commissioner. In her speech, the High Commissioner highlighted the issues related to the displacement of large groups of refugees and migrants, resettlement of refugees and their integration into the host country, including unhindered access to education and workplaces.

The High Commissioner urged ombudsmen from all countries and civil society institutions to appeal to their governments so that they facilitate the creation of the

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most favorable political, social and economic climate in countries. That will allow people to live in their country without replenishing the multitudes of migrants forced to leave their homeland in search of asylum because of the fear of becoming a victim of persecution.

The solution of the problem of forced migrants should be promoted by strengthening cooperation between ombudsmen of different countries. The High Commissioner hopes that the creation in 2017 of the Eurasian Ombudsman Alliance will provide a new impetus to the work on protecting the rights of forced migrants.¹

¹ See 7.3
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LEGISLATION IMPROVEMENT AND HUMAN RIGHTS EDUCATION
6.1. Legislation Improvement

In 2017, 500 federal laws were adopted that relate to the issues of state construction, political, economic and social development of the country, as well as to the international law. Such a wide range of legislative work certainly contributed to the enhancement of citizens’ rights and freedoms guarantees.

The High Commissioner is satisfied that the list of adopted legislative acts contains documents the relevance of which was mentioned in previous annual reports on the activity of the High Commissioner.

Thus, for several years, Russian Commissioners have raised the issue of providing executive authorities of the constituent entities of the Russian Federation with the powers to exercise state control (supervision) and draft protocols on administrative violations in the field of providing an accessible environment for persons with disabilities. The Government of the Russian Federation initiated an appropriate legislative process, and on June 7, 2017, the President of the Russian Federation signed Federal Law No. 116-FZ “On Amending the Federal Law ‘On Social Protection of Persons with Disabilities in the Russian Federation’”,¹ which entered into force on January 1, 2018.

The reports on the activity of the High Commissioner for 2015 and 2016 pointed out the issue of legalising the status of Ukrainian citizens in the Russian Federation who wish to accept Russian citizenship. Under the changes introduced by Federal Law No. 243-FZ as of July 29, 2017 to Articles 8 and 14 of the Federal Law “On Legal Status of Foreign Citizens in the Russian Federation”,² citizens of Ukraine were given the right to renounce Ukrainian citizenship by sending an application to the plenipotentiary body of the State of Ukraine, a notarized copy of which is sent to the Migration Department of the Internal Affairs of the Russian Federation.

In 2016 and 2017, at national fora the High Commissioner raised the issue of the need to ratify the Convention of the Council of Europe on Combating Counterfeit Medical Products and Related Crimes that Threaten the Health of the Population. It was duly noted that the relevant Convention was ratified by Federal Law No. 439-FZ as of December 29, 2017.³

6.1. LEGISLATION IMPROVEMENT

Using the tools provided to her, the High Commissioner was directly involved in the legislative process on human rights and freedoms throughout the year: she contributed suggestions and legal opinions on the development of legislation, as well as to state bodies authorized to draft federal laws. In total, more than 100 requests were sent to relevant authorities.

The suggestions were based on the analysis of incoming mail from citizens, opinions of regional Commissioners, results of opinion surveys and developments in the international legal framework.

In 2017, the High Commissioner and the staff of her Office provided legal support for about thirty draft federal laws directly affecting human and civil rights and freedoms which were considered by the State Duma. These drafts dealt with housing and labour rights, rights in the field of healthcare and social security, legislative guarantees of the rights of persons with disabilities, personal safety in criminal procedure, the realization of the right to freedom of assembly and other civil and human rights and freedoms. On many of those, the High Commissioner expressed her legal opinions and contributed suggestions on certain legislative amendments.

As noted above in the relevant paragraphs of the Report, the suggestions of the High Commissioner were taken into account in a number of laws, videlicet:


Federal Law as of July 1, 2017 No. 139-FZ “On Amendments to the Labour Code of the Russian Federation”;¹


In addition, a number of regulatory legal acts were drafted and introduced at the initiative of the High Commissioner in 2017:

Resolution of the State Duma as of March 7, 2017 No. 1041-7 ГД “On Amendments to the Procedures and Guidance of the State Duma of the Federal Assembly of the Russian Federation”;⁵


Decree of the President of the Russian Federation No. 397 as of August 23, 2017 “On Amendments to the List-Register of the Federal Public Service Posts, ap-

proved by Decree of President of the Russian Federation as of December 31, 2005 No. 1574, and to Decree of the President of the Russian Federation as of July 25, No. 763 “On the Financial Allowance of Federal Civil Servants”;


At the same time, the High Commissioner initiates the development of laws deemed necessary by the society and also provides legal support to draft laws regulating human and civil rights and freedoms as particularised in Chapters 2–5 of the present Report.

The High Commissioner receives a large number of appeals, usually justified, from convicted prisoners serving custodial sentences, with requests for assistance in affecting a transfer closer to their former places of residence.

Up to this time, the issue of the mechanism for protecting the rights of patients in psycho-neurological facilities of the social services system is still unresolved.

The position of the High Commissioner on the need for creation, the legal status and legal powers of a Service for the protection of the rights of patients undergoing treatment in healthcare facilities that provide clinical psychiatric care and persons suffering from mental illnesses located in residential social service institutions was announced on July 20, 2017 during a round table meeting organized by the Federation Council Committee on Social Policy jointly with the Federation Council Committee on Constitutional Legislation and State Building and the Russian Federation Government Council on Social Welfare. At the suggestion of the High Commissioner, a working group was set up to draft a relevant law, which also included representatives of the High Commissioner’s Office. The High Commissioner is hopeful that this work will be completed in 2018.

Over the course of the year, hard work continued on drafting the law regulating the status, legislative guarantees and areas of activity for regional Commissioners, in cooperation with the Federation Council Committee on Constitutional Legislation and State Building. Adoption of the statute would help overcome significant differences in the legal status of Commissioners for Human Rights in the constituent entities of the Russian Federation.

The Council under the Chairperson of the Federation Council supported the position of the High Commissioner and in January 2017 decided to create a working group under the Federation Council Committee on Constitutional Legislation and State Building to draft a federal law “On General Principles of Organization and Activities of Commissioners for Human Rights in the constituent entities of the Russian Federation”. The text of the bill prepared by the staff of the High Commissioner’s Office was submitted for a broad discussion.

and then was marked up, taking into account suggestions and comments received from authorities and officials. An extended meeting of the Federation Council Committee on Constitutional Legislation and State Building and parliamentary hearings, in which the federal and regional Commissioners took part, were held in October and December 2017. The result was the approval of the finalized text of the draft federal law “On General Principles of Organization and Activities of Commissioners for Human Rights in the constituent entities of the Russian Federation” reflecting all the suggestions and comments received.

The adoption of other laws aimed at strengthening the guarantees of civil and human rights and freedoms remains high on the agenda of the High Commissioner. The problem of the lack of the legislative regulation of the possibility of including the time spent in pretrial custody into a term of imprisonment with a proportionate coefficient is still unresolved. The issue, raised by the High Commissioner throughout the years, was reflected in the recommendations to the government authorities contained in the Reports on the activity of the High Commissioner for 2015 and 2016.

The High Commissioner raised the issue of accelerating the preparation and adoption of the draft federal law on the proportional consideration of the time spent in custody in various types of pretrial detention facilities\(^1\) at the meeting with the Chairman of the Government of the Russian Federation. The request to accelerate the consideration of the draft law was also sent to the Chairman of the State Duma Committee for State Building and Legislation in February 2017. This law fully meets the public request, but up to the present moment it is at the stage of preparation for the second reading. The High Commissioner hopes that this problem will be resolved in 2018.

The draft law on the creation of guarantees for protecting persons under guardianship or trusteeship is one of the legislative initiatives the consideration of which has been in abeyance for a long time. Both the High Commissioner and all citizens of this legal category are interested in the finalization and adoption of this law.

As long ago as in 2015, the High Commissioner sent her comments on draft federal law No. 879343-6 “On Introduction of Amendments to Certain Legislative Acts of the Russian Federation with a View of Improving the Guarantees to Realize the Rights and Freedoms of Fully or Partially Disabled Citizens” to the responsible committee of the State Duma in order to protect the rights of citizens under guardianship or trusteeship. The finalised wording of the draft law and the adoption of the relevant statute would facilitate the creation of a system of legal mechanisms enhancing the level of guarantees for the observance of the rights and freedoms of citizens under guardianship or trusteeship and reducing the opportunities to abuse their rights by guardians and trustees. As the relevant draft law was long delayed in preparation for a second reading, the High Commissioner sent an appeal to the State Duma with a request to help expedite consideration of the draft law in 2017. In November 2017, the State Duma Committee on Women, Family and Children’s Issues establi-

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shed a temporary working group to finalise the draft law for the second reading, and the High Commissioner’s representative was included.

The resolution of the issue of protecting social rights of Russian citizens residing in the territory of the Baikonur complex is also delayed. The Government of the Russian Federation and the Roscosmos State Corporation have taken a number of measures to address this issue, but the ultimate goal has not yet been achieved.

The Roscosmos State Corporation prepared a draft Decree of the President of the Russian Federation “On Providing Housing in the Territory of the Russian Federation to Citizens of the Russian Federation Subject to Resettlement from the Baikonur Complex”,¹ which is being publicly discussed and undergoing an independent anti-corruption expert evaluation on the federal portal of draft regulatory legal acts. Taking into account the special social significance of this problem, the High Commissioner calls upon the responsible authorities to ensure its prompt resolution.

Notwithstanding the adoption in Russia of a number of legislative initiatives aimed at simplifying the procedure for receiving Russian citizenship by foreign nationals who are native speakers of the Russian language, the High Commissioner continues to receive a significant number of appeals indicating that the problem of simplifying the entry into Russian citizenship by native speakers of the Russian language residing in other countries (except for Ukraine), as well as in Russia itself, is not fully resolved.

Apart from the above-mentioned objectives, the High Commissioner’s agenda contains issues raised by the human rights community, which are related, inter alia, to the need to improve the drug control laws; legislation regulating the process of organizing public events, in particular, the procedure for receiving approval for their conduct and administrative proceedings regarding the participants in peaceful actions; and the problem of the justification of the use of physical force in places of detention.

Thus, in 2017, the High Commissioner received argumented legislative proposals from the well-known domestic human rights activists concerning the need for liberalization of the anti-drug legislation by reclassifying the possession of large amount of drugs without intent to distribute provided for by Part 2 of Article 228 of the Criminal Code of the Russian Federation as a misdemeanor rather than as a serious crime. According to representatives of the human rights community, this measure will reduce the terms of imprisonment for many thousands of citizens, since more people are being convicted for possession of drug-containing substances than for their distribution, which is against the principles of justice. In addition, the High Commissioner considers that it is necessary to continue work on improvement of the delegated legislation by updating the list of narcotic substances and modified synthetic psychoactive substances (so-called derivatives).

At the present time, the issue of ‘lawyer monopoly’ for representation in court is under discussion in the society and at the legislative level. The essence of initiatives, including those put forward by the Ministry of Justice of the Russian Federation, comes down to the view that legal representation must be performed by persons with a legal degree only.¹ The High Commissioner on repeated occasions, including in the constitutional proceedings,² opposed compulsory professional legal representation, as these requirements prevent citizens who do not have an advanced legal degree both from judicial protection of their own rights and from being represented through their chosen representatives.

In the Report on the activity of the High Commissioner for 2016, the Government of the Russian Federation and the Supreme Court of the Russian Federation as subjects of legislative initiative, and the Prosecutor General’s Office of the Russian Federation were recommended to consider excluding the requirement for an administrative plaintiff and his representative to have a legal degree from the Code of Administrative Procedure of the Russian Federation. Unfortunately, it was not enacted. However, continued monitoring demonstrates that the problem of barring access to public justice is ever more relevant.

Law enforcement monitoring allows us to identify some other issues that require legislative action in order to strengthen the guarantees of human rights’ realisation. So, in the opinion of the High Commissioner, there are following problematic issues requiring legal regulation: they are protection of violated rights of proprietors in a confiscation of residential premises for public use; expansion of the list of categories of citizens entitled to free legal assistance at the federal level; protection of the rights and interests of orphans; improvement of the arrangements for the use of the DVRs in detention facilities, increase in the storage time of DVR materials; post-penitentiary control; determination of the place of registration of homeless people, payment for their labour, offering incentives to organizations engaged in their resocialization; protection of the rights of bona fide buyers of housing; creation of guarantee funds for mutually funded construction projects and payment of wages in case of bankruptcy of enterprises; fighting against family violence; development of the market of public housing and preferential terms loans for young families and families with many children; job quotas for young people and welfare recipients;


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enactment of the law on the procedure for the adoption of regulatory legal acts and other issues.

In order to improve the effectiveness of legislative activity, the quality and relevancy of the legislative initiatives, the High Commissioner suggests that the State Duma consider returning to the practice of community discussions of complex draft laws affecting the civil and human rights and freedoms.

Despite the fact that the possibility of community discussion of a law passed by the State Duma in the first reading is fixed in Part 6 of Article 119 of the Rules of Procedure of the State Duma, unfortunately, this mechanism is practically not used in modern Russia, and its procedure received insufficient legal regulation. It seems appropriate to develop a comprehensive concept of community discussion of draft legislation and record it in a special law “On Regulatory Legal Acts in the Russian Federation”.

The legislation provides that the High Commissioner has the right to contribute suggestions to the subjects with the privilege of legislative initiative. However, it does not cover the feedback procedure. For this reason, the High Commissioner appeals to the deputy corps to record in the State Duma Procedures and Guidance a commitment to reflect the suggestions of the High Commissioner in the conclusions of the profile committees on draft laws. The next step could be the introduction of an expert examination of the package draft laws in the field of human and civil rights and freedoms by the High Commissioner and sending his/her expert opinions to the State Duma to be attached to the draft law and become mandatory for consideration during deliberations.

6.2. Human Rights Education

Legal education in the field of human rights is an important element of legal policy of the state, ensuring proactive attitude of citizens to the protection of their rights and freedoms. In this respect, it is important not only to bring the information on human and civil rights and freedoms to citizens and inform them of forms and methods of their protection, but also to help people prevent situations of rights violation and fight for their rights.

The High Commissioner and the staff of her Office conducted legal consultations for citizens and targeted educational activities in the framework of this global task: “Legal Marathon for Pensioners”, implemented with the support of the public movement “50 PLUS”; All-Russian Open Lesson for students and schoolchildren “Human Rights”; training of students of the master's degree program “International Protection of Human Rights” carried out under the program of the Office of the United Nations

High Commissioner for Human Rights; lecture courses in Russian universities; realization of media projects; release of special thematic editions; publication of articles on human rights in periodicals; broadcast of the thematic TV-program “Human Rights” on the Public Television of Russia (OTR); daily updates on the High Commissioner’s official website; a specialized satellite website devoted to issues of human rights education continued its work, as well as the implementation of information and educational project “Human Rights Map of Russia”. Targeted work on the development of “Human Rights” educational program for schoolchildren and students started at the initiative of the High Commissioner with the support of the President of the Russian Federation and the Chairman of the Government of the Russian Federation.

As already noted, in 2017, citizens received 26,038 written consultations on their rights, forms and methods of violated rights protection. Clarifications were also provided by the High Commissioner and the staff of her Office at personal receptions, as well as by more than 10,000 phone calls from citizens on a dedicated communication line.

One of the human rights education aspects is to inform the public about the High Commissioner’s institute, its competence and public petitions handling procedure. Special significance for this work was provided by the 20th anniversary of Federal Constitutional Law No. 1-FKZ as of 26 February 1997 “On the Commissioner for Human Rights in the Russian Federation”. A number of educational activities were held in conjunction with this anniversary date, including the issue and official ceremony of postage stamp cancellation organized by the High Commissioner together with Rossvyaz and JSC “Marka” (circulation — 375 thsd. pieces); scientific and practical conference “Problems of Human Rights Protection in the Eurasian Region: Exchange of the Best Practices of Ombudspersons”; a theme-specific book exhibition opened in the Russian State Library, which in turn launched the All-Russian competition “Innovative Technologies in Human Rights Education on Issues of Citizens’ Rights and Freedoms, Forms and Methods of Their Protection”. The aim of the contest was to find the most progressive models to adapt complex legal content for the broad audience and, primarily, for socially unprotected categories of the population. The contest was organized by the High Commissioner in partnership with “ConsultantPlus”

and “Garant” companies’ reference and legal systems, “Prosveshcheniye” TV channel, the Russian State Library, and the Consortium of Russian Universities.

The information on the activity of the High Commissioner was provided to the general public through the mass media and the Internet where news and announcements of upcoming events, photos and press releases of the events as well as positive examples of citizens’ rights protection, legislation improvement and international cooperation development were posted on a daily basis.

Close interaction of media community with the High Commissioner on the basis of openness, accessibility and readiness for dialogue was continued. Almost all the events with the participation of the High Commissioner were covered by federal, regional and foreign media. In total, more than 30 thsd. (30,711) materials presenting the activity of the High Commissioner were posted in print and electronic media.

Current issues of the State Human Rights Defender Institute activity were raised in live TV broadcasts of All-Russia State Television and Radio Broadcasting Media Holding Company (VGTRK), Public Television of Russia (OTR), parliamentary TV Channel “Vmeste-RF”, “Russia Today” TV Channel, Channel One, “Zvezda”, “MIR” and a number of other TV channels. The broadcast of TV-program “Human Rights” started on OTR TV channel in a new format allowing viewers to directly apply to the High Commissioner and the staff of her Office on specific issues. There is a positive present practice of work with such appeals. The pressing issues of family, maternity and childhood protection, housing and labour rights, health and medical care rights became broadcast themes.

The systemic issues of human rights protection sphere were delivered to “Izvestia” newspaper readers through the personal stories of people in the High Commissioner’s publications.

The High Commissioner makes ample use of modern communication technology capabilities to highlight these issues. The human rights defender institution has now official accounts in Facebook, VKontakte, Twitter and is also presented in YouTube video hosting.

The work of a specialized satellite website devoted to human rights education continued with presentation of visual information on current legislation, algorithms for solving legal problems are proposed and best practices and human rights education programs in the constituent entities of the Russian Federation are accumulated. New subjects appeared on the website to attract attention and to promote pressing topics: the 20th Anniversary of the High Commissioner’s Institution, the Unified Human Rights Lesson, etc. 2,248 information materials were published in total on the High Commissioner’s official website in the past year, which was 49% more than in 2016.

The work continued on the publication of information and analytical Bulletin of the High Commissioner. The June edition was devoted to public environmental control tools, and the December edition was devoted to disabled people rights protection. Work began on publication of memos and brochures of the “Library of the
High Commissioner’s series, aimed at human rights education and raising of citizens’ awareness of their rights and ways to protect them. The “Human Rights” leaflet was published, which in accessible form informed the readers about the main directions and results of the High Commissioner’s activity, explained to citizens their rights, and also gave recommendations on their realization and protection.

The “Human Rights Map of Russia” located on the High Commissioner’s website contains more than 600 materials (reference, informative, legal materials, including 285 annual and 309 special reports), disseminating the accumulated experience of human rights activity not only among the Commissioners, but also among nongovernmental organizations and individual citizens.

The High Commissioner traditionally pays high attention to human rights education of youth. The High Commissioner took part in the III Student Human Rights Forum on the Day of Russian Students. The High Commissioner delivered reports and lectures at the All-Russian Student Scientific Conference “Law, Society, State: Theory and History Issues” (April 2017), in the GULAG History State Museum (February 2017), at Kutafin Moscow State Law University (September 2017), at the Institute of Law and National Security of the Russian Presidential Academy of National Economy and Public Administration (October 2017). The thematic youth camp “Young Leaders of Non-Commercial Organizations, Human Rights and Volunteer Projects” was for the

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2 See 8.3
first time held at the initiative of the High Commissioner in the framework of the All-Russian Youth Educational Forum “Terra Scientia on Klyazma River". The large-scale socially oriented project of the All-Russian Students Union “Russian Student Week” was held with the support of the High Commissioner.

In 2017, open lectures, master classes, practice oriented seminars, on site lectures, discussion clubs and round table discussions were organized in the High Commissioner’s Office as a part of the curriculum of the Master’s Degree program “International Protection of Human Rights” realized on the basis of partner universities consortium with the support of the United Nations High Commissioner for Human Rights. The lecture course was opened with a video lecture of the High Commissioner and devoted to the role of the High Commissioner’s Institute in the modern world. The video conferencing format allowed master degree students of Kazan Federal University, Perm State National Research University, Voronezh State University and Yekaterinburg Humanities University to take active part in the lecture course. A cycle of extended lecture courses and seminars for students of the master’s degree program was conducted throughout the year with the participation of the staff of the High Commissioner’s Office.

The 5th Summer School on Human Rights, dedicated to the protection of children’s rights, the rights of people with disabilities (disabled people) and migrants took part in the city of Yekaterinburg in June.

The year of 2017 became a landmark for the start of a large-scale work on the development of educational standards and programs for “Human Rights” course. The model programs for “Human Rights” course (bachelor and specialist degree levels) were developed by educational and methodological association of the higher education system for the

All-Russian open lesson on human rights in MGIMO. December 2017
joint group of specialities and educational profiles 40.00.00 “Jurisprudence” on the High Commissioner’s proposal.

The model curriculum for a specialist degree level intended for 72 academic hours includes 11 themes. The themes cover fundamentals of human rights theory, history and development of the human rights concept and their legal regulation, human rights classification, national and international human rights mechanisms.

The model curriculum of a bachelor degree level intended for 104 academic hours includes 12 themes. The program is focused on the awareness about the legal status of an individual and guarantees of its implementation.

The working program for the “Human Rights” course was developed for teachers. Twelve study topics were proposed for 72 academic hours. Particular attention was given to the study of rights protection issues of vulnerable population groups.

In 2017, a number of educational subjects were aimed at the development of legal culture of the middle and high school students. For the third consecutive year, the multilevel interactive legal game “Legal Volunteers” was conducted together with Russian New University and the Association of Russian Lawyers. The main goal of the game is the formation of practical skills in the field of human rights activity among young lawyers in the tradition of unconditional respect for law and order. This was facilitated by such innovative forms of legal game as the human rights quest “Law — Instruction for Use”, the scenario of which was developed by the staff of the High Commissioner’s Office, as well as by situational tasks, the material for which was provided by real appeals to regional Commissioners.

The all-Russian open lesson on human rights organized for the first time was highly appreciated in the society and would be practised in the future. It was included in the Calendar of educational events for the 2017/2018 academic year. The Academy of Advanced Training and Professional Retraining of Educators developed the unified lesson concept, methodological recommendations for teachers, scenarios of lessons and educational events for different age groups, and a webinar (online seminar) for teachers and heads of secondary education establishments for uniform approach to the lesson.

The High Commissioner presented a lecture for 700 students at the Moscow State Institute of International Relations (MGIMO), and heads of the departments of her Office gave similar talks in other educational organizations of the city of Moscow and the Moscow Region. In total, 28,664 schools were involved in the Unified Lesson program in all constituent entities of the Russian Federation. 6,414,650 children and 261,930 teachers took part in the activities. The educational initiative of the High Commissioner was actively supported by regional Commissioners.

The High Commissioner’s Office held lectures and seminars for trainees from eight constituent entities of Russia, as well as representatives of the Association of Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation within the framework of practice-oriented training course for Russian-speaking representatives of small-numbered indigenous peoples.
Another socially-oriented legal project, which was actively developed in 2017, is “Legal Marathon for Pensioners”. Initiated three years ago, it is implemented in conjunction with public movement “50 PLUS”. Interactive master classes, seminars, lectures, consultations on housing, medical and social rights, migrants’ rights protection, pension legislation, proprietary and inheritance law were organized for older people on the International Day of Older Persons and for a month after.

Regional Commissioners from all 85 constituent entities of the Russian Federation joined the project at the High Commissioner’s initiative. New partners came up, such as the Association of Russian Lawyers, the Russian Society “Znanie”, the Interregional Public Organization for Consumer Rights Protection “Civil Patrol”. In total, 230 educational events and 1,182 free legal consultations were organized and conducted. The High Commissioner conducted a practical session on veterans’ and pensioners’ rights protection in the Central Library named after A.N. Tolstoy.

The High Commissioner and the staff of her Office paid special attention to innovative methods of legal education, such as **museum-based educational activities and the use of the scientific and educational potential of libraries**. The round table discussion titled “Museum Pedagogy and Legal Education” was held with the participation of regional Commissioners, State Duma deputies and members of the Federation Council, representatives of the Presidential Council for Civil Society and Human Rights Development, heads and employees of a number of museums and representatives of the scientific community in the framework of cooperation with the GULAG State Historical Museum and other museums.

It should be noted that state and non-governmental institutions have stepped up their work in the field of legal education in recent years. However, the lack of a federal task-oriented program “Legal Education and Education in the Field of Human Rights and Freedoms, Forms and Methods of their Protection” restricts effective development of this direction. Similar programs are carried out in more than 50 states in accordance with the UN recommendations.

The need for its development is confirmed by sociological surveys on public awareness of the rights, forms and methods of their protection. Thus, every fifth respondent finds it difficult to answer the question whether or not his/her rights are respected; the majority of respondents (51%) believe that the human rights situation in Russia has remained unchanged over the past few years and takes a neutral stance. A relatively high proportion of citizens who find it difficult to answer the question may serve as indicator of legal literacy, self-assessment competence in matters relating to human rights observance.¹

¹ From November 20 to December 12, 2017, the Public Opinion Foundation conducted a poll of 500–800 respondents aged 18 and older in each of the 85 constituent entities of the Russian Federation with a sample size of 60,500 and the margin of error no more than 1%.
INTERNATIONAL COOPERATION
7.1. International Human Rights Component

Active globalization process is the dominant modern international phenomenon. It is assessed and seen in different ways being contradictory and diverse. Its obvious product is the emergence and development of the international component of human rights, a cornerstone of global civilization. Yet the fundamental principles of the 1948 Universal Declaration of Human Rights\(^1\) will only be implemented and become the foundation of freedom, justice and peace in the context of international security, respect for the sovereignty of states and general consensus. These fundamental principles are recognized by all ombudsmen, public human rights champions, ambassadors of goodwill, statesmen and parliamentarians from different countries.

The High Commissioner’s activities in 2017 were carried out in interaction with international organizations, cooperation with foreign national human rights institutions (NHRIs) and their associations on a bilateral and multilateral basis in the framework of this legal paradigm in order to create trans-boundary conditions and mechanisms for effective recognition of fundamental human rights and freedoms.

It is gratifying that the state bodies of the Russian Federation, as noted in the Federation Council concept document “On Current Issues of the Russian Federation Foreign Policy”, also define their goals focusing on the priorities for developing equal and mutually respectful cooperation with foreign states, interstate associations and international organizations, in fair understanding that the realization of this course towards progressive and mutually beneficial development of all participants in international processes and the creation of fair and sustainable world order is possible only with consistent commitment to universally recognized principles and norms of international law, including the United Nations Charter\(^2\), as well as the traditions and values of collective approach to address the current agenda.\(^3\)

Nevertheless, the international cooperation universalization process has its own growth problems. This topic has not lost its relevance for international community over the past 70 years since the adoption of the Universal Declaration of Human Rights.

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\(^1\) Rossiyskaya Gazeta (RG). April 5, 1995.
Rights, but, on the contrary, it has gained increased relevance within the system of measures to ensure sustainable world order. However, it has been increasingly politicized recently and used by some international organizations and Western countries as an instrument of putting pressure on Russia.

It is difficult to otherwise assess the ongoing economic sanctions policy against Russia or the obstruction of the Russian delegation’s work in the Parliamentary Assembly of the Council of Europe (PACE), an organization whose very existence purports to be the promotion of dialogue and joint search for solutions in the field of human rights protection.

Extremely depressing was the decision of the International Olympic Committee that banned the Russian team from the 23d Winter Olympic Games in 2018 but allowed them to compete under a neutral flag. The deprivation of all Russian athletes of national identity is a blatant example of the application of the flawed principle of collective responsibility carried out in violation of fundamental principles of law, the presumption of innocence, with arbitrary interpretation of the principal document of the international Olympic movement, the Olympic Charter,¹ and on the basis of questionable procedural rules that are incommensurate to the seriousness of the ruling.

The Office of the United Nations High Commissioner for Human Rights (OHCHR) regular reports on the situation in the Republic of Crimea and the city of Sevastopol are also indicative as examples of politicization in the human rights sphere. The reports contain descriptions based on data obtained from ostensibly “reliable sources”

who did not visit the peninsula, but report instances of arbitrary arrests, detentions, enforced disappearances, ill-treatment and torture.

The High Commissioner is convinced that every violation of human rights must be thoroughly investigated. However, it is assumed that every statement and even every assumption must be supported by sound evidence and justified, if such a strong statement is made.

Under all these circumstances, it is necessary to clearly realize that human and civil rights and freedoms are universal values that we respect and are ready to defend, preserve and fight for, protecting and safeguarding the dignity inherent in every human person. The High Commissioner was guided by these principles in her international activities.

7.2. Cooperation with International Organizations

The High Commissioner continued to build up activity on the platforms of statutory, treaty and other UN and the Council of Europe bodies within the framework of her mandate.

The availability of the highest accreditation status “A” to the Russian HRI not only gives the High Commissioner the right to speak in the UN Human Rights Council (UNHRC), but also grants her the right to participate in the UN international universal periodic review mechanism (UPR),1 in the work of all UN treaty bodies and special procedures, as well as regional and international coordinating committees of NHRIs. Therefore, the High Commissioner tried to make maximum use of these powers. Moreover, the A status of the national institute came to be employed by the High Commissioner in 2017 as a tool and a means of communication with universal and regional organizations, conveying the objective position of the national institution for the protection of human rights in Russia to the attention of the world community and professional human rights community.

The High Commissioner used these mechanisms to present a Parallel Report to the UNHRC Periodic Review Working Group in October 2017 as part of the UPR third round in the Russian Federation, to be held in May 2018.2

The High Commissioner repeatedly sent her comments and recommendations on the Russian Federation’s implementation of fundamental international human rights treaties to the UN human rights treaty bodies. The High Commissioner’s opinion on various aspects of human and civil rights and freedoms protection in the Russian

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1 The UN universal periodic review is used to assess the human rights situation in a given country on a quarterly basis.
Federation was presented in the framework of a number of the UN system human rights mechanisms, also during the 34th session of the UNHRC on the rights of children, where the High Commissioner spoke on the topic of “Protection of the Rights of Children in the Context of Sustainable Development Agenda 2030 Implementation”, at the 93rd session of the UN Committee for the Elimination of Racial Discrimination (CERD), where the Russian High Commissioner's comment on possible manifestations of racial discrimination was presented, and in a parallel report on the Russian Federation’s implementation of the Covenant on Economic, Social and Cultural Rights. The reports presented covered the activities of the High Commissioner with regard to the Convention and the Covenant, citing statistics on complaints received, the most pressing issues and proposed solutions.

The High Commissioner also interacted with the special United Nations procedures (special rapporteurs). Thus, a meeting was held with the UN Special Rapporteur on the negative impact of unilateral coercive measures on human rights provision.

Russia will become the host country of the FIFA World Cup, which will be held in 11 cities of the Russian Federation in the summer of 2018 (hereinafter — 2018 World Cup). It is obvious that the athletic festival has a human rights dimension. The theme

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3 The system of Special Procedures is a central element of the United Nations human rights machinery and covers all human rights: civil, cultural, economic, political, and social. Special procedures are either an individual (called "Special Rapporteur" or "Independent Expert") or a working group composed of five members, one from each of the five United Nations regional groupings. Special Procedures report annually to the Human Rights Council; the majority of the mandates also report to the General Assembly.
of sports in the aspect of combating racism and various forms of discrimination was repeatedly discussed by the High Commissioner with OHCHR, which took part in joint events in preparation for the 2018 World Cup in Russia. It should be noted that this work found a keen response in the Russian constituent entities, where Governors promptly included regional Commissioners in organizing committees for the 2018 World Cup after the High Commissioner’s request.

In addition, the High Commissioner’s cooperation with OHCHR continued throughout the year in the framework of two joint projects — the educational master degree program “International Protection of Human Rights” and the practice-oriented training course via internships for Russian-speaking representatives of Russia’s indigenous peoples. The aim of these projects is to train highly qualified national human rights champions, to train a new generation of lawyers and human rights defenders in the spirit of responsibility towards the society and to develop practical skills in the field of human rights protection.¹

The joint work of the High Commissioner and the Council of Europe continued in the framework of the Program of Priority Areas of Cooperation between the Russian Federation and the Council of Europe for 2013–2017, including the projects “Russian Public Monitoring Commission (PMC): the Next Generation” and “International Standards and Mechanisms in the Field of Human Rights for Employees of Federal and Regional Administrations of Human Rights Commissioners in the Russian Federation”.

The High Commissioner actively used human rights diplomacy methods to achieve specific goals of human rights protection, as well as objectively to inform the international community and foreign colleagues about the practice and realities of human rights activities in the Russian Federation and the role of the Human Rights High Commissioner institution therein.

The High Commissioner visited the headquarters of the Council of Europe in Strasbourg in 2017. The ombudswoman met with the Secretary General of the Council of Europe, the chairman and judges of the ECHR, the Council of Europe Commissioner for Human Rights and the Director-General of the Directorate General for Human Rights and the Rule of Law of the Council of Europe during the visit.

One of the key issues raised during the meeting with the Secretary General of the Council of Europe was simultaneous visits by ombudspersons of Russia and Ukraine to accused citizens held in pre-trial detention centres of the Russian Federation and Ukraine. An agreement in principle on the Council of Europe’s support for initiatives to establish a dialogue between the ombudsmen of Russia, Georgia, Abkhazia and South Ossetia was reached in the context of the Council of Europe’s program to strengthen confidence-building measures among member states of the Council of Europe. During his meeting with the ECHR representatives, the High Commissioner drew their attention to a number of systemic problems in the court, such as lack of transparency of complaints consideration priority, weak motivational part of some court rulings, and others.

¹ See 6.2
The High Commissioner’s cooperation with international intergovernmental and non-governmental organizations is a mutually beneficial tool that helps both sides to determine their position on key issues of human rights protection practice. This tool is especially important in current conditions of the global information society, when unproved, unreliable data collected from the Internet and other open sources influence the formation of professional attitudes and public opinion, and important decisions are made on their basis.

In this regard, the High Commissioner Institution presents an independent, objective and up-to-date source of information on human rights issues for international intergovernmental and non-governmental organizations. Personal meetings with representatives of international organizations, reports submitted to treaty bodies, speeches at international human rights seminars, round tables and conferences make it possible to convey the position of the High Commissioner on various aspects of human rights protection practice in the Russian Federation to the international human rights community.

Thus, at meetings with representatives of international organizations and in the course of difficult negotiations with diplomatic representatives of the European Union countries, the High Commissioner repeatedly raised the issue of discriminatory policy of the European Union countries with regard to Russian citizens residing on the territory of the Republic of Crimea, to whom the consular institutions of the European Union countries refuse to grant entry visas. Such sweeping discriminatory practices on the grounds of residence raises concern, since it openly contradicts the values, the adherence to which has been repeatedly proclaimed by the leadership of the European Union member countries. The High Commissioner is convinced that this important problem of mass violations of human rights with regard to freedom of movement must be on the agenda of international human rights organizations.

Due to its legal nature, the High Commissioner Institution as a national human rights organization is the link between national and international human rights protection systems, representing the Russian human rights experience in the international arena on the one hand, and adapting the recommendations of international bodies to Russian realities on the other hand.

Thus, the High Commissioner, acting in the framework of her mandate and in accordance with the recommendations of international bodies, facilitated the process of the Russian Federation’s ratification of international human rights treaties. Following analysis of citizens’ complaints and information from civil society organizations, the High Commissioner wrote letters to the Ministry of Justice of Russia and the Ministry of Health of Russia in support of ratifying the Council of Europe Convention “On the counterfeiting of medical products and similar crimes involving threats to public health”, which Russia had signed in 2011. The High Commissioner’s position was taken into consideration. The State Duma adopted Federal Law No. 439-FZ “On ratification of the Council of Europe Convention on the coun-
terfeiting of medical products and similar crimes involving threats to public health” in December 2017.¹

The High Commissioner, proceeding to work in this direction in 2018, considers it expedient to ratify the Council of Europe Convention on the Manipulation of Sports Competitions adopted in 2014 (the Russian Federation signed it in September 2014),² taking into account the 2018 World Cup in Russia.

The High Commissioner intends to continue active cooperation with international treaty bodies and other human rights protection organizations in 2018. Participation in the 37th and 38th sessions of the UN Human Rights Council, the 30th session of the Universal Periodic Review of the UN Human Rights Council, the 19th session of the UN Committee on the Rights of Persons with Disabilities, the UN Committee against torture, in the activities of the Council of Europe, the Organization for Security and Cooperation in Europe and other international intergovernmental and non-governmental organizations is planned for the year of 2018.

7.3. Cooperation with Foreign Ombudsmen

A large amount of work was carried out by the High Commissioner in the framework of bilateral and multilateral cooperation with ombudsmen of foreign countries. The most significant events in 2017 were the High Commissioner’s accession to the European Network of National Human Rights Institutions (ENNHRI), the creation of the Eurasian Ombudsman Alliance and the extension of bilateral cooperation.

The admission of the High Commissioner to ENNHRI as a full member signified recognition of sustainable human and civil rights protection mechanisms in Russia by European international community of NHRIs. ENNHRI currently includes the majority of European NHRIs.

The membership in international professional associations of ombudsmen allowed the High Commissioner and her Office representatives to share best practices in the field of human rights protection in Russia and to raise problematic issues with foreign ombudsmen at conferences, round tables and meetings held in the framework of ENNHRI.

The High Commissioner took part in the 30th annual GANHRI (Global Alliance of National Human Rights Institutions) conference “Early warning, conflict prevention and re-establishment of peaceful societies: The role of National Human Rights Institutions” (March 2017, Geneva) and in the ENNHRI General Assembly Meeting (November 2017, Brussels), where she repeatedly raised pressing issues of inadmissibility


of demolition of monuments to Russian soldiers on the territory of a number of the European Union states, attempts to falsify history, the revision of the Great Patriotic War results, the problem of non-citizenship in Latvia and Estonia, violations of Russian citizens’ rights in criminal prosecution, including the cases of K. Nikulin, V. Bout and K. Yaroshenko.

The position of the High Commissioner and the information provided to the professional community on the Russian HRI activities were positively received by GANHRI leadership and members.

The interests of human and civil rights protection in the Russian Federation and successful resolution of complaints addressed to the High Commissioner also require direct operational contacts with HRIs of other states. For this reason, the issues of bilateral cooperation take significant place in international activities of the Russian HRI. Memorandums of cooperation and mutual assistance have been concluded with Ombudsmen of 12 countries – Azerbaijan, Argentina, Armenia, Kyrgyzstan, the Netherlands, Transnistria, Tajikistan, Uzbekistan, Ukraine, Czech Republic, Turkey and Iran since the establishment of the High Commissioner Institution. The latest two were concluded in 2017: with the Chief Ombudsman of the Republic of Turkey in March and with the President of General Inspection Organization of the Islamic Republic of Iran in December. The aim of the agreements is mutual desire to improve the system of rendering assistance to citizens finding themselves in difficult life situations, or those whose rights were violated on the territory of partner countries.

Ongoing consultations were held with foreign ombudspersons on specific issues affecting the rights and freedoms of Russian citizens in the framework of previously concluded memorandums on mutual assistance, as well as during direct contacts on the margins of international forums, conferences and meetings. Thus, bilateral negotiations with Ombudsmen of Ukraine, Armenia, Lithuania, Kyrgyzstan, Moldova, Uzbekistan, Tajikistan, Kazakhstan, Poland, Turkey, senior officials of foreign states were held repeatedly.

For example, meetings were held with President of the Republic of Turkey Recep Tayyip Erdoğan, Prime Minister of the Republic of Turkey Binali Yıldırım and Chief Ombudsman of the country Şeref Malkoç during a visit to Turkey in March 2017. The ombudspersons of Russia and Turkey agreed on the development of information, scientific and practical cooperation, holding
regular bilateral consultations on the protection and observance of human rights, notifying each other of violations of the rights and freedoms of citizens of the Russian Federation on the territory of the Republic of Turkey and citizens of the Republic of Turkey on the territory of the Russian Federation.

The High Commissioner participated in international conferences in Kyrgyzstan and Uzbekistan, on the margins of which meetings were held with compatriots, heads of state authorities, as well as fellow ombudspersons of Central Asian countries, where issues of restoring the rights of citizens were discussed. Thus, following the results of the visit to Kyrgyzstan, the High Commissioner assumed individual control over all the complaints received from compatriots during the reception. Some of them were submitted for discussion to the Government Commission on the Affairs of Compatriots Abroad.

As the High Commissioner’s experience shows, persistent collective efforts undertaken in the interests of the Russian Federation citizens may solve the most difficult and complex problems.

Thus, in 2017, the situation with Russian citizen S. about which the High Commissioner wrote in her 2016 Report, received further development. The mother of Russian citizen S. applied to the High Commissioner. Citizen S. is an engineer and specialist in the field of communications, who successfully worked not only in Russia, but also in Belarus and Armenia. In May 2014, he was suddenly detained at the airport in Minsk. As it turned out later, the National Security Service of the Republic of Armenia put him on interstate wanted list for economic offence. Six months later, the Belarusian authorities handed him over to Armenian law enforcement officials, and only a year later the case was submitted to the court. Since that time, only 19 out of 48 scheduled court hearings were held. During her visit to the Republic of Armenia, the High Commissioner appealed to the Human Rights Defender of the Republic of Armenia, using the powers conferred by law to verify the legitimacy and reasonableness of S.’s detention in custody and applied for restraining measures not related to deprivation of liberty. With the support of the Human Rights Defender of the Republic of Armenia, the court of Kentron and Nork-Marash Districts in Yerevan granted the application for S.’s release on bail on August 21, 2017.

The cooperation between ombudsmen, in view of their independence from public authorities, is one of the most effective channels of humanitarian cooperation between countries with troubled interstate relations. In this connection, the High Commissioner continues active interaction with her colleague in Ukraine. A unique result of this work may be observed in the transfer to the Ukrainian side of 12 Ukrainian citizens who were serving their sentences in the Crimea at the time of its reunification with Russia. This was preceded by long and meticulous work, which required serious efforts from both sides – different schemes were worked out in the absence of clear legal norms, ways to solve this problem were sought. The transfer of prisoners became possible due to well-coordinated work of various units of the Russian Federation government bodies: the High Commissioner, the Ministry of Foreign Affairs
of Russia, the Prosecutor General’s Office of Russia, the Federal Security Service of Russia, the Ministry of Justice of Russia and the Federal Penitentiary Service of Russia.

The High Commissioner was also able to obtain from the Ukrainian side a list of 400 Russian citizens who are serving their sentences in places of detention in Ukraine, which will allow following of our compatriots’ fate in Ukraine.

In order to protect the rights of Russian citizens and compatriots abroad, as well as to guarantee the rights of foreign citizens, apatrides and refugees on the territory of Russia, various forms of transnational humanitarian cooperation were used, both within the framework of bilateral relations and in the form of multilateral associations of ombudsmen. The problem was that there was no organization that could unite the ombudsmen of the Eurasian space.

Consistently implementing the idea of creating a single Eurasian humanitarian and human rights space, the High Commissioner acted as the initiator and organizer of the International Conference “Problems of human rights protection in the Eurasian region: exchange of the best practices of ombudsmen” on December 5, 2017. The meeting was attended by ombudspersons from Armenia, Kyrgyzstan, Turkey, Iran, and...

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1 See 5.6, 5.7, 5.8.
Ukraine, as well as representatives of public authorities, experts and the human rights community.

The participants adopted a resolution based on the results of the conference in which the aspiration of a number of states to unite in a Eurasian Ombudsman Alliance (hereinafter referred to as “the Alliance”) as an international regional association promoting effective human rights protection in the Eurasian space was supported. The idea of creating the Alliance was proposed in the High Commissioner’s 2016 Report.

The signature of the Memorandum on the establishment of Eurasian Ombudsman Alliance took place in Moscow on December 5, 2017. The founding members of this new international regional association were the ombudspersons of Armenia, Kyrgyzstan, Iran and Russia. The main tasks of the Alliance are dissemination of knowledge about ways to protect human and civil rights and freedoms, cooperation in ensuring their protection, and international cooperation of the Alliance with international universal and regional human rights organizations, foreign ombudsmen and associations of ombudsmen within the authority granted to the Alliance members by their national legislation.

The membership in the Alliance is open for any state of the Eurasian geographic zone, which shares the goals, tasks and principles of the Alliance.

The humanitarian and legal integration of countries and institutions of the region on the principles of equality, mutual benefit and mutual respect is not only a response to existing objective human rights issues, but also a preventive step in view of probability of new humanitarian challenges.

The High Commissioner intends to continue extending cooperation with individual NHRIs and associations of such institutions in order to create conditions for successful promotion of universal human values and effective restoration of Russian citizens’ rights.

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CHAPTER 8
INTERACTION WITH STATE BODIES AND CIVIL SOCIETY INSTITUTIONS
8.1. Interaction with State Bodies

It is possible to successfully protect a person in trouble only in close interaction of state structures, which allows uniting their instruments in carrying out preventive and restorative measures in human rights field. In this regard, the High Commissioner actively interacts with public authorities, using various forms of cooperation: mutual exchange of information; joint receptions of citizens; mutual assistance in monitoring and verification of human rights; attraction of state bodies to consideration of citizens’ complaints; holding joint events, participation of the High Commissioner and her representatives in the work of collegiate organs, public coordinating and expert councils, invitation of state representatives.

The High Commissioner applied to the President of the Russian Federation for support in special situations connected with massive violations of citizens’ rights with great public response, as well as on systemic issues. The issues of ensuring social rights of former servicemen of Ukraine in the Republic of Crimea and the city of Sevastopol were raised; sharply increased credit load on citizens who concluded mortgage contracts in foreign currency; violations of social rights of Russian citizens living in the town of Baikonur. The High Commissioner found support from the head of state on all appeals. State authorities and officials received assignments that either were executed or remain in execution stage under the High Commissioner’s control.

The High Commissioner’s cooperation with the chambers of the Federal Assembly of the Russian Federation has been actively developing, primarily in legislation improvement issues of human and civil rights and freedoms. 35 legislative proposals were sent to relevant parliamentary committees in 2017 to improve legislation, which were largely answered, as noted above. It concerns amendments to housing and labour legislation, health care legislation, holding public events and others.¹

Worthy of special mention is the fruitful cooperation with the State Duma Committee for the Development of Civil Society, Issues of Public and Religious Associations and the Federation Council Committee on Constitutional Legislation and State Building in amendment of the chambers’ regulations in respect to submission procedure for the High Commissioner’s Annual Report.²

¹ See 6.1
8.1. INTERACTION WITH STATE BODIES

It is now specified in regulations of the both chambers that the annual Report on the activity of the High Commissioner for Human Rights in the Russian Federation shall be considered at subject committees’ meetings, presented at the State Duma and the Federation Council plenary sessions and resolutions shall be taken on its basis with the proposals implementation instructions. In accordance with this procedure, the Annual High Commissioner’s Report was considered at meetings of two committees of the State Duma, and the resolutions of the Federal Assembly chambers were taken following the results of its consideration at the plenary sessions for the first time in the practice of parliamentary activity.


The High Commissioner considers citizens’ complaints provided by the State Duma deputies and the Federation Council members in addition to joint work on legislation improvement and participation in public events. The High Commissioner received 359 such complaints in total (344 – from the State Duma deputies, and 15 – from the Federation Council). Most of them referred to the protection of citizens’ rights violated
during inquiry and preliminary investigation; observance of punishment serving conditions in penitentiary facilities; revision of pronounced sentences, judgments and court decisions enforced for specific criminal cases; citizens’ housing rights observance issues. The High Commissioner carried out inspections for each petition, sent inquiries and conclusions to competent state bodies, which in a number of cases resulted in reduction of court sentences, transfer from custody to home arrest, restoration of labour rights of employees, bringing the guilty officials to administrative responsibility, assistance in organization of vehicles access to medical institutions and other matters.

Constructive relationship was built up with the Government of the Russian Federation. 15 appeals were sent to the Government of the Russian Federation concerning the strengthening of social and economic guarantees of human and civil rights and freedoms. In particular, the High Commissioner appealed on the issues of subsidies to be received by citizens leaving the regions of the Far North and equated localities; realization of housing and social rights of Russian citizens living in the town of Baikonur; setting up a unified teaching standard for human rights course in higher and secondary educational institutions; settlement of situation with the “Platon” system; payment of compensation to citizens, affected by resolution of crisis in the Chechen Republic, and a number of other issues.

The High Commissioner took or takes appropriate measures on all the complaints to support mortgage borrowers in foreign currency, payment of salary ar-
rears to employees of the “Vostochny” space port, the development of the Human Rights education course for higher educational institutions as an elective or optional subject (module).

The High Commissioner and her representatives take part in the work of the relevant commissions under the President of the Russian Federation, government and interdepartmental commissions to strengthen business ties with governmental and non-governmental institutions: Commission under the President of the Russian Federation on State Awards; Commission under the President of the Russian Federation for the Disabled; Government Commission on Legislative Activities; Government Commission for Crime Prevention; Government Commission on the Affairs of Compatriots Abroad; Government Commission on Juvenile Rights and Affairs; Government Commission on Migration Policy; Interdepartmental Commission for the Council of Europe; Interdepartmental Commission on Decision-making Concerning Compensation to Creditors for Mortgage Housing Loans; Public Commission under the President of the Russian Federation to nominate candidates for the National Award for Outstanding Achievements in the Field of Human Rights and the National Award for Outstanding Achievements in Charitable Work (as Chairperson).

The High Commissioner finds understanding from judicial authorities in matters of court decisions review, support of proposals for judicial practice adjustment, participation of judiciary representatives in the High Commissioner’s activities.

Thus, the Supreme Court of the Russian Federation reviewed six enforced judgments on the High Commissioner’s request.

The Supreme Court judges of the Russian Federation participated in a joint seminar of the Commissioners for Human Rights in the constituent entities of the Russian Federation and Children’s Rights Commissioners held on December 12–13, 2017, in the framework of human rights education at the invitation of the High Commissioner. They addressed the participants of the event and answered pressing questions. The judges also took part in a meeting of the Coordinating Council of Russian Human Rights Commissioners on the protection of the rights of people with disabilities held on December 14, 2017.

In turn, the High Commissioner prepares relevant conclusions on specific legal issues by inquiries of judges, comments on draft laws, promotes the formation of judicial practice through participation in the work of the Supreme Court working groups of the Russian Federation in Plenum resolutions development and participates in the work of the judicial community.

The High Commissioner took part in a workshop meeting at the Supreme Court of the Russian Federation on February 28, 2017, with participation of chairmen of the supreme courts of the republics, territorial, regional and equated courts of general jurisdiction. In the framework of the event, the High Commissioner drew attention to a large number of citizens’ complaints regarding revision of specific court decisions and observance of the right to a fair trial, especially in the sphere of housing.
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The High Commissioner representatives participated in meetings of working groups on the development of the Supreme Court Plenum resolutions on the specifics of utilities bills payments and other issues related to the housing rights of Russian citizens, criminal cases of fraud, misappropriation and embezzlement, as well as application of legislation regulating criminal trials in courts of primary jurisdiction.

The interaction of the High Commissioner with the Constitutional Court of the Russian Federation allows to identify and eliminate gaps in the current legislation through law enforcement practice analysis. The High Commissioner sent two conclusions to the Constitutional Court of the Russian Federation in 2017: on the complaint of T. and Y. about violations of citizens’ electoral rights by the Russian Federation Central Election Commission in authentication of the list of candidates nominated by a political party in single-mandate electoral districts and on the complaint of Sh.M. and Sh.A. on granting priority housing to a disabled person only together with family members. The High Commissioner also expressed her position on the complaint of A., D., R., and V. on violation of the constitutional right to a fair court trial. The arguments presented by the High Commissioner on these cases were taken into account when forming the relevant positions of the Constitutional Court of the Russian Federation.

In accordance with the decision of the Constitutional Court of the Russian Federation on the case of Sh.M., the courts of general jurisdiction are given the right to take decisions in specific cases to provide housing not only to disabled children who have an advantage, but also to their families living with them.¹

The High Commissioner’s position on the case of A. and others was brought to the attention of the Constitutional Court of the Russian Federation during proceedings, stating that Article 392 of the Civil Procedure Code of the Russian Federation does not provide for extended interpretation. The Constitutional Court of the Russian Federation recognized that Article 392 (Part 4, Paragraph 5) of the Civil Procedure Code was incorrectly applied in general jurisdiction court trials.²

The High Commissioner traditionally actively interacted with law enforcement and supervisory authorities, where about 4,500 appeals were submitted.

Fruitful cooperation was carried out with the Prosecutor General’s Office of the Russian Federation, the Investigative Committee of the Russian Federation and the Federal Penitentiary Service with regard to human rights protection during criminal prosecution and in places of detention. About 300 appeals were submitted to prosecuting authorities for inspection of citizens’ specific complaints and requests on provision of relevant materials, over 150 appeals were submitted to investigative bodies of the Investigative Committee of the Russian Federation, over 245 appeals were submitted to Federal Penitentiary Service of Russia.

¹ See 5.2
² See 5.4
More than 20 inspections were carried out for the most resonant appeals of citizens, including supervisory activities with the participation of the Russian Federation General Prosecutor’s Office, the Russian Federation regional prosecutor’s offices (the Republic of Tatarstan and the Ryazan Region), and Commissioners for Human Rights in the Republic of Tatarstan, the city of St. Petersburg, the Tomsk Region.

A positive result in restoration of labour rights of citizens was achieved in the framework of G.’s complaint inspection, carried out by the High Commissioner together with prosecuting authorities and the Commissioner for Human Rights in the Republic of Tatarstan. The fact of unjustified deprivation of incentive payments was established based on the inspection results. The prosecuting authorities issued an instruction to the employer — to resolve the question of applicant’s award, which was enforced. In addition, the employer was brought to administrative responsibility in the form of warning, and the guilty official was found administratively liable and ordered to pay a fine.

The High Commissioner and her representatives take an active part in the work of coordinating and advisory bodies of Federal State governmental authorities, using this opportunity to work out coordinated actions on a wide range of issues related to human rights. In turn, the High Commissioner initiates meetings with the participation of government officials.

In 2017, the High Commissioner and the staff of her Office took part in meetings of the Ministry of Justice board and the Ministry of Internal Affairs board, in the seminar-meeting in the Supreme Court of the Russian Federation with the heads of regional courts, extended meeting of the Federal Penitentiary Service board, the Federal Bailiffs Service, extended meeting of the Prosecutor General’s Office board.

On September 19–21, 2017, the High Commissioner visited the Chechen Republic to verify the arguments of complaints about violations of the rights of citizens residing in the Chechen Republic and for personal acquaintance with documents and other materials on this matter. The High Commissioner held a meeting with representatives of law enforcement, control and supervisory bodies of the Chechen Republic, and during the visit, the information was obtained about residents of the Republic, which were indicated in the complaints. The High Commissioner appealed to the Prosecutor General of the Russian Federation with a request to follow up the issue of citizens’ procedural rights observance in initiated criminal cases and the performance of procedural inspections.

Broad participation of government representatives was ensured during the joint seminar of the Commissioners for Human Rights in the constituent entities of the Russian Federation and Children’s Rights Commissioners in December 2017, in which representatives of the President of the Russian Federation Administration, heads of relevant committees of the Federal Assembly of the Russian Federation, Federal ministries, agencies, control and law enforcement agencies took part.¹

¹ See 8.2
The interaction of the High Commissioner with state bodies of the constituent entities of the Russian Federation (regional state bodies) received further development. The High Commissioner submitted 54 appeals to regional legislative (representative) state bodies, and 924 appeals to executive bodies. Over 30 working meetings took place with heads and chiefs of legislative (representative) bodies of five constituent entities of the Russian Federation (the Belgorod, Vladimir, Arkhangelsk Regions, the Khabarovsk Territory, the Chechen Republic).

Several Federal level events were held on the territory of the Vladimir Region with support and direct participation of this subject Governor.

The city of Vladimir hosted the Coordinating Council of Russian Human Rights Commissioners on July 25, 2017 on the issues of observing the environmental rights of citizens. The youth human rights session and a meeting of young human rights defenders from all over Russia with regional Commissioners were held from July 19 to July 26, 2017, for the first time at the initiative of the High Commissioner in the framework of the Russian Educational Youth Forum “Terra Scientia on Klyazma River”.

One efficient tool to increase the effectiveness of the High Commissioner’s interaction with Federal government bodies are agreements on cooperation in the field of human rights protection.

In 2017, the High Commissioner exchanged information, developed joint solutions on restoration of violated rights of citizens and resolved issues of systemic nature on the basis of agreements concluded with the Ministry of Defence of the Russian Federation, the Ministry of the Russian Federation for Civil Defence, Emergencies and Elimination of Consequences of Natural Disasters, the Investigative Committee of the Russian Federation, the Federal Bailiffs Service, the Central Election Commission of the Russian Federation, the Chief Military Prosecutor’s Office and the Prosecutor General’s Office of the Russian Federation.

The High Commissioner concluded a bilateral agreement on cooperation with the Ministry for Civil Defence, Emergencies and Elimination of Consequences of Natural Disasters of the Russian Federation on February 3, 2017. This document was signed to improve the system of rendering assistance to citizens in difficult life situation, interaction of state authorities and civil society, including the protection of rights of the Federal Fire Service employees and other officials of the ministry.

A promising area for the High Commissioner’s interaction with public authorities is the conduct of joint inspections and receptions of citizens with the use of a video-conferencing system. As practice has shown, this form of interaction contributes to the increase of work effectiveness aimed at solving systemic problems in the field of human rights and freedoms protection, therefore its further application requires careful detailed elaboration.

1 See 8.2
2 See 6.2
Measures to protect human rights adopted by state authorities, local authorities and civil society institutions, could be more efficient according to the High Commissioner, if they are based on official view system for goals, priorities and mechanisms of state bodies’ and public organizations’ action in the field of ensuring the observance and protection of citizens’ rights and freedoms, determined for long-term and medium-term perspective. A number of program documents that determine the state policy in various spheres of society, including the National Security Concept of the Russian Federation, the National Women’s Strategy for 2017–2022 and others are effective presently. They reflect issues related to the observance and protection of citizens’ rights. However, there is no systemic vision of ways to solve the problem of observing and protecting human and civil rights and freedoms.

The development of a unified program document — the National Strategy of State Policy in the Field of Observance and Protection of Human Rights and Freedoms in the Russian Federation shall determine the priority areas for improving the interaction of state authorities, local governments and other organizations in the field of human and civil rights and freedoms protection. It should be a comprehensive document, intended for interaction and coordination of all government bodies with the involvement of civil society institutions. The adoption of the national program will raise the protection of human rights in Russia to a qualitatively new level; promote active, targeted and effective distribution of national views on the system of human rights and freedom values in the country and the world.

8.2. Collaboration with Commissioners for Human Rights in the Constituent Entities of Russia

The synergy of potentials of the High Commissioner and the regional Commissioners enhances the possibilities of human rights watch many times over. The High Commissioner pays special attention to developing and strengthening her interaction with the colleagues, regional ombudsmen, based on the legislation of the Russian Federation and the standards of international law on development of independent national institutions for encouragement and defense of human rights and basic freedoms.1

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Formation of the unified system of the state human rights protection throughout the territory of the Russian Federation was initiated over 20 years ago and complete in 2016. All the 85 constituent entities of Russia have enacted special laws on regional Commissioners based on which the appropriate appointments of officials by regional legislative bodies were made or elections were held.

The annually increasing number of complaints coming to regional Commissioners is a sure sign of increasing citizens’ confidence in these institutions. In 2017, the total of over 200,000 appeals came to ombudsmen all over the country. As the result after reviewing the former, many unjust court judgments were reversed, unlawful and unjustified ordinances of administrative officials were voided, violated rights of citizens were restored, indemnification for moral and property damage was paid, and the good name of those innocent persons who were aggrieved through criminal prosecution was restored.¹

The federal and regional Commissioners constitute a unique two-tier system of the state human right protection activity within which they enjoy the status of independent bodies. The established mechanism for the interaction of the federal and regional Commissioners ensures compliance with the uniform approaches to resolving overall human rights issues and in specific cases where it is necessary to unite the efforts aimed at restoring the rights of citizens.

For organizational and legal purposes, this is insured through approval by the High Commissioner of the candidates at the time of their appointment.

¹ Detailed information on the work of regional Commissioners is contained in the “Human Rights Map of Russia.”
and discharge from the office of regional Commissioners in compliance with Article 16.1 of the Federal Law "On General Principles of Organization of Legislative (Representative) and Executive Bodies of State Power in the Constituent Entities of the Russian Federation". In 2017, the High Commissioner agreed the candidates in 13 constituent entities: the Republics of Altay, Mordovia and Sakha (Yakutia), Kabardino-Balkar and Chuvash Republics, the Rostov, Sakhalin, Irkutsk, Magadan, Tula and Leningrad Regions, the Perm Territory and in the City of Saint-Petersburg.

Each approval procedure was preceded by the examination by a specially appointed commission at the High Commissioner's Office of the documents submitted for the candidate by the legislative body. It aims at verifying them to be complete and in compliance with the requirements of the effective legislation, examination of his/her human rights experience, biography, and is followed by an interview. In 2017, the documents of 9 candidates were sent back because the candidates or the documents submitted were not in compliance with the established criteria. The High Commissioner is of the opinion that the approval procedure must be further perfected. More specifically, the possibility of including in the Commission on Regional Commissioners not only the officials from the High Commissioner's Office but also independent experts should be considered.

Besides, it was pointed out that the newly elected regional Commissioners need to receive some hands-on training. The topics, methodology, and procedure of conducting such training by the High Commissioner is being elaborated.

The key elements of interaction between Commissioners for Human Rights are as follows: joint reception of citizens; providing mutual assistance in resolving issues; coordinating councils; holding joint events; exchange and dissemination of experience in human rights protection; regional Commissioners’ participation in the work of the Expert Council under the High Commissioner.

In order to conduct joint receptions of citizens with participation of the regional government authorities the High Commissioner visited the Republic of Tatarstan (on June 30), the Khabarovsk Territory (on September 12), the Chechen Republic (on September 19–20) and the Republic of Crimea (on November 26). The result of such work was the resolved issues of providing medical care, restoring the rights to freedom and personal integrity — prisoners were transferred to serve their sentences closer to their place of residence, re-housing a number of people from unfit for use housing and other issues.

In 2017, there appeared a new positive experience of receiving citizens via video-conference calls. By these means, contact with residents of the Kabardino-Balkar and Chechen Republics, the Jewish Autonomous Region, the Sverdlovsk, Ivanovo and

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Yaroslavl Regions was established with participation of Commissioners for Human Rights, as well as the top officials of government authorities in the constituent entities of Russia. As the result of such video receptions, citizens received assistance in resolving the following life situations: they received free medications, a disabled child received an appropriate hearing aid, indemnities were paid out for damages incurred as the result of natural calamities, a person from the category of orphaned children left without parental care received housing, the court ruling on payment of child support arrears was enforced, missing persons application was supported with the relevant authorities.

Partnership is always about mutual assistance. In 2017, the High Commissioner received 415 applications from regional Commissioners asking for assistance in resolving issues related to human rights protection (in 2016, there were 287 applications).

Most frequently, regional ombudsmen asked for assistance in cases related to the conditions at temporary detention cells and investigatory isolation cells, the conditions of serving a sentence in correction institutions, as well as about issues related to conducting inquests and preliminary investigations, military service and service in law enforcement units (Figure 44).

In her turn, the High Commissioner also appealed to regional Commissioners for assistance in resolving 96 specific complaints of citizens in 2017 (Figure 45).

As of today, joint inspections and monitoring conducted by the federal and regional Commissioners to ensure that citizens’ rights in one or another area of social relations are protected is widely used.
8.2. COLLABORATION WITH COMMISSIONERS FOR HUMAN RIGHTS IN THE CONSTITUENT ENTITIES OF RUSSIA

Thus in the course of preparation for the single voting day on September 10, 2017, the High Commissioner together with regional ombudsmen in compliance with the recommendation of the Central Electoral Commission of Russia conducted monitoring of the polling stations premises in order to check their accessibility for persons with impaired mobility.\(^1\)

In this area, there was a successful cooperation between the High Commissioner and the ombudsman in the Khabarovsk Territory on the issue of repaying wage arrears to over 6 thousand employees (including the former ones) of the Federal State Unitary Enterprise “Main Military Construction Office No. 6”; cooperation with the Commissioner in the Krasnoyarsk Territory on the issue of defending the rights of convicted offenders in connection with the conditions of their imprisonment in correction institutions; with the Sevastopol Commissioner on the issue of registration of former Ukrainian servicemen at their place of residence taking into consideration the address of the military commissariat; with the Commissioner in the Chechen Republic on the issue of human rights observance during criminal prosecution, searching for missing persons, indemnification for moral and material damages.

During the past year, regional ombudsmen sent 39 proposals to the High Commissioner’s Office on the improvement of legislation related to the enforcement of human rights and freedoms. Some of them were supported and forwarded to the appropriate bodies of state power for implementation.

Thus, the Leningrad Region Commissioner proposed the amendments to Federal Law No. 181-FZ as of November 24, 1995 “On Social Protection of Disabled Persons in the Russian Federation” related to transferring the authority to control the implementation of

\(^1\) See 2.1
the relevant legislation to Russia’s constituent entities and at the same time investing the officials of the social protection bodies with authority of subjects of proceedings in cases on offences listed in Article 9.13 of the Code of Administrative Offences of the Russian Federation (Non-implementation of disabled accessibility requirements at objects of engineering, transport and social infrastructures). This initiative provided the basis of legislative proposals sent by the High Commissioner to the Chairman of the Russian Federation Government that were reflected in Federal Law No. 116-FZ as of June 7, 2017 “On Amending the Federal Law ‘On Social Protection of Disabled Persons in the Russian Federation’”.

One of the most important areas of mutual cooperation of federal and regional Commissioners in lawmaking is elaboration of a strategic document - the draft Federal law “On General Principles of Organization and Operation of Commissioners for Human Rights in the Constituent Entities of the Russian Federation” which is being developed together with the Federation Council Committee on Constitutional Legislation and State Building.

Upon the High Commissioner’s request, 17 regional Commissioners were included into the working group under the Federation Council Committee on Constitutional Legislation and State Building, which gives them an opportunity to participate in drafting of the above draft law.

When the single regulatory document providing additional guarantees for regional Commissioners’ activity is adopted at the federal level, it will contribute to enhancing their status, broadening their competence, unifying the methodological approaches to development of the state system for human rights protection in Russia.

Traditional venues for the exchange of experience in resolving the most acute issues in ensuring human and civil rights and freedoms are the Council of the Commissioners for Human Rights (hereinafter referred to as “the Commissioners Council”) which is comprised of the High Commissioner and the regional Commissioners – chairpersons of the Coordinating Councils of the federal districts and the Coordinating Council of Russian Commissioners for Human Rights (hereinafter referred to as “the Coordinating Council”).

In 2017, four meetings of the Commissioners Council and two meetings of the Coordinating Council were held with a very broad human rights agenda. The discussions were focused on the issues of defending the right to a favourable environment and legislative support for the activities of regional Commissioners (July 24–25, 2017, Vladimir), issues related to protecting the rights of the disabled (December 14, 2017, the village of Anosino of the Moscow Region). The joint decisions taken and recommendations elaborated at the meetings of the Coordinating Council were forwarded to the appropriate government bodies.

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2 See 6.1
Before each of the Coordinating Council meetings took place, Bulletin of the High Commissioner was issued where analytical materials by regional Commissioners and representatives of the academic community on the most important human rights issues were accumulated. In 2017, the Bulletin issues were devoted to the protection of ecological rights (June 2017) and to ensuring the rights of persons with disabilities (December 2017).

In order to improve the organizational and legal status of the Coordinating Council, its Regulations were revised and amended. Thus, the procedures for its organization and functions, the authority of regional ombudsmen as its members were ensured; the procedure of decision-making and preparation of proposals for the government authorities, local self-government authorities and officials was determined to optimize legislation and law enforcement procedures for defending the rights and freedoms of people.

The High Commissioner took part in a number of meetings of the Coordinating Councils of the Commissioners for Human Rights in the constituent entities of the Russian Federation, comprising the federal districts. During the meetings in the Far Eastern, North Caucasian, Northwestern, Siberian, Ural and Southern Federal Districts, issues related to upgrading the healthcare system, protecting the rights of citizens with mental health disorders, organization of regional Commissioners’ activities, transportation accessibility of medical institutions, availability of medications, provision of TMR and vouchers for health resort treatment, realization of the right to a favourable environment, restoration of the rights of citizens who suffered damages as a result of natural calamities, etc.

The joint seminar of Russian Commissioners for Human Rights and Children’s Rights Commissioners organized in December 2017 and supported by the

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1 Adopted by the participants of the meeting of the Coordination Council of Russian Human Rights Commissioners on December 14, 2017
Administration of the President of the Russian Federation was of a significant practical importance. In the course of the seminar, the ombudsmen shared the best practices of resolving the urgent issues of ensuring social, civil and political rights of people, as well as the experience of organization of cooperation with law enforcement and other state institutions that ensure human rights protection. Besides, within the framework of the workshop, for the first time ever team-building activities were conducted in the course of which the existing mechanisms of human rights defense and possible ways of improving those were discussed.

In the course of the meeting, the Commissioners had a conversation with First Deputy Chief of the Administration of the President of the Russian Federation Sergey Kirienko, heads of 15 federal bodies of executive and legislative power, as well as with the judges of the Supreme Court of the Russian Federation. As the result of the meeting, all the Commissioners recognized such format of interaction as highly productive.

Besides, at the initiative of the High Commissioner, regional ombudsmen took an active part in the all-Russia human rights education activities; among others, in the All-Russian Open Lesson “HUMAN RIGHTS”, as well as in the Legal Marathon for Pensioners which currently have become really popular.

In December 2017, many regional Commissioners participated in the International Conference “Problems of human rights protection in the Eurasian region: exchange of the best practices of ombudsmen”, which was organized by the High Commissioner together with RUDN University, MGIMO University, the Diplomatic Academy of Russian Foreign Ministry, and the Commissioners for Human Rights in Moscow and the Moscow Region.

Several of the regional Commissioners were present at the signing ceremony of a Memorandum on the establishment of Eurasian Ombudsman Alliance and the 12th High Commissioner’s medal “Hasten to Do Good” award ceremony.1

Regional Commissioners have an opportunity to share their experience through the information and education project “Human Rights Map of Russia” and disseminate information about the best human rights practices in their constituent entity on the official website of the High Commissioner.2

Another form of interaction of the federal and regional Commissioners is the membership of the latter in the Expert Council under the High Commissioner, members of which are the Commissioners for Human Rights in the Republic of Tatarstan, the Voronezh Region, the Moscow Region and Moscow.

One of the strongest guarantees of the regional Commissioners’ independence is that they have their own working staff. However, in a number of regions organizational, information and analytical, advisory and other types of support for a regional Commissioner is provided by executive power bodies. Such is the situation in the

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1 See 7.3
2 See 6.2
Republics of Buryatia, Komi, Tyva, in the Kamchatka Territory, the Volgograd, Vologda, Ivanovo, Kurgan, Magadan, Pskov, Ryazan, Tyumen, Ulyanovsk and Chelyabinsk Regions, the Nenets, Khanty-Mansi, Chukotka and Yamalo-Nenets Autonomous Areas, in the Jewish Autonomous Region.

The High Commissioner considers this situation unwarrantable because it is not commensurate with the status and responsibilities that are defined by the legislation for Commissioners for Human Rights. In this regard, it is recommended to the leadership of the legislative (representative) bodies and the heads of the above listed constituent entities of the Russian Federation to resolve this issue within 2018.

8.3. Cooperation with Civil Society Institutions

The High Commissioner’s practical activity rests on the partnership relations with various institutions of civil society. Particular attention is paid to cooperation with social associations and other non-profit organizations that monitor human rights observance, provide legal assistance to victims of unlawful activities and human rights education. In the opinion of the High Commissioner, these very institutions formed on a voluntary basis, protected from arbitrary regulation and direct interference of business and government to a large extent express the citizens’ interests, hopes, freedoms, wishes and needs.

In 2017, the liaison with the Civic Chamber of the Russian Federation was intensified. The cooperation took various forms. Last year, the High Commissioner received 49 appeals from the members of the Civic Chamber of the Russian Federation and the staff employees on the issues of guarantees of human rights during criminal proceedings and defense of human rights in detention facilities. Those appeals were admitted for examination, and the Prosecutor’s Office carried out appropriate investigations into those situations.

The High Commissioner’s Office took part in “zero readings” of draft federal laws conducted by the Civic Chamber of the Russian Federation.

Thus, on September 19, 2017, a representative from the High Commissioner’s Office took part in a “zero reading” of draft federal law No. 2439757 “On Amending Article 302 of the Civil Code of the Russian Federation” which allowed to work out coordinated approaches to protecting the rights of bona fide purchases.

In 2017, the High Commissioner joined the working group of the Civic Chamber of the Russian Federation on forming and cooperation with Public Monitoring Commissions (hereinafter referred to as “PMC”). Such coordinated work with the Civic Chamber of the Russian Federation and the Presidential Council for Civil Society
Chapter 8.

INTERACTION WITH STATE BODIES AND CIVIL SOCIETY INSTITUTIONS

and Human Rights (hereinafter referred to as “CHR”), as well as support of the appropriate initiative by the deputies of the State Duma facilitated the adoption of the Federal Law establishing the procedure for additional nomination of candidates for PMC of the corresponding constituent entity of the Russian Federation with the participation of the High Commissioner and a CHR representative. Now the decision on addition can only be made by the Council of the Civic Chamber of the Russian Federation but the High Commissioner and CHR or PMC and/or the three public associations that have the right to take part in nominating the candidates for PMC may initiate the examination of this issue.

Productive relations have been formed with the Presidential Council for Civil Society and Human Rights, the members of which sent 11 appeals to the High Commissioner’s Office in defense of the rights of certain citizens and the High Commissioner took appropriate measures.

The High Commissioner regularly takes part in the CHR meetings. The High Commissioner presented her vision of resolving issues at the meeting on “Consolidated Report of the Monitoring Working Group (MWG of CHR) and the Prospects for Development of Election Legislation” during a special meeting devoted to ensuring the rights of citizens for health care and favourable environment during consumer waste treatment. In October 2017, the High Commissioner also took part in the meeting of the President of the Russian Federation with the CHR to discuss measures aimed at implementation of the Concept of State Policy on commemorating the victims of political repressions and also the opening of the “Wall of Mourning” monument dedicated to the memory of the victims of the Great Terror.

It has become the practice for the High Commissioner and the Chairman of the CHR to jointly participate in the events at federal and regional levels on human rights issues.

Thus, in November 2017, the venue for the joint dialogue of the High Commissioner with the members of the CHR was the interregional forum “Arctic — a Special Level of Human Rights” which was organized by the Commissioner for Human Rights in the Arkhangelsk Region. The High Commissioner and the members of the CHR discussed a number of issues related to protection of human rights in the Far North areas, the social guarantees for the residents of subarctic territories. In addition, at the forum venue the High Commissioner held a meeting with Governor of the Arkhangelsk Region Igor Orlov and as a result successful resolution was found for some pressing human rights issues, which were urgent for the residents of the region.

Such format of cooperation ensures seamless work of the two most important human rights institutions.

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The High Commissioner pays great attention to cooperation with public human rights organizations. Taking into consideration that ensuring human rights and freedoms of the citizens, observing and respecting them by public authorities are common goals for the High Commissioner and non-profit organizations, such dialogue is conducive to prompter detection of citizens’ rights and freedoms violations, of systemic problems in the human rights sphere and to implementation of measures to address them.

While cooperating with human rights non-profit organizations, it is of significant importance to examine their appeals, as well as to hold joint meetings. Such formats allow the High Commissioner to obtain valuable information on human rights situation in various spheres of society and on “pressure points” of citizens’ rights observance that require the High Commissioner’s intervention.

In 2017, the High Commissioner’s Office received 123 appeals on legislation improvement from a number of human rights non-profit organizations: all-Russian public movement “For Human Rights” (69 appeals), the Moscow Helsinki Group (25), the Human Rights Center “Memorial” (8), the Foundation “For the Defense of Prisoners’ Rights” (8), the Civil Assistance Committee, autonomous non-profit organization “Center of Housing and Housing Rights Protection”, the Public Verdict Foundation, the Russian Public Organization “The Committee of Soldiers’ Mothers” and many others. The subject of appeals covered the issues of restoring citizens’ rights violated during inquiry and preliminary investigation; compliance with the requisite conditions of detention for citizens in pretrial detention centers and penitentiary facilities; appeals against valid judicial decisions, rulings and judgements of the courts against certain citizens; appeals against actions of the Military Recruitment Office staff.

Director of the all-Russian public movement “For Human Rights” Lev Ponomarev appealed to the High Commissioner in defense of the rights of K., a former employee of LLC “Cement Construction Company” (hereinafter referred to as LLC “CCC”) in connection with K.’s wage arrears. Earlier LLC “CCC” was declared bankrupt and bankruptcy proceedings were initiated against it. In relation to the defense of K.’s rights the High Commissioner sent an appeal to the Prosecutor’s Office of the Republic of Komi. As the result the prosecutor of the city of Vorkuta filed a claim with the Vorkuta City Court for collection in favor of K. of the wage arrears, monetary compensation for the delay in payment and compensation for moral injury. In accordance with the information received from the acting prosecutor of the city of Vorkuta, the prosecutor’s claims were satisfied in September 2017, enforcement procedure to recover the money from the LLC “CCC” in favor of K. was initiated.

In 2017, the High Commissioner held dozens of meetings in various formats with the representatives of public human rights organizations to discuss the most important human rights issues.

Thus, on September 20, 2017, during the working business trip to the Chechen Republic the High Commissioner met with the representatives of human rights non-profit
organizations. This meeting was also attended by the representatives of the Civic Chamber of the Chechen Republic and the regional Commissioner for Human Rights in the Chechen Republic. During the meeting issues of developing civil society were discussed, a number of issues were raised that require the involvement of the federal state authorities. The dialogue with the human rights community of the Chechen Republic allowed to identify problems related to searching for the missing persons, difficulties in obtaining indemnification for moral injuries and material damages for the victims, violation of the human right for free movement, provision of grants to the public organizations of the Chechen Republic.

Constructive relations are being established with non-profit social organizations the activity of which is significant for the human rights defense system in Russia. The assistance provided by such organizations to the socially vulnerable groups of population in their socialization and adaptation, support in the implementation of their rights and freedoms, including by expanding the opportunities for equal and full-scale participation in the social life is invaluable.

For a number of years, a productive cooperation with the regional public organization “Charity Center ‘Partnership in Destiny’” has been ongoing. The activity of the Center is aimed at protecting the rights of orphaned children and children left without parental care: the Center provides free legal assistance; participates in court proceedings to defend housing and property rights of orphaned children; drafts proposals for improvement of the legislation aimed at defending the rights of orphaned children.

The High Commissioner cooperates with the socially significant project “Protect Your Housing!” on issues of defending property rights of families with minor children.

With regard to support for large families, talented children, youth and disabled persons, as well as promotion of social, educational, cultural and sports projects the High Commissioner collaborates with the Revival and Hope Foundation and as the result, in 2017, it was possible to hold several charity events and forums for children.

Joint events are held together with the All-Russia Public Opinion Foundation and the All-Russia Public Organization “Association of the Lawyers of Russia” with which agreements on cooperation were signed in 2017. These agreements provide for joint projects pertaining monitoring of the state of human rights protection, cooperation on issues of legislation improvement, legal education, analysis of law-enforcement practice.

In order to exchange experience on citizens’ rights protection and identification of law enforcement issues in 2017, a meeting with the representatives of the Council of Young Lawyers of Moscow was held to discuss a number of issues related to detention conditions of the accused, admission of guilt, enforcement of the right for free healthcare, protection of labour rights, promotion of training and educational projects for paralegals and legal trainees. In addition, during the meeting, another
systemic problem was identified that was related to the violation of the rights of disabled persons as the result of the reversal of valid judicial decisions on social payments. Later on, the High Commissioner adopted a set of measures to defend the rights of citizens in such situations.

In accordance with Article 36.1 of Federal Constitutional Law No. 1-FKZ “On the High Commissioner for Human Rights in the Russian Federation”, the High Commissioner is entrusted with the function of interaction with Public Monitoring Commissions. Performing this function, the High Commissioner and the staff of her Office together with the civic chambers of the constituent entities of the Russian Federation jointly participate in selecting candidates for PMCs, training the PMC members, resolving conflict situations that may arise in the regional commissions, ensure advisory and methodological support for PMCs on problematic issues in their activity, study and disseminate positive work experience.

In 2017, the High Commissioner received 6 appeals from PMCs, three of them concerned non-admission of the Saint-Petersburg PMC representatives to police departments. The appeals were forwarded to the Prosecutor’s Office for inspection and adoption of appropriate measures. In the course of the inspection, guilty internal affairs officers were identified and brought to responsibility, a joint meeting was held with participation of the PMC representatives, the Prosecutor’s Office and the Main Division of the Ministry of Internal Affairs of the Russian Federation in the city of Saint-Petersburg, measures were worked out to ensure the public monitoring of the detention facilities under the internal affairs agencies.

Currently, PMCs are established in 81 constituent entities of the Russian Federation, the total number of the members of the commissions is 1,042 people. The work is under way to establish such commissions in the Nenets and Chukotka Autonomous Areas, as well as in the Kamchatka and Trans-Baikal Territories.

In September 2017, the High Commissioner supported the initiative of the CHR on the need for an additional recruiting to those PMCs, where the number of members did not allow to effectively carry out public monitoring, and sent the appropriate proposal to the Civic Chamber of the Russian Federation. However, according to the information received from the representatives of the Civic Chamber of the Russian Federation, over 25% of the applications received did not meet the requirements established by law. For this reason, no new member of PMCs was appointed in a number of constituent entities of the Russian Federation. The human rights community repeatedly expressed the opinion about the lack of sufficient legislative mechanism of establishing PMCs in the constituent entities of the Russian Federation, as the result of which in some cases it was impossible to establish a PMC at the required high professional level.

\footnote{For example, in the Jewish Autonomous Region; Murmansk and Tver Regions. The Republic of Tuva, the Amur and Magadan Regions did not submit any applications for nominations.}
In order to further promote the activities of PMCs it would be useful to study the experience of various models of National Preventive Mechanisms in the countries which ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “Optional Protocol”). Thus, in the Republic of Kazakhstan, such preventive mechanism, the activity of which is very close to the activity of PMCs, is functioning under the direct involvement of the Commissioner for Human Rights in the Republic of Kazakhstan who is endowed with significant functions as regards to coordination of its activities.¹

The advantages of the National Preventive Mechanism include ensuring the maximum transparency of detention facilities,² as well as considerable support for its activity both from the member-states, and at the international level. The Sub-Committee on Prevention of Torture established in compliance with the Optional Protocol is a part of the UN system. It not only visits the detention facilities of the member-states but also maintains contacts with the national preventive mechanisms and offers them services in professional training and technical assistance to enhance their potential.

The important event in the development of organizational forms of interaction between the High Commissioner and the civil society was the establishment of the Expert Council under the High Commissioner for Human Rights in the Russian Federation (hereinafter referred to as “Expert Council”). The Council comprised well-known human rights defenders and scientists – experts in the protection of human and civil rights and freedoms, including 30 Doctors of Science, 26 Professors, 12 Candidates of Science. The Expert Council’s missions are to elaborate recommendations on the realization of main directions of the High Commissioner’s activities, to consult and to inform the High Commissioner on the situation with regard to enforcement and protection of human rights and freedoms, to assist the High Commissioner in the organization and cooperation with state authorities and civil society institutions.

The Expert Council includes 6 topical sections (on civil (personal) and political rights and freedoms of people and citizens; on social and educational rights and freedoms of people and citizens; on improvement of legislation on the rights and freedoms of people and citizens; on education and human rights education in the field of rights and freedoms of people and citizens; on enforcement of rights and freedoms of people and citizens in crim-

² Under the Optional Protocol, the member States undertake to provide the preventive mechanism with “any information” on the number of persons deprived of their freedom, on their treatment, on the conditions of detention, and the number of places of detention. See: the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (adopted in New York on December 18, 2002 by Resolution 57/199 at the 57th plenary meeting of the 57th session of the General Assembly UN) // The document was not published. Access from legal-reference system “ConsultantPlus”.

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inal proceedings and in detention facilities; on international cooperation in the field of rights and freedoms of people and citizens).

In 2017, 14 meetings of the sections of the Expert Council were held to discuss systemic issues of human rights protection, specific issues, related to the citizens’ appeals, proposals for legislation improvement, as well as develop expert positions on different issues. As the result, 4 draft laws were developed and sent to the subjects with the right of legislative initiative, 20 opinions on draft laws with proposals on amendments were prepared and sent to the State Duma and many of those were reflected in the adopted legislative acts.

The Expert Council established the Human Rights Advisory Group comprised of the representatives of different human rights communities, including the representatives of CHR. Its mission is to inform the High Commissioner about the existing problems of human rights protection that human rights defenders encounter in their activity, to discuss urgent issues of enforcement human and civil rights and freedoms, to develop coordinated decisions on the issues of monitoring, educational and human rights protection activities. Three of such meetings were held to discuss the following issues of realization of citizens’ rights: ensuring the constitutional right to peaceful assembly, public oversight of human rights observance in places of detention.

The High Commissioner pays special attention to working with youth. In July 2017, a session for young human rights defenders was for the first time organized at the initiative of the High Commissioner in the framework of the All-Russian Educational Youth Forum “Terra Scientia on Klyazma River”. During the session federal and regional Commissioners met with young human rights defenders. The participants of the IV specialized session were the young leaders of non-profit organizations, hu-
human rights and volunteer projects. About a thousand of young human rights defenders from all over Russia took part in the panel discussion “Human Rights Activity of Non-profit Organizations. The Main Clusters of Citizens’ Appeals as a Opportunity for Establishment of New Non-profit Organizations”. A closer acquaintance with the forum participants and the Commissioners’ answers to questions posed by human rights defenders (from the procedure for obtaining citizenship to the organization of youth non-profit organizations in the field of legal literacy), demonstrated the great interest in many spheres of civil life.

The High Commissioner participated in discussions held at other platforms for interaction between the society and the state authorities.

The most important event of 2017 for developing the civil society both for Russia and for the whole world was the XIX World Festival of Youth and Students held in October 2017 in the city of Sochi. The High Commissioner took part in this large-scope youth forum and spoke to the youth from all over the world about the role of civil society and the human rights institutes in opposing global threats.

On November 2, 2017, a meeting with the participants of the plenary session “Dialogue of Communities. Civil Society of the Future: Joining efforts” was held at the “Community “Final Forum. This forum held in the city of Moscow was the concluding in the series of similar events organized in all the Federal Districts of Russia in 2017. The participants were representatives of the government, business and general public from different constituent entities of the country. The goal of the forum was to identify the state of development of non-government organizations in different constituent entities of the Russian Federation, to discuss existing problems and possible ways of resolving them. A special attention was paid to supporting the most efficient practices of public activity, as well as forming the uniform vision of the all-Russian agenda for developing civil society.

The High Commissioner is a member of the Coordinating Committee on Holding Contests for Grants of the President of the Russian Federation to non-profit organizations participating in the development of civil society institutions. Two contests for Presidential Grants were held in 2017, according to which 3,213 non-profit organizations from all the federal constituent entities of the Russian Federation received Presidential Grants for a total of 6.65 billion rubles.¹

The High Commissioner continued to work as the Chairperson of the Public commission to nominate candidates for the National Award for Outstanding Achievements in the Field of Human Rights and the National Award for Outstanding Achievements in Charity Work. The winners of the national awards for outstanding achievements in the field of human rights and charity work, which were presented by President of the Russian Federation Vladimir Putin in December 2017, became Chairperson of the Regional Public Organization “The Moscow Group of Assistance in Implementation

¹ Presidential Grants Foundation // Available at: https://президентскиегранты.рф/Project?orderStatus=16&grant=2&region=&status=-1&k=&pageNumber=1&search=&sortBy=&asc=false (accessed October 1, 2018).
of the Helsinki Agreement” (the Moscow Helsinki Group) Lyudmila Alekseyeva and Chairman of the Board of the Anzhela Vavilova Regional Public Charity Foundation for Children with Leukaemia of the Republic of Tatarstan Vladimir Vavilov.

The key element of civil society is a person who possesses high moral qualities and the sense of duty, ready to support those who found themselves in a difficult situation. In order to support such people and their activity, the 12th High Commissioner’s medal “Hasten to Do Good” award ceremony was held on December 22, 2017. According to the Provision on the Medal, it can be awarded both to citizens of Russia and other states, as well as to public organizations. The medal “Hasten to Do Good” is presented to people whose good deeds and acts of valor, committed sometimes even at the cost of their own lives, are worthy of the highest respect and will always live in the hearts of people. In 2017, the winners of the medal were 9 people and 1 public organization:

With the winners of the High Commissioner’s medal “Hasten to Do Good”. December 2017.

— Mother superior of the Martha and Mary Convent of Mercy Abbess Elizabeth (the city of Moscow) who in her daily service as a sister of the convent assists those who are in difficult circumstances and need support: children suffering from cerebral palsy, terminally ill children and their parents (they have a visiting palliative service for that);

— Lubov Katz (the Vladimir Region) — a well-known defender of the rights of disabled children;

— Natalia Popova — the head of the Krasnodar non-profit organization “Charitable Programs Development Center ‘The Territory of Mercy’”. More than 500 families bringing up children with disabilities are among the wards of the organization;
— Dmitry Frolov — the director of the Yamal Children's Charitable Fund “Yamine”, the main objectives of which are to facilitate the organization of medical and diagnostic care for seriously ill children, disabled children and their families;
— The Public Organization “The children of Pavlovsk”, founded in 2014, that organizes targeted support for 15 adult alumni of the orphanage;
— Dmitry Balykin from the city of Nizhny Novgorod who proved that limited opportunities should not prevent a person from living a full life. He is a disabled person of Group 1 with visual impairment, but this fact did not stop him from graduating from a university with honors and becoming a highly qualified lawyer;
— Ksenia Simonova-Paskar — an honored artist of the Republic of Crimea. For over four years she has been creating small sand movies and videos about those sick children who need expensive treatment and rehabilitation;
— Bus driver Sergey Blokhin (posthumously) who sacrificed his life to heroically save the lives of 44 children and 5 adults on the highway near the city of Rostov when he placed the driver's cabin in harm’s way to be hit by a 20-ton truck;
— Olga Fomina who did a lot of work for social adaptation of homeless persons in the organization "House of diligence Noah”;
— Raisa Lukutsova – the chairperson of the All-Russian Public Organization “The Russian Red Cross”, member of the Presidential Council for Civil Society and Human Rights who devoted her entire life to protecting the health of citizens, for many years successfully and effectively leading the oldest and most authoritative public organization of the country.
To summarize it should be noted that civil society is a partner of the State authorities in resolving complex tasks that the government faces. And only collaboration between government authorities and non-profit organizations allows creating an efficient system of providing legal assistance to the population, protecting the rights of individual citizens and an indefinite number of people. It is necessary to actively develop cooperation between public organizations and the High Commissioner, to continue sharing the best practices in human rights protection and implement them in specific projects and events.
OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS IN THE RUSSIAN FEDERATION
The Office of the High Commissioner is not just a structure established to register citizens’ appeals and to clarify the provisions of the current legislation. This is the main tool for solving complex multifaceted problems faced by the High Commissioner and civil society, primarily related to the provision of effective assistance to those whose rights and freedoms have been violated by unlawful actions (inaction) of authorities and local self-governments.

The Office of the High Commissioner is a highly professional team of associates: lawyers specializing in various areas of law, specialists in processing and systematization of information, and high-level administrative staff. It is no exaggeration to say that it is the Office that ensures the proper work of the High Commissioner as one of the pillars of free development of civil society in our country.

That is why, in order to more effectively perform the functions assigned to the Office by Federal Constitutional Law No. 1-FKZ as of 26 February 1997 “On the Commissioner for Human Rights in the Russian Federation”, a number of measures aimed at optimizing its structure and clarifying its powers were implemented in 2017.1

By Order of the President of the Russian Federation No. 397 as of August 23, 2017 “On amending the Register of federal civil service posts (approved by Order of the President of the Russian Federation No. 1574 as of December 31, 2005) and Order of the President of the Russian Federation No. 763 as of July 25, 2006 ‘On the financial provision for federal civil servants’”, the posts of the Chief of Staff of the Office of the High Commissioner for Human Rights in the Russian Federation, his First Deputy and Deputies were established. For the purposes of civil servants’ professional growth, the Register of federal civil service posts provides positions of Chief Counsellors in the Office.

In May 2017, the Secretariat of the Office of the High Commissioner for Human Rights in the Russian Federation was established for the purpose of organizational, technical, documentary, informational, legal and protocol support of the High Commissioner’s activities.3

Taking into account the accumulated experience and new requirements of modern Russian society for the protection of human and civil rights and freedoms, in October 2017, the High Commissioner’s Order approved a new Regulation on the Office, which

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defined the principles, functional and organizational framework of its activities, the structure and powers of the Chief of Staff of the Office.¹

Among the fundamental principles of the Office activities are the rule of law, justice, respect for human and civil rights and freedoms, impartiality in dealing with complaints, openness and transparency, interaction with state bodies, local self-government bodies, civil society institutions, international organizations dealing with the observance and protection of human and civil rights and freedoms.

In accordance with the Regulation, the main functions of the Office are:

— study and consideration of appeals coming to the High Commissioner from citizens and organizations and preparation of draft decisions on them;

— collection and analysis of information on cases of gross or massive violation of human and civil constitutional rights and freedoms in the Russian Federation for the preparation of proposals to the High Commissioner for response measures;

— interaction with the Presidential Council for Civil Society and Human Rights, the Civic Chamber of the Russian Federation, human rights organizations, state bodies and public associations in order to ensure the protection of human and civil rights and freedoms, to promote the implementation of state policy in the field of human rights;

— monitoring of legislation on human and civil rights, preparation of proposals for its improvement to legislators;

— participation in the legal education of citizens on human rights and freedoms, forms and methods of their protection; interaction on these issues with the media, educational organizations, state and public organizations, disseminating knowledge about human and civil rights and freedoms;

— ensuring the international cooperation of the High Commissioner in the field of human rights;

— interaction with the Commissioners for Human Rights in the constituent entities of the Russian Federation, providing them with organizational, legal, information, methodological and other assistance; ensuring the activities of the Commissioners Council, as well as participation of the High Commissioner in the Coordinating Council;

— interaction with the scientific and expert community on the protection of human and civil rights and freedoms, the implementation of organizational, technical and legal support for the activities of the Expert Council under the High Commissioner etc.

The High Commissioner directs the activities of the Office. Coordination of work and control over the activities of its structural units is carried out directly by Chief of Staff of the Office, who is personally responsible for the performance of tasks and the implementation of the functions assigned to the Office, for quality assurance of the High Commissioner’s activities.

Figure 46. Structure of the High Commissioner’s Office
It is established that the Office is completed with the persons holding a higher education degree, except the “providing experts” category of the senior and junior groups of positions. The staff of the departments and sections considering citizens’ complaints about violation of their rights and freedoms are persons with higher legal education and, as a rule, possessing experience of human rights activity.

At present, 99% of federal civil servants working in the Office have higher education. 2 of them are doctors of sciences (higher doctorates), 13 are candidates of sciences (doctors of philosophy). 63 employees (33%) have civil service experience of 20 years or more, 29 employees (15%) — from 15 to 20 years, 30 employees (16%) — from 10 to 15 years, 35 employees (18%) — from 5 to 10 years.

The structural units of the Office are the Secretariat of the High Commissioner and the Departments composed of Sections (Figure 46).

The employees of the Office perform all kinds of support of the High Commissioner’s activities: documentary, legal, organizational, scientific-analytical, information and reference etc.

In 2017, the correspondence of the High Commissioner’s Office amounted to 75,172 pieces of incoming mail. In addition to documents’ handling, the employees daily held personal receptions of citizens (4,178 people were received); they answered phone calls in a reference and consultation mode (more than 10,000 phone calls lasting more than 650 hours); acted in legal proceedings in defense of citizens’ rights on behalf of the High Commissioner; delivered lectures in student and school classrooms, interacted with the media, prepared information for the website of the High Commissioner; interacted with regional Commissioners, foreign ombudsmen and international organizations; prepared opinions on legislative and other normative legal acts, developed legislative initiatives; prepared materials for High Commissioner’s presentations at round tables, government bodies meetings and meetings with citizens and public organizations, and for participation in other public events; organized the work of the Expert Council under the High Commissioner, the Commissioners Council and the Coordinating Councils, etc.

In order to receive citizens, conduct inspections on complaints, participate in court hearings, provide assistance to regional Commissioners, and participate in seminars, forums and other events, employees of the Office accomplished 70 trips to 31 constituent entities of Russia (the Voronezh, Belgorod, Kostroma, Nizhny Novgorod, Ivanovo, Kaliningrad, Arkhangelsk, Rostov Regions, the cities of St. Petersburg and Sevastopol, the Krasnodar, Stavropol, and Khabarovsk Territories, the Republics of Bashkortostan, Tatarstan, Buryatia, Khakassia, Crimea and others). Within the framework of strengthening international cooperation, they went on 19 business trips abroad.

On instructions from the President of the Russian Federation as of May 4, 2017, and the Prime Minister of the Russian Federation as of June 24, 2017, proposals were prepared to increase the budget allocations for the maintenance of the Office, which were agreed with the Ministry of Finance of the Russian Federation. In accordance
with Federal Law No. 362-FZ as of December 5, 2017 “On the Federal Budget for 2018 and the Period of 2019 and 2020”, these proposals have been adopted. This will allow to increase the number of staff, to optimize the workload, to speed up the process of considering appeals from citizens and organizations.

With a view to improving the effectiveness of human and civil rights and freedoms' protection, there is an urgent task to legislatively define the Office mandate. Federal Constitutional Law No. 1-FKZ as of February 26, 1997 “On the Commissioner for Human Rights of the Russian Federation” provides employees of the Office with the right to exercise only certain powers of the High Commissioner. The employees are entitled to represent the High Commissioner’s interests in legal proceedings in the prescribed forms (Article 29, Part 1, Subparagraph 1) and in the work of the parliamentary commission and parliamentary hearings (Article 32, Paragraph 1, Subparagraph 2; Paragraph 2). However, such representation is clearly insufficient today due to the remoteness of the High Commissioner’s Office location from the real events that require his/her participation, and due to the considerably expanded mandate of the High Commissioner.

It is important to give the High Commissioner’s Office additional authority when examining citizens’ complaints, including the power to conduct inspections and visit places of detention on behalf of the High Commissioner.

The activity of state civil servants of the High Commissioner’s Office is highly appreciated by the leadership of the country. In 2017, for merits in protecting citizens’ rights and interests, many years of conscientious service, 16 employees of the Office were awarded with diplomas and certificates of acknowledgement of the President of the Russian Federation, 1 employee received the State Award of the Russian Federation.
RECOMMENDATIONS AND PROPOSALS
Proceeding from the problems stated in the Report, the High Commissioner suggests that state authorities consider the possibility of implementing a number of measures in order to enhance the effectiveness of the protection of human and civil rights and freedoms.

IT IS RECOMMENDED TO THE STATE DUMA AND THE FEDERATION COUNCIL OF THE FEDERAL ASSEMBLY OF THE RUSSIAN FEDERATION:

— to form a working group with the participation of the High Commissioner for Human Rights in the Russian Federation to develop comprehensive amendments to Federal Constitutional Law as of February 26, 1997 No. 1-FKZ “On the Commissioner for Human Rights in the Russian Federation” and the corresponding legislative acts aimed at the improvement of the legal status and expansion of the competence of the High Commissioner for Human Rights in the Russian Federation, including giving the High Commissioner the right to entrust employees of her Office conduct inspections on the complaint and associated with them activities (paragraph 1.3 “Appeals Examination: Summary”)

IT IS RECOMMENDED TO THE FEDERATION COUNCIL OF THE FEDERAL ASSEMBLY OF THE RUSSIAN FEDERATION:

— to develop and submit to the State Duma of the Federal Assembly of the Russian Federation a draft federal law “On General Principles of the Organization and Activities of Commissioners for Human Rights in the Subjects of the Russian Federation” (paragraph 8.2 “Collaboration with Commissioners for Human Rights in the Constituent Entities of Russia”);

— to hold a joint meeting of the Council under the Chairperson of the Federation Council of the Federal Assembly of the Russian Federation and the Council of Commissioners for Human Rights, dedicated to the 70th anniversary of the Universal Declaration of Human Rights;

— to hold parliamentary hearings with the participation of the High Commissioner to strengthen guarantees of human and civil rights and freedoms in the context of the 25th anniversary of the Constitution of the Russian Federation.
IT IS RECOMMENDED TO THE STATE DUMA OF THE FEDERAL ASSEMBLY OF THE RUSSIAN FEDERATION:

To expedite consideration of the following draft federal laws:

- No. 243975-7 “On Amendments to Article 302 of the Civil Code of the Russian Federation” (regarding the improvement of the protection of the rights of a bona fide purchaser) (paragraph 3.2 “Right to Housing”);
- No. 306915-7 “On Amendments to the Code of Administrative Offenses of the Russian Federation” (the periods of detention in relevant special institutions of foreign citizens and individuals without citizenship subject to deportation from the Russian Federation and on the procedure for extending these deadlines, as well as on peculiarities of execution and termination of execution of the specified administrative punishment) (paragraph 5.7 “Protection of the Rights of Foreign Citizens”);
- No. 184643-7 “On Granting Political Asylum by the Russian Federation” (paragraph 5.8 “Protection of the Rights of Asylum-seekers in the Russian Federation”);

To consider the possibility of developing the following draft federal laws providing for:

- Amendments to the Code of Criminal Procedure of the Russian Federation in the part of:
  - Establishment of a list of refusal criteria by investigators (inquirers) in granting visits to accused persons in criminal cases with relatives and other persons;
  - Fixing the deadlines for the detention of defendants in the trial stage (paragraph 4.1 “Protection of Human Rights in Criminal Proceedings”);
  - Establishment of a requirement for mandatory sending by the investigator (inquirer) to the prosecutor together with the decision to refuse the initiation of the criminal case of the verification materials (paragraph 4.2 “Victims’ Rights Protection”);
  - Strengthening the guarantees of the rights of the victim at the stage of initiating a criminal case (paragraph 4.1 “Protection of Human Rights in Criminal Proceedings”);
  - Addition of Article 357 of the Labour Code of the Russian Federation by the provision establishing a ten-day period for the employer to appeal to the court the
orders of the state labour inspector also in the event that the employee applies for
dismissal to the Federal Labor Inspectorate (paragraph 3.1 “Labour Rights”);

**To consider:**

— Amendments to the Regulations of the State Duma of the Federal Assem-
bly of the Russian Federation regarding the obligation to reflect the proposals of
the High Commissioner in the conclusions of the profile committees on bills (para-
graph 6.1 “Legislation Improvement”);

To conduct parliamentary hearings with the participation of the
High Commissioner for Human Rights in the Russian Federation,
on the improvement of regulatory and legal regulation and law
enforcement practice:

— Palliative care in the Russian Federation;
— Enforcement proceedings in the Russian Federation (paragraph 5.4 “Rights of
Pensioners and Veterans”);
— Implementation of the competence of Commissioners for Human Rights in
the subjects of the Russian Federation.

**IT IS RECOMMENDED TO THE GOVERNMENT OF THE RUSSIAN
Federation:**

To consider the possibility of developing and submitting
to the State Duma of the Federal Assembly of the Russian
Federation the following draft federal laws aimed at improving
the effective legal acts and providing for:

— Amendments to Article 7 of Federal Law No. 256-FZ as of December 29, 2006
“On Additional Measures of State Support for Families with Children”, which will al-
low the use of maternity capital for the treatment of children (paragraph 3.5 “Protec-
tion Family, Motherhood and Childhood”);
— Amendments to Article 65 of the Family Code of the Russian Federation on
the prohibition on the separation of a minor child from the mother in the absence of
exceptional circumstances stipulated by the legislation (paragraph 3.5 “Protection of
Family, Motherhood and Childhood”);
— Amendments to Federal Law No. 442-FZ as of December 28, 2013 “On the
Basics of Social Services for Citizens in the Russian Federation” and other regulatory
legal acts relating to the mechanism of the activities of private companies providing
social services to disabled persons and the elderly (for accommodation and care) in
the permanent residence houses organized by them, and the responsibility of service
providers (paragraph 5.3 “Rights of Persons with Disabilities”);
— Amendments to the legislative acts regarding the distribution of the right to
free travel by rail, air, water and road transport to the places of use of the main leave
and back to the military servicemen and law enforcement officers serving in the Ka-
liningrad Region (paragraph 5.5 “Protection of the Rights of Military Servicemen and Law Enforcement Officers”);

— Amendments to the legislative acts regarding the extension of the temporary stay of a foreign citizen who has arrived in the Russian Federation in a procedure that does not require a visa or on an ordinary private visa and being a family member of a citizen of the Russian Federation who has a residence in Russia for a period up to one year (paragraph 5.7 “Protection of the Rights of Foreign Citizens”);

— Amendments to the Code of Administrative Court Procedure of the Russian Federation regarding the exclusion of the requirement for an administrative plaintiff and his representative to have a higher legal education (paragraph 6.1 “Legislation Improvement”);

To consider developing complex draft federal laws:

— “On Counteracting Domestic Violence” (paragraph 5.1 “Protection of Women’s Rights”);

— On liberalization of legislation on women in prisons for the commission of minor offenses, including the wider application of the grounds for exemption from serving the sentence provided for in Article 172 of the Criminal Correctional Code of the Russian Federation with regard to pregnant women and women who have young children, in accordance with the National Strategy of Action for Women 2017–2022 (paragraph 5.1 “Protection of Women’s Rights”);

To consider the possibility of developing and introducing for consideration of the President of the Russian Federation:

— The draft law on the ratification of the Council of Europe Convention on the Manipulation of Sports Competitions in 2014, taking into account the holding of the FIFA World Cup 2018 in Russia (paragraph 7.2 “Cooperation with International Organizations”);

— Draft decision on the accession of the Russian Federation to the Council of Europe Convention on preventing and combating violence against women and domestic violence (paragraph 5.1 “Protection of Women’s Rights”);

To consider issues related to the preparation (completion of preparation) of the following by-laws:

— Draft Decree of the President of the Russian Federation “On Housing Provision for Certain Categories of Citizens of the Russian Federation”, which provides for the solution of the issue of providing housing for citizens of the Russian Federation from among former servicemen of the Ukrainian armed forces living in the Republic of Crimea and the city of Sevastopol (paragraph 5.5 “Protection of the Rights of Military Servicemen and Law Enforcement Officers”);

— Draft resolution of the Government of the Russian Federation on accounting for seniority in military and law enforcement services when calculating the total
length of service for the realization of the right to housing by citizens and other measures of social support (paragraph 5.5 “Protection of the Rights of Military Servicemen and Law Enforcement Officers”);
- Draft by-laws on introducing changes to the list of narcotic drugs of modified synthetic psychoactive substances (paragraph 6.1 “Legislation Improvement”);

To consider the issue of amending the following state programs:
- “Ensuring the safety of victims, witnesses and other participants in criminal proceedings for 2014–2018”, approved by Decree of the Government of the Russian Federation No. 586 as of July 13, 2013, regarding the extension of the term of its implementation till 2020 (paragraph 4.2 “Victims’ Rights Protection”);
- “Accessible Environment” for 2011–2020, approved by Decree of the Government of the Russian Federation No. 1297 as of December 1, 2015, regarding the provision of financing for adaptation of premises in correctional facilities for disabled persons serving sentences of convicted persons with disabilities (paragraph 5.3 “Rights of Persons with Disabilities”);
- On state guarantees of free medical assistance to citizens for 2018 and for the planning period of 2019 and 2020, approved by Decree of the Government of the Russian Federation No. 1492 as of December 8, 2017 to expand the basic list of services included in the compulsory health insurance and provided by subventions to subjects of the Russian Federation (paragraph 5.4 “Rights of Pensioners and Veterans”);

To consider the development of the following federal target programs:
- On legal education and education in the field of human rights and freedoms, forms and methods for their protection (paragraph 6.2 “Human Rights Education”);
- On the development of the network of residential care homes for pensioners (paragraph 5.4 “Rights of Pensioners and Veterans”);

To consider the possibility of:
- Revision of the list of professions banned for women for its relevance in modern conditions (paragraph 5.1 “Protection of women’s rights”);
- Additional funding for the provision of housing to servicemen and law enforcement officers (paragraph 5.5 “Protection of the Rights of Military Servicemen and Law Enforcement Officers”);
- Increasing the volume of financing of sanatorium-and-spa treatment for disabled people, including with a view to paying them monetary compensation in cases when the provision of permits to sanatorium-and-spa institution is not possible due to the lack of places (paragraph 5.3 “Rights of Persons with Disabilities”);

To take measures to form:
- An independent medical and social examination service (MSE) (paragraph 5.3 “Rights of Persons with Disabilities”);
— Gerontological service and expansion of palliative care practice (paragraph 5.4 “Rights of Pensioners and Veterans”);

To propose to consider at the meetings of the Government of the Russian Federation the following issues:

— On measures to restore the violated rights of defrauded co-investors and the program to complete the construction of problematic objects of the affected holders (paragraph 3.2 “Right to Housing”);
— On the improvement of the financing of medicines for persons suffering from orphan diseases (paragraph 3.3 “Right to Healthcare and Medical Assistance”).

IT IS RECOMMENDED TO THE MINISTRY OF INTERNAL AFFAIRS OF THE RUSSIAN FEDERATION:

— to develop a set of measures aimed at documenting persons with undetermined legal status who have been released from temporary detention facilities due to the inability to provide executive proceedings for deportation and who do not have the opportunity to legalize their stay in the Russian Federation due to their unpaid or unexpunged conviction records (paragraph 5.7 “Protection of the Rights of Foreign Citizens”).

IT IS RECOMMENDED TO THE MINISTRY OF FOREIGN AFFAIRS OF THE RUSSIAN FEDERATION:

— to study the possibility for the Russian Federation to sign the Optional Protocol to the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment with the aim of creating a National Preventive Mechanism against Torture in the territory of the Russian Federation (paragraph 7.2 “Cooperation with International Organizations”).

IT IS RECOMMENDED TO THE MINISTRY OF JUSTICE OF THE RUSSIAN FEDERATION:

— to consider the possibility to hold, with the participation of the High Commissioner for Human Rights in the Russian Federation, monitoring and a round table on the possible introduction in the territory of the Russian Federation and the consequences of a “lawyer monopoly” on representation in court;
— to consider establishing an interdepartmental working group to draft a federal law “On Amendments to Federal Law No. 103-FZ as of July 15, 1995 ’On Detention of Suspects and Accused of Committing Crimes’” in connection with the establish-
ment of an order imposition and removal of penalties (paragraph 4.3 “Protection of Human Rights in Places of Detention”);
— to develop a set of measures aimed at ensuring the rights and legitimate interests of convicts and persons held in custody who are disabled, requiring constant outside care, including when they are escorted (paragraph 5.3 “Rights of Persons with Disabilities”).

IT IS RECOMMENDED TO THE MINISTRY OF HEALTH OF THE RUSSIAN FEDERATION:

To consider the possibility:
— to add to the basic list of services included in the Compulsory Medical Insurance programs, targeted subventions of federal subject, and of regional health development programs, measures of provision of diagnostics and special medical care to elderly patients (paragraph 5.4 “Rights of Pensioners and Veterans”);
— to introduce Amendments to Order of the Ministry of Health of the Russian Federation No. 869н as of October 26, 2017 “On Approving the Procedure for Prophylaxis of Certain Adult Population Groups” in order to shorten the period of medical examination for pensioners taking into account age-related changes in the body (paragraph 5.4 “Rights of Pensioners and Veterans”);
— to develop a set of measures to improve palliative care in the Russian Federation, including the availability of modern painkillers for terminally ill patients, home care, quality standards for palliative care (paragraph 5.4 “Rights of Pensioners and Veterans”).


— to consider the possibility of implementing a set of measures to create and implement effective methods for recording drug addicts, the use of which will provide a real picture of drug use in the Russian Federation, including among minors, and the adoption of adequate measures for their treatment and socialization (paragraph 5.2 “Protection of the Rights of Minors”).

IT IS RECOMMENDED TO THE MINISTRY OF LABOUR AND SOCIAL PROTECTION OF THE RUSSIAN FEDERATION:

— to consider the issue of the possibility of indexation of a pension and the establishment of a social supplement to it for citizens performing custodial duties with respect to minors on a reimbursable basis (paragraph 5.4 “Rights of Pensioners and Veterans”).
IT IS RECOMMENDED TO THE MINISTRY OF FINANCE OF THE RUSSIAN FEDERATION JOINTLY WITH THE MINISTRY OF HEALTH OF THE RUSSIAN FEDERATION:

— to work together with the interested executive authorities to improve the procurement system of necessary medicines to ensure the right of citizens to health care (paragraph 3.3 "Right to Healthcare and Medical Assistance").

IT IS RECOMMENDED TO THE MINISTRY OF EDUCATION AND SCIENCE OF THE RUSSIAN FEDERATION:

To consider the possibility of making changes:

— in the educational programs, with respect to their additions, a special cyber security module that would provide knowledge and skills of understanding risks in the Internet, in view of new kinds of challenges and threats (paragraph 5.2 “Protection of the Rights of Minors”);
— in the draft of the draft interaction procedures between institutions of the system of juvenile delinquency prevention, for provision of all types of assistance to minors released from the institutions of the correctional system or returned from special educational institutions of the closed type regarding ensuring all necessary documents for the minors released from places of detention (passport, individual insurance accounts, and others), in the event when they were not registered in places of detention; temporary residence; money or free clothing and food, before they are employed or receive unemployment benefits (paragraph 5.2 “Protection of the Rights of Minors”).

IT IS RECOMMENDED TO THE SUPREME COURT OF THE RUSSIAN FEDERATION:

To consider the possibility of generalizing judicial practice and preparing the Review:

— On compensation for unused paid leave (paragraph 3.1 “Labour rights”);
— On issues of compensation for harm to rehabilitated citizens (paragraph 4.1 “Protection of Human Rights in Criminal Proceedings”).

IT IS RECOMMENDED TO THE BODIES OF STATE POWER OF THE SUBJECTS OF THE RUSSIAN FEDERATION:

— to implement a set of measures to ensure the independence and effectiveness of the Commissioner’s Institute in the constituent entity of the Russian Federation, including the creation of independent Offices of Human Rights Commissioners in the Republics of Buryatia, Karelia, Komi, Tyva, in the Kamchatka Territory, in the Volgograd, Vologda, Ivanovo, Kurgan, Magadan, Pskov, Ryazan, Tyumen, Ulyanovsk and Chelyabinsk Regions, in the Nenets, Khanty-Mansi, Chukotka and Yamalo-Nenets Autonomous
Areas, Jewish Autonomous Region (paragraph 8.2 “Collaboration with Commissioners for Human Rights in the Constituent Entities of Russia”);  
  – to develop legislative acts aimed at regulating the issues related to the establishment of foster families for the elderly, including consideration of giving the status of a social worker to members of foster families (paragraph 5.4 “Rights of Pensioners and Veterans”);  
  – to take measures to ensure universal accessibility of preschool children’s education for children from 3 to 7 years old, and also to create conditions for the maximum provision of places for children aged under 3 years (nursery groups) in children’s pre-school institutions (paragraph 3.4 “Right to Education”);  
  – to exclude the practice of unjustified cancellation of benefits to pensioners and veterans, reduction of the standard list of social benefits for old age pensioners, disabled for health reasons, labour veterans (paragraph 5.4 “Rights of Pensioners and Veterans”);  
  – to expand the practice of providing subsidies and compensations for housing and utilities provided by law to pensioners for low-income pensioners, including in case of arrears in the payment for housing and communal services (paragraph 5.4 “Rights of Pensioners and Veterans”).  

The High Commissioner expresses the hope that these recommendations and proposals will be taken into account by the state authorities in the implementation of their current and future activities.
HUMAN RIGHTS MAP OF RUSSIA (SUMMARY)
Human Rights Map of Russia is an Annex to the Report designed as informational and educational software.

The electronically available map contains a consolidated data-base comprising statistical information, results of opinion polls, records of activities of regional Commissioners for Human Rights in the Russian Federation, texts and lists of legislative acts of the Russian Federation and of its territorial units spelling out activities in the domain of state human rights protection.

The project was elaborated in order to organize the data concerning conditions and results of activities of Commissioners for Human Rights in the Russian Federation, dissemination of expertise, provision of information about activities of regional Commissioners to the population of the respective territorial units of the Russian Federation, identification of problematic issues concerning organization and realization of protection of citizens’ rights and liberties.

The project relies on the latest information technologies to offer a vivid presentation of information by graphs, diagrams, photos and "archives" of special and annual reports that not only enable informing all interested people about the activities of Commissioners for Human Rights but also contribute to the popularization of that institution.


Subsection “Legislation” contains legislative acts and extracts from legislative acts that regulate activities of the High Commissioner grouped in accordance with legislative hierarchy; extracts from legislative acts of the Russian Federation on the activities of regional Commissioners.

Subsection “Institute of Commissioners for Human Rights” includes the following information: the history of the Institute, backgrounds of Commissioners for Human Rights in the Russian Federation; information about the Commissioners Council and the Coordinating Council. Besides, the subsection covers the history of the institute of Commissioners for Human Rights in the constituent entities of the Russian Federation.

Subsection “Activities of the High Commissioner for Human Rights in the Russian Federation in 2017” contains information on the results of activities of the High Commissioner classified in accordance with the activity areas: “Handling citizens’ appeals”, “Legislation improvement”, “Human rights education”, “International cooperation”. Thus, the materials that are not included in the 2017 Report due to their considerable size are available on the pages of the Human Rights Map of Russia.

The “archive” of the Human Rights Map of Russia contains 20 annual reports of the High Commissioner (as of from 1998 to 2017) and their annexes comprising statistical information about the number and subject matters of appeals; 12 special reports; annual reports of regional Commissioners (as of from 2000 to 2017) as well as 309 special reports of regional Commissioners (as of from 2001 to 2017). The second section of the Human Rights Map of Russia (“Federal Districts”) contains information about the activities of the High Commissioner carried out in eight federal districts. The information on each federal district is split into two subsections and includes a documental “archive” of activities of the Coordinating Council of Commissioners for Human Rights in constituent entities of the Russian Federation in the particular federal district.

The first subsection “Activities of the High Commissioner for Human Rights in the Russian Federation on the Territory of a Federal District” consists of two parts.

The first one (“Activities with the involvement of the High Commissioner for Human Rights in the Russian Federation on the territory of a federal district”) reveals the information on business trips, significant meetings, activities on the approval of candidates for the position of Commissioners for Human Rights in the constituent entities of the Russian Federation included in the federal district.

The other part of the first subsection (“Appeals from Residents of the Federal District”) contains the examined appeals to the High Commissioner from every constituent entity of the Russian Federation included into a federal district, as well as examples of the resolved problems of applicants. Herewith, the format of the Human Rights Map of Russia enables displaying the information about examples of work with appeals from citizens living in a federal district that has not been included into the main body of the Report.

The second subsection covers the activities of Coordinating Councils of Commissioners for Human Rights in federal districts. In addition to the historical background of Coordinating Councils, there is information about the questions treated by Coordinating Councils within the last 2 years and about the decisions made.

The third subsection presents general information about social and economic development of the federal district according to Rosstat and other official sources. Important social and economic indicators are analyzed; comparison of indicators for federal districts is carried out.
The third section of the Human Rights Map of Russia ("Constituent Entities of the Russian Federation") comprises the information about regional Commissioners and their human rights activities with regard to each of 85 constituent entities of the Russian Federation. The section is divided into three subsections, a documental "archive" and annual and special reports of regional Commissioners.

The first subsection contains information about the constituent entity of the Russian Federation, about its specific features, social and economic indexes (population; incomes and social differentiation; general qualitative indexes of public sector functioning; housing sector; medical care; education and culture; detention facilities).

To provide an objective description of the conditions where regional Commissioners exercise their powers, the subsection relies on the analysis of more than 50 different indexes published on the websites of the Federal State Statistics Service of the Russian Federation (Rosstat), of the Ministry of Justice of Russia, of the Ministry of Internal Affairs of Russia, the Federal Penitentiary Service of Russia, the Federal Treasury of Russia, governments of constituent entities of the Russian Federation and of other state authorities.

Based on the data of the 2017 all-Russian poll, opinions of residents of every constituent entity on the level of their protection in economic, political, cultural, law-enforcement spheres, as well as in the fields of health care, ecology and education are presented.

The second subsection of the section comprises information about the competence, guarantees, institutional and material basis of activities of regional Commissioners prescribed by the legislation of territorial units of the Russian Federation, as well as the information about the history of the Institute of the regional Commissioner and its main achievements.

The third subsection covers human rights activities of regional Commissioners in 2017 based on the information supplied by them.

The fourth section of the Human Rights Map of Russia ("World") describes the activities of the High Commissioner in the context of cooperation with ombudsmen of foreign states (members of Eurasian Ombudsman Alliance). The information about the purposes, tasks and the history of Alliance creating is provided in the section. The section also encompasses the history of ombudsmen institutions in the Alliance member states, information on the international cooperation and activities with the participation of the High Commissioner for Human Rights in the Russian Federation.
LIST OF ABBREVIATIONS USED IN THE REPORT

CCTV — Closed-circuit television
CEC — Central Election Commission of the Russian Federation
CHR — Presidential Council for Civil Society and Human Rights
CMG — closed military garrison
CMI — compulsory medical insurance
DVR — Digital Video Recorder
ECHR — European Court of Human Rights
ENNHRI — European Network of National Human Rights Institutions
FOM — Public Opinion Foundation
FSIN — Federal Penitentiary Service
GANHRI — Global Alliance of National Human Rights Institutions
IK — Penal Colony
NHRI — National Human Rights Institution
OHCHR — Office of the United Nations High Commissioner for Human Rights
PACE — Parliamentary Assembly of the Council of Europe
PMC — Public Monitoring Commission
PSA — private security agencies
SIZO — Pretrial Detention Center
TMR — technical means of rehabilitation
UNHCR — United Nations High Commissioner for Refugees
UNHRC — UN Human Rights Council
UPR — universal periodic review mechanism
VEM — vital and essential medicines
WHO — World Health Organization
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