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UNDER PART 1, CLAUSE 33 OF THE FEDERAL
CONSTITUTIONAL LAW “ON THE HIGH COMMISSIONER
FOR HUMAN RIGHTS IN THE RUSSIAN FEDERATION”
I SUBMIT the 2014 REPORT
to the President of the Russian Federation,
the Federation Council and the State Duma
of the Federal Assembly of the Russian Federation,
the Government of the Russian Federation,
the Constitutional Court of the Russian Federation,
the Supreme Court of the Russian Federation,
the Supreme Arbitration Court of the Russian Federation,
the Prosecutor General of the Russian Federation
and to the Chairman of the Investigative Committee
of the Russian Federation.
Constitutional Rights and Freedoms in Russia: a System Approach

Such milestone events of 2014 as the reunification of Crimea with Russia, the XXII Sochi Olympic Winter Games, Western economic sanctions and sanctions-driven crisis developments in the Russian economy are not just historical facts. These events, individually and in combination, have changed millions of lives. New political and economic realities, new challenges and risks, a new level of public awareness have largely transformed our idea of the spirit of human rights protection. Individual safety, honest explanation of complex processes, fair global and individual managerial decisions, correlation between public and private security — these are the factors that today define the quality of social life and the state of human rights not only in a single country but also on a global scale.

Deplorably, the turn of 2014 saw an evident crisis of major international human rights institutes that failed to deliver an appropriate and efficient response to massive human rights violations in various trouble spots of the world. In the heat of geostrategic battles, a selective approach to the use of human rights rhetoric has prevailed over the pursuance of humanity, truth and certainty. There are now “right” victims, mourned by all the civilized people, and “wrong” victims that are beyond the imposed global stereotypes; and a shamefaced disregard for their sufferings and deaths has become a common practice. Many countries that used to serve as “models” and organizations that used to be a “reference point” for human rights protection have lost their moral capital while following this dubious path.

Such a valuable asset as tolerance is also undergoing a strange metamorphosis: when at times carried to the point of absurdity, it devolves into a violent intransigence and baiting of “intolerant dissidents” by the “tolerant” ones.

All costs of “democracy” have showed up with particular intensity in light of tragic events in Ukraine, when only one single version of developments approved by the “civilized community” has been granted the right to exist on authoritative international platforms. This kind of a monopoly on truth flatly rejects any possibility of discussions with “pariah” opponents as well as any alternative information, “uncomfortable” arguments and unfavourable facts, guided by the principle that “there cannot be any because there can never be any”.

The tragedy of the neighbouring country’s people that are so close to us has filled the hearts of many Russians with sympathy and understanding of the fact that the right to life is not merely a legal formula; that the right to life means something else: it predetermines the natural human desire to help, to protect harmless people under shelling, so that hundreds of thousands of refugees, including Russians, Ukrainians, Tartars and people of other nationalities, could preserve their lives, while trying to escape death, devastation and an economic disaster that deliberately and blindly deprive them of this “inalienable and imprescriptible” right.

Despite the current negative external background, Russia must stay within the international legal framework and make more efforts for the sake of integration, while preserving its own identity.

The rights to life and human dignity are inextricably connected with culture, morals, philosophy; they naturally fit into the social and cultural context of the civilization, public conscience and national mindset, reflecting its distinctive character. That is why, beside the traditionally recognized first-to-third generation human rights, there are moral and spiritual human and civil rights and liberties that proclaim individual values and that are equal in their significance to the rights and liberties stipulated by the Universal Declaration of Human Rights.1 These include, first, traditional family moral values and pursuit of virtue, mutual supportiveness and social solidarity (as an alternative to the society of permanent conflicts).

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The main value must remain unaltered, that is the value of human life in any manifestations or guarantees, whether it has to do with the access to healthcare or the state protection of individual human rights from criminal infringements.

The mission of national and international institutes is, in particular, to ensure that various philosophies and cultures, political and legal systems, models of society and state, historical and spiritual coordinates could coexist peacefully on our planet.

Modern evolution of human rights in the anthropocentric sense touches upon natural characteristics of a personality. Thus, the notion “right to life” is interlaced with a number of ethical and moral issues, like the issue of being able to decide what to do with one’s own body, genetic traits and capabilities of bioethics, the notion of “death” and the problems of the so-called somatic rights and their moral aspects in the public sphere. In other words, the legal system is coming to grips with an attempt to give a legal definition of human nature, human dignity and temporary protective confines thereof.

It is impossible to develop a comprehensive multidimensional national security strategy that would take into account all risk factors, challenges and threats with a view to avert them in a timely and efficient manner without focusing on fundamental human rights protection. There is a need to develop measures that are aimed at preventing the decay of the national human capital, at preserving it and improving its quality, as well as measures that would serve to reduce the mutual aggression between the human population and the modern biosocial and ecologo-economic system.

This task implies a synthesis approach to the establishment of conditions necessary for development: the best combination of interconnected synergetic measures in the areas of rights protection, environmental protection and health care, education, culture, sports, information and educational space.

It is also timely to implement a migration policy of a new quality, which would take into account all the newly appeared challenges, both external and domestic, and would be capable of “curbing” the illegal criminal migration that becomes irreversible in the course of time and turns, along with corruption, into a key national security threat factor.

Forest fires that unavoidably and inevitably break out every year and take a toll of human lives while turning national assets into ashes; blocks of snow that keep falling on passers-by from roofs; collapsing roads; falling structures and buildings; mass food poisonings of children in child care centers — to avert all these and other manmade disasters and permanent losses there must be a different level of governmental and public liability, there must be a different approach based on preemptive measures and proactive steps and detection of every possible threat. There must be an approach with less initial costs and by far more saved lives and resources eventually.

It is advisable to stop trying to resolve complicated issues through initiating prohibitory and restrictive legislative regulations which, when implemented, do not fix the problem but rather drive it in a corner.

It is also important, through joint efforts and an inclusive dialogue, to conciliate all the increasing and alarming differences between the careful attitude to religious sensitivities and the right to free creativity.

It is necessary to point out that, despite crisis developments in all areas of human activity, the goals of sustainable development, which include inter alia human rights-based tasks of a new quality, when rights of future generations are prioritized, must not be removed from the agenda. Today it is still not too late to do the utmost so that our successors would not face the threat of extinction or total degradation. A new approach to the idea of human rights serves to wake in people the feeling of interconnection and shared responsibility for the well-being of both living and future generations of our fellow citizens.
There is no doubt that government authorities are well aware of the situation in various legal relations areas, while think tanks are well aware of many conflicts of law. However, the Report of the High Commissioner for Human Rights in the Russian Federation aims not only to inform public officials, but also to promote human rights values, to unite public authorities and civil society organizations through these values and to deal with specific problems regarding the exercise of human rights.

It seems crucial to demonstrate the results of social and legal studies that reflect the modern world view of Russians: the idea of human rights in general; efforts to enforce specific constitutional rights, as expected by the population; areas in which people feel the least protected; the population's viewpoint of the evolution of respect for human rights over the past few years; the level of awareness of legal mechanisms for protection of rights.


The first chapter of the Report examines the human rights situation in Russia through a triangular prism of views expressed by the general public, non-governmental organizations and the High Commissioner.

The second chapter describes the problems that the High Commissioner faced directly in 2014. The final chapter sets forth recommendations of the High Commissioner to public authorities and establishes priorities for the future.

I hope that public officials will perceive proposals that have been put forward as a basis for a meaningful discussion with all stakeholders, rather than a “list of instructions.”

I appreciate any useful criticism in advance, understanding that it is the basis for generating ways to deal even with the most complicated issues.

I would also like to express my sincere gratitude to all those who have assisted me in preparing this Report.

High Commissioner for Human Rights in the Russian Federation

Ella Pamfilova
PART I

SOCIAL AND LEGAL MONITORING OF THE HUMAN RIGHTS SITUATION IN RUSSIA
PART I: Social and Legal Monitoring of the Human Rights Situation in Russia

Human rights are not just articles of the Constitution of the Russian Federation, or legal, moral and ethical norms. The attitude to human rights and liberties is the key indicator of spiritual and moral, cultural, socio-political and socio-economic health of a country in general.

Therefore, in order to implement a policy in this sensitive sphere that would be proportionate to today’s challenges, there is a need in a comprehensive and impartial analysis of all aspects of human rights protection and restoration.

1.1 Society. Public Perception of Human Rights Situation

Having analyzed the data that was received during studies and a number of surveys carried out by the “Public Opinion” Foundation, Levada-Centre and Plekhanov Russian University of Economics, it is fair to say that most Russian residents have a clear idea of the “human rights” concept and its components, with primary emphasis placed upon the combination “rule-of-law state and social security protection”. It means that the citizens expect the government to, first of all, abide by rules of law and meet its social commitments.

77% of those surveyed have given their own clear definitions of the “human rights” concept. Typically, respondents’ answers include demands not only for the satisfaction of physical needs but also for the respect on behalf of the government and public officials for the following human and civil rights and liberties (including examples of actual responses):

- freedom of speech, convictions, expression (“freedom of speech, mostly, freedom to have the say, to defend one’s opinion, world view”);
- right to liberty (“independence of an individual”);
- right to state protection (“the possibility to feel protected by the state”);
- equal protection of the law (“when everybody abides by the law, regardless of the status”);
- right to social security, social insurance (“human rights are about granting a pension; there were no pensions in former times”);
- observance of laws, to live by the law (“when everything is implemented and done by the law”);
- freedom of employment (“so that people could choose where to work”);
- right to life (“my right to life”);
- right to free medical services (nostalgic memories of the time: “when you came to a hospital and no one demanded money or medicines from you”);
- right to free education (“free tuition”);
- right to vote (“free choice during voting”);
- to abide by the ethical code (“to live according to one’s conscience”);
- right to rest (“right to well-deserved rest”);
- right to personal fulfillment (“so that everybody could achieve what they want and to get help in this”).

The results of this research in some cases break the embedded stereotypes that for the citizens of Russia “human rights” are “mere empty words”, a kind of a picturesque element in the public administration system.

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Which rights do Russian citizens see as the most important in their lives?

When Russians are asked an open-ended question about what they mean by the word-combination “human rights”, most of their answers refer to the so-called first generation rights — civil and political rights and liberties in their traditional understanding: from the right to life and personal security to the freedom of speech and the right to vote and to be elected. The exercise of this type of rights depends on the democratic character of the state rather than on its resources and the level of socio-economic development, envisaging, in fact, non-restrictive and non-coercive practices with regard to an individual. As for the enforcement of social and economic rights that are called “second-generation rights”, this mostly requires adequate material and financial resources from the state.

Basing on the research results, it is fair to say that most residents of Russia prioritize the so-called “second-generation rights” that are, in practice, rights to decent living standards which imply certain socio-economic standards. Such correlation between priorities prevails in all socio-demographic groups of respondents, regardless of age, education, place of residence or income level. At the same time, there is a consistent pattern: the younger respondents are and the bigger settlement they live in is, the more relevant basic “first-generation right” for them are.

These freedoms are relatively more significant for Muscovites, university-educated young people, volunteers and activists of non-governmental organizations. Expectations relating to political and civic participation are present mainly among the most affluent and best-educated social groups. Personal rights and freedoms are mostly important for people with adequate resources for the implementation of professional and life success strategies. Young people under 30 years are more than others concerned about free education and personal freedoms (freedom of movement and of residence, individual freedom and inviolability, right to freedom of speech). People at the peak of active working age (31–45 years old) are mostly concerned about the exercise of the right to employment and to fair remuneration, while the over-60 population is worried about the right to social security.

With relation to the engagement in political activities, a group of citizens with incomplete higher education can be singled out. This category includes the biggest share of respondents who are members of political
parties (11%), who have ever campaigned for or against legislative initiatives (11%), and it also includes a significant share of those who have acted as election observers (17%)\(^{11}\).

At the same time, it should be noted that democratic values are important for 62% of respondents, and by democracy 43% of respondents mean “publicity, freedom of speech and expression”, “freedom of choice” and “human rights protection”; 12% think that democracy means “popular participation in the country’s management”.

Share of various categories of rights as chosen by respondents. According to figures of the “Public Opinion” Foundation\(^{12,13}\).

![Fig. 2.](image)

Fig. 2. Social and economic rights

Civil rights

Political rights

Fig. 3. Relative importance of various civil rights. According to figures of the “Public Opinion” Foundation\(^{14,15}\).

Rights to free medical services
Right to employment and fair remuneration
Personal freedom and inviolability
Right to social security
Right to free education
Right to a free trial and equality before the law
Right to inviolability of property and of the home
Freedom of movement and residence
Right to freedom of speech
Right to personal and family privacy
Right to have land in private ownership
Right to favourable environment
Freedom of conscience and conviction
Right to elect and to be elected
Right to competent legal assistance
Freedom of enterprise
Right to participate in the management of the society and state
Right to freedom of assembly and association (rallies, demonstrations)
Freedom of creativity and teaching
Right to independently determine and state one’s nationality
Right to send personal and collective appeals to government agencies
Right to freedom of association (trade unions, parties, non-governmental organizations)
Cannot say

13. The data was received during a telephone survey in 78 constituent entities of the Russian Federation. The survey was conducted among citizens aged 18 and older. Date of the survey: 02.09.2014. 1,018 respondents. An open question was asked: “Could you tell me, please, what does the word-combination ‘human rights’ mean for you?”
14. Civil rights, high-profile social problems and civic engagement. P. 40
15. All-Russian representative surveys of the population aged 18 and older in 100 settlements of 43 constituent entities of the Russian Federation. Combined results of surveys conducted on November 9 and 16. Combined number of respondents is 4,500. Respondents could choose five options maximum.
The right to free medical services remains the top priority for all age groups and for all education and income groups: 66–70% of respondents see it as the most significant right.

63% of the participants to the opinion poll carried out by the Levada-centre in November 2014 are convinced that mergence of hospitals and reduction in the number of health workers will not solve the health care system problem. 20% of respondents were unaware of health care reforms and their potential impact. And only 17% of those surveyed were hopeful of positive changes.

The right to employment is mostly emphasized by people of active age and the population of big cities (except for Moscow, where it is easier to exercise this right due to a better-developed labour market).

The most often violated rights, following the results of the “Public Opinion” Foundation surveys, include the freedom of labour and fair remuneration. This is the conviction of 37% of those who said that their rights had been violated, or 9% of all the respondents.
Irrespective of what socio-demographic group the surveyed belong to, employment is one of crucial factors: in spite of the relatively low and stable level of unemployment for a long period, 65% of respondents are afraid of losing their jobs for reasons beyond their control.

The study data also confirms the existence of a large group of “working poor” in our country.

47% of respondents said that with their earnings they could only buy food, while purchasing clothing was already a big issue for them. Experts have been discussing the issue of “working poor” for a long time. Ordinary citizens also believe that it is an abnormal situation when working people cannot support themselves and their families. Negative implications of this problem for the country in general include, first of all, deprofessionalisation, changing of skilled jobs for unskilled jobs that are better paid. In particular, there is a mass switchover among young skilled workers from manufacturing to service industry, where they can earn more for a less skilled work. Underpayment of professionals often goes hand in hand with the severest labour shortages in the same sphere, thus causing such shortages. The issue of “working poor” is the issue of a lack of proper reforms in the production sphere.

The right to education also ranks high in the top list of the most important constitutional rights, as perceived by the Russian citizens. For Russians education is one of the greatest values and the main means of social mobility. Affordable high quality education and personal fulfillment are two interlaced conditions that directly relate to the state social policy. Nevertheless, social scientists observe a negative downward trend with regard to young people under 30 years with a professional education. Experts from the Institute of Sociology of the Russian Academy of Sciences underline in their analytical report that this issue is, in the first place, relevant for the population of villages and urban-type settlements. The reason for that consists in the low income level, because of which people cannot pay for their travel, accommodation and meal expenses during studies. The solution to this problem, as they see it, is to revive the practice of employer-sponsored education under the condition of return to their traditional place of residence.

The issues of housing conditions and security are important for almost 30% of the population. Half of the Russian population is concerned about the food and water quality.

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20. Human rights, high profile social problems and civic engagement. Executive summary of the “Public Opinion” Foundation study “Human rights protection as the key life quality criterion” P. 4.
22. Human rights, high profile social problems and civic engagement. Executive summary of the “Public Opinion” Foundation study “Human rights protection as the key life quality criterion” P. 4
23. Ibid P. 5
All the aforementioned rights are most often marked out as the most frequently violated rights. However, there is more to it than just quantitative indicators: it is important that violations in these spheres are the most sensitive ones, since they contradict the basic idea of a just society organization.

Opinions on whether human rights are respected in Russia now have divided almost equally.


![Fig. 6.](image)

How has the human rights situation changed over the last few years? According to figures of the “Public Opinion” Foundation26,27.

![Fig. 7.](image)

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24. Human rights, high profile social problems and civic engagement. P. 43.
25. All-Russian telephone survey of citizens aged 18 and older in all constituent entities of the Russian Federation with an acceptable level of telephone penetration. 02.09.2014. 1,018 respondents.
27. All-Russian representative surveys of the population aged 18 and older in 100 settlements of 43 constituent entities of the Russian Federation. Combined results of surveys conducted on November 9 and 16. Combined number of respondents is 4,500.
So, 45% of those surveyed think that the human rights situation has improved over recent years, 33% of respondents believe that there have been no changes, and only 14% of respondents say that the situation has deteriorated.

The public opinion polls data reveals substantial differences between assessments of the human rights situation in Russia in 2014 — those of the public opinion and of human rights organizations.

How often are human rights violated from the viewpoint of Russian nationals?

According to figures of the mass survey, 65% of Russian nationals say that in the last two years they have not experienced any infringement of rights when it comes to them or their families. One third of the surveyed citizens (33%) asserted with confidence that such violations did happen. In addition, it was this group of respondents that most often gave a negative assessment of the human rights situation in Russia in general. Nevertheless, even this group underlined positive changes twice as often as the negative ones\(^\text{28}\).

People living in small settlements mention infringements of rights less frequently.

At the same time, Moscow, which is the largest metropolis in Russia and, seemingly, the most politically charged and best legally-informed Russian city, demonstrates the same average trend as small settlements.

Moreover, it is in million-plus cities where one third of the population mentions human rights violations and where, at the same time, people are the most tolerant to possible public acts partially restricting human rights, and this indicator also breaks embedded stereotypes to a certain extent.

\(^{28}\) Human rights, high profile social problems and civic engagement. Executive summary of the “Public Opinion” Foundation study “Human rights protection as the key life quality criterion”. P. 6.

\(^{29}\) Ibid.

\(^{30}\) All-Russian surveys of the population in September and October 2014. Representative surveys of the population aged 18 and older. The selection scope is 1,500 respondents, population of urban and rural settlements in 43 constituent entities of the Russian Federation. Regular surveys within the Social Project of the “Public Opinion” Foundation in 2012-2014 on the issue of civic engagement in the Russian society. Representative surveys of the population aged 18 and older. The scope of selection is 1,500 respondents, population of urban and rural settlements in 43 constituent entities of the Russian Federation. The question was: “Over the last ten years, have there been any cases of human rights violation with regard to you, your family or friends?” The number of positive answers as percentage of the total number of respondents was taken into account.
40% of respondents who dismiss a possibility of any restrictions of rights under any circumstances are mostly people aged 18–30 years (46%) living in small towns and urban-type settlements (55%) with secondary-level education or lower (49%). This is the viewpoint mostly shared by “average citizens” (46%), that is people who are not involved into the civil life in any form.

Others (36%) tolerate some sort of a condition for a restriction on rights. Such conditions as “safeguarding of peace” and “stability” are more common than others (19%). It is no coincidence that there have been no differences in terms of age or income regarding this point. It may be said that “peace” and “stability” are the values for which there is a public consensus: these values are permanent for Russian nationals and they are handed down form generation to generation. On the basis of cumulative evidence people who choose “peace and stability” as conditions for possible restrictions of rights may be called “provincial intelligentsia”. These are, most often, middle-aged university-educated people (34%) living in million-plus cities (30%) and medium-sized towns with a population of 50,000–250,000 people (26%).

State (national) security is seen as a reasonable ground for a partial restriction of rights by 17% of respondents. They include university-educated people (23%), relatively more affluent people (with an income exceeding 20,000 rubles per month — 24%), population of million-plus cities (25%) and of big cities (with a population from 250,000 to 1,000,000 — 23%).

There are 15% of Russians who believe that rights and freedoms may be restricted if they come into collision with rights of other people. These are also, more often than average, university-educated people (20%), relatively more affluent (with an income exceeding 20,000 rubles per month — 20%), population of big cities and million-plus cities (21% in each case), high-resource workers (24%).

At the same time, it is fair to assume that sanctions and the feeling of a heightened external threat for the country, following the deterioration in relations with the West, resulted in a changed correlation “order in the state/human rights”.

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Footnote: 31. Human rights, high-profile social problems and civic engagement. P. 54.
Ability and readiness of Russians to assert their rights

According to surveys, if violations of rights occur, 62% of Russians are ready to take actions to solve the problem, but, at the same time, up to 67% of respondents refuse to believe in the readiness of other Russian nationals to stand up for their rights. Even more, 67% of all respondents are convinced that most Russians are unaware of their rights, and 74% of respondents are confident that people in Russia are unable to protect their rights.

The results of the survey show a number of contradictions between the individual readiness to uphold one's rights and the idea of the readiness of other citizens to assert their rights, which means that respondents think better of their own readiness and ability to assert their rights than of the capabilities of their fellow citizens in this field.

At the same time, the gap between a hypothetical readiness to stand by one's rights and real actions is significant: only 26% of respondents have rights protection-related experience.

Who do Russian citizens count upon in protection of their rights?

Disbelief in the idea that somebody is capable of protecting their rights is mostly typical for socially vulnerable groups, i.e. those people who need help in the first place. Besides, the public tends to place human rights protection responsibilities on governmental agencies, rather than on non-governmental organizations, trusting executive authorities rather than legislative bodies.

Thus, the first four lines of the governmental rights protection list, according to the population, include the President of the Russian Federation, public prosecution, the Constitutional Court of the Russian Federation and the police (Fig.11).

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33 The poll was carried out on November 21-24, 2014 through a representative Russia-wide selection of urban and rural population among 1,600 people of 18 years and upwards in 134 settlements of 46 regions of Russia.
36 Ibid. P. 61.
**Fig. 11.** Who do you think, protects human rights in our country to the fullest extent? According to figures of the “Public Opinion” Foundation\(^ {37,38} \).

**Fig. 12.** Why did you not request any assistance to protect your rights? According to figures of the Levada-Centre\(^ {39,40} \).

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37 Ibid.

38 Combined data of three Russian surveys. All-Russian representative surveys of the population aged 18 and older were conducted in 100 settlements of 43 constituent entities of the Russian Federation on November 9 and 16, 2014. 4,500 respondents. A closed question was asked: “Who, as you think, protects human rights in our country to the fullest extent?” Multiple response was possible (but no more than three answers). There were in total twenty options mentioned.


40 The report was based on the quantitative survey conducted in major Russian cities versus the data of regular Russia-wide surveys of Levada-Centre carried out over previous years. It also involved results of 9 group discussions with the population and 24-depth interviews with civic activists and staff of nonprofits organizations that were conducted in April-May 2014 and concerned charity and human rights protection in three major cities – Moscow, St. Petersburg and Ekaterinburg. A closed question was asked: “Why did you not request any assistance to protect your rights?” Multiple response was possible.
However, at the same time, 33% of the respondents think that there is no sense in seeking help anywhere, and 14% of respondents do not trust anyone at all (Fig.12). Such subjective depressive feelings contradict general positive assessment of the human rights situation in the country. The key lies in the everyday practice: while desiring to feel like citizens of a big and respectable country, people, in dealing with their problems, still face red tape, inescapable bureaucracy and inability to get what law entitles to them.

40% of citizens, experiencing injustice, do not raise the matter, although almost 60% of those who have turned for help to various agencies (legislative and executive authorities, law enforcement bodies, human rights organizations) say that their problem has been solved either fully or partially.

Have you ever directly asked these organizations or these people for help to protect your rights? According to figures of the Levada-Centre.

<table>
<thead>
<tr>
<th>Organization / Situation</th>
<th>% of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Militsiya/police</td>
<td>13</td>
</tr>
<tr>
<td>Court</td>
<td>8</td>
</tr>
<tr>
<td>Government agencies (through complaints)</td>
<td>8</td>
</tr>
<tr>
<td>Friends who could have settled it all</td>
<td>7</td>
</tr>
<tr>
<td>Executive authorities</td>
<td>5</td>
</tr>
<tr>
<td>Law enforcement agencies</td>
<td>3</td>
</tr>
<tr>
<td>Your deputy</td>
<td>2</td>
</tr>
<tr>
<td>Mass media</td>
<td>1</td>
</tr>
<tr>
<td>Influential men from public agencies</td>
<td>1</td>
</tr>
<tr>
<td>Non-governmental, human rights organizations</td>
<td>1</td>
</tr>
<tr>
<td>I didn't ask anyone for help</td>
<td>40</td>
</tr>
<tr>
<td>Nobody has violated my rights</td>
<td>25</td>
</tr>
<tr>
<td>Cannot answer</td>
<td>4</td>
</tr>
</tbody>
</table>

Figures as % of all those surveyed

Has your problem been solved? According to figures of the Levada-Centre.

<table>
<thead>
<tr>
<th>Solution of Problem</th>
<th>% of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, my problem has been solved fully or partially</td>
<td>39</td>
</tr>
<tr>
<td>No, my problem has not been solved</td>
<td>58</td>
</tr>
<tr>
<td>Cannot answer</td>
<td>3</td>
</tr>
</tbody>
</table>

Figures as % of those who have requested assistance

41. Ibid.
42. Ibid. P. 12
43. The report was based on the quantitative survey conducted in major Russian cities versus the data of regular Russia-wide surveys of Levada-Centre carried out over previous years. It also involved results of 9 group discussions with the population and 24 depth interviews with civic activists and staff of nonprofit organizations that were conducted in April-May 2014 and concerned charity and human rights protection in three major cities – Moscow, St. Petersburg and Ekaterinburg. A closed question was asked: “Why did you not request any assistance to protect your rights?” Multiple response was possible.
44. Ibid. P. 13
Consequently, a considerable part of the country’s population is amid a severe institutional crisis: citizens do not place much hopes on the efficient response of government services, and social institutions are not very well known or strong enough to efficiently deal with problems. On the whole, the state of public opinion is alarming, with a quarter of the population feeling unprotected, and main rights protection responsibilities laid on the head of state, executive authorities and the justice system, while traditional democratic forms of civic engagement are disregarded.

**Lines of social tension**

Social tension is the emotional state of the society or separate groups of people characterized by mistrust, fear, circumspection, aggressiveness, etc. It is caused by a gap between people’s needs (in a broad sense) and their satisfaction, and it may lead to conflicts. The study of social tension is important, first of all, in the context of human rights, since the failure to respect human rights is one of major tension-related factors. The results of surveys and studies show that in Russia social tension mostly occurs due to socio-economic contradictions (income and financial security gaps) rather than cultural, religious or ethnic differences. It is obvious that socio-economic differences are perceived by citizens as much more significant than contradictions related to the generation gap (“young people and adults” — 15%) or national and cultural specificity. Only 12% of respondents believe that there is a nationality conflict in the society, and only 5% of those surveyed see the problem in inter-religious relations (5%).

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**Fig. 15. Presence of sharp contradictions in a settlement of the Russian Federation. According to figures of the “Public Opinion” Foundation.**

| Public officials and the general population | 34 |
| There are no acute contradictions | 26 |
| The rich and the poor | 25 |
| Employers and employees | 22 |
| Young people and adults | 15 |
| People of different nationalities | 12 |
| Cannot answer | 11 |
| Locals and newcomers | 11 |
| Entrepreneurs and public officials | 5 |
| People of different religions | 5 |
| Residents of different districts | 2 |

*Figures as % of all those surveyed*
Contradictions between the rich and the poor, employers and employees are most often mentioned by the jobless and people who are not going to look for a job. It may be deduced that the population is mostly sensitive to conflicts and contradictions in the field of economic and political relations; the problem of coexistence of cultures catches the attention of citizens less often, and the main component of this problem, as Russians see it, is an ethnic factor rather than a confessional one.

However, the clearest illustration of the ill-being, indifference and ineffectiveness of the state bureaucratic system is the intolerably high level of contradiction between government officials of all levels and the population in general — that is the view shared by 34% of Russians.

**Human Right to Participate in the Management of State Affairs**

The decision-making process that ignores public opinion results in the population being mistrustful of the possibility to influence the decision-making process of public authorities: 26% of citizens, according to public opinion polls, are convinced that this is impossible in principle.

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**Fig. 16. In your opinion, can the population of our city (village, settlement, area) influence authorities in order to solve problems of the city (village, settlement, area)? If yes, which ways, as you believe, are the most efficient?**

According to figures of the “Public Opinion” Foundation.

- **Population of our city (village, settlement, area) cannot influence authorities**: 26%
- **Collective letters, direct appeals to the administration**: 13%
- **Legal action**: 11%
- **Contacting the media**: 10%
- **Appeal to the President of the Russian Federation**: 9%
- **Appeal to the Public Prosecution Service**: 6%
- **Appeal to the Council of Deputies**: 3%
- **Appeal to regional (oblast, territorial) authorities**: 3%
- **Appeal to human rights organizations**: 3%
- **Participation in public hearings**: 2%
- **Appeal to territorial autonomous public bodies**: 2%
- **Carrying out agreed rallies and demonstrations**: 2%
- **Use of Internet (city portals, fora)**: 2%
- **Participation in election of executive authorities**: 2%
- **Carrying out non-approved acts of protest**: 1%
- **Appeals to leaders of parties**: 1%
- **Cannot answer**: 10%
On the whole, sociologic indicators of social optimism show that, despite all problems and difficulties of the past year, participants to the survey are, in the vast majority of cases, proud of their country. Contrary to the outside criticism of Russia for “reduction of democracy”, they feel free here (69%\(^{49}\)) and 64%\(^{50}\) of respondents believe that Russia is better than most states.

It is also important to underscore that, in spite of sanctions and escalation of anti-Western sentiment, 60% of respondents note the willingness to continue cooperating with Western countries.

The economic growth in the last 15 years has made it possible to achieve an all-time high level of material prosperity in Russia. In the current period, given unfavourable “sanction” and other economic factors, social stability and “psychological resistance” of the society will depend not only and not so much on objective factors as on the internal sensation of material welfare and, to an even greater degree, on moral well-being, social justice and readiness of authorities to overcome all the difficulties of this period together with the people on the basis of a frank, direct dialogue and principles of mutual responsibility; with a real feedback and with due respect for the public opinion.

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50. Ibid. P. 34.
52. The survey was conducted by Levada-Centre on October 24-27, 2014 among 1,630 residents of 134 settlements of 46 constituent entities of the Russian Federation. The question was “Are you proud of today’s Russia?” There were four options offered: “definitely yes,” “rather yes,” “rather no,” “definitely no.”
1.2 Human Rights Activists. Human Rights Situation Assessment by Non-Governmental Human Rights Activists

High Commissioner’s assessments and conclusions are supported by established and substantiated facts, but, at the same time, if various non-governmental organizations and human rights activists are sending signals of trouble regarding the same issue, it might be supposed that the problem is very likely to exist, a somewhat difficult-to-prove problem that is rejected and hidden from prying eyes, and, for this reason, deserving close attention.

The High Commissioner by no means always agrees with the data, assessments, conclusions and suggestions of human rights activists, but at the same believes that it is necessary to present a part of them in this report, comparing it with the public opinion about human rights and the High Commissioner’s position.

In 2014 human rights activists repeatedly initiated headline-making campaigns against the use of force and abasement of human dignity on the part of some law-enforcement officers. In particular, the “Barometer of Police Reform”53, based on public opinion polls, as human rights activists claim, concludes that law enforcement agencies in some cases remain closed and ineffective and, instead of protecting against arbitrary action, they themselves pose such threat to the population. Some human rights organizations claim that illegal initiations of criminal cases still take place and guilty verdicts are still delivered on provoked crimes.

According to human rights activists, a great tangle of acute problems related to the system for the execution of sentences has not been unraveled yet.

For example, the Chairman of the All-Russian public movement “For Human Rights” points to cases of violence and tortures in the penal enforcement system. In his opinion, cases of death in places of imprisonment are not always investigated, and there are attempts to pass off possible murders as accidents.

Activities of Public Monitoring Committees (PMC) related to human rights protection in detention facilities are of particular importance; such committees have been set up in 80 constituent entities of the Russian Federation. Human rights activists often underscore that, contrary to requirements of Federal Law No. 76-FZ of June 10, 2008 “On the Public Oversight of Human Rights Protection in Detention Facilities and Assistance to Inmates”54, members of PMCs often get no access to the territories of closed administrative-territorial units, temporary detention centres for foreign citizens and stateless persons.

According to the CEO of the regional public organization “Independent Legal Expert Council”, “when it comes to criminal legal proceedings, we are left without the right to defense”. Human rights activists emphasize that, in criminal legal proceedings, possibilities to exercise the right to defense are limited, since, as they believe, arguments of the defense and lawyers’ motions are often ignored; it is a common practice when counsels are denied access to the criminal procedure; the defense team and the prosecution do not have equal rights in the criminal process. In fact, human rights activists state the lack of truly adversary nature of the judicial process.

Another sensitive issue often mentioned in the reports of human rights activists is the issue of violation of human rights and freedoms with regard to drug users. From the viewpoint of human rights organizations, such violations occur due to repressive measures that are taken in response to health care system problems. One of the headline-making examples was the story of a protracted litigation of doctor X who had prescribed a narcotic pain medication to a terminally ill patient and, as a result, was prosecuted for distribution of drugs. In all fairness, it has to be added that the court has delivered a verdict of non-guilty. Nevertheless, the problem remains acute. The state, in the eyes of human rights activists, is not eager to involve the society in the solution of this problem.

Experts and human rights activists once again note the worsening human rights situation with regard to persons of unsound mind. In the view of the President of the Independent Psychiatric Association of Russia, it is impossible to detect infringements of rights of mentally ill people in the absence of a special independent service, as stipulated by the Law “On the Psychiatric Assistance and Guarantees of Citizens’ Rights in Its Provision”.

Human rights activists believe that there is a need to develop efficient mechanisms in order to prevent abuses in psychiatry that take place for nonmedical purposes to settle property disputes, for the purposes of housing frauds, or on political grounds.

Sharing the opinion of human rights activists in this regard, the High Commissioner’s Office has developed and sent to the Government proposals to establish a special independent service, as envisaged by Law of the Russian Federation No. 3185–1 of July 2, 1992 “On the Psychiatric Assistance and Guarantees of Citizens’ Rights in Its Provision”\textsuperscript{55,56}.

Public experts in the field of electoral rights draw attention to violations of electoral rights of citizens during early voting, including cases when citizens are compelled to vote. Independent experts think that existing filters for the collection of votes of municipal deputies (level of a constituent entity) and of votes of electors (municipal level) put additional obstacles to enterprising candidates, who are of the people, to run in the election. Experts also call attention to the fact that the Article of the Administrative Code of the Russian Federation On the Violation of the Rights of Observers practically does not work\textsuperscript{57}.

Human rights activists claim that detentions of participants in street actions in 2014 were numerous and judicial inquiries were just formalities due to lack of adversarial nature of the process.

The High Commissioner believes in this regard that each fact of detention of participants in street actions requires objective inquiry in all predicaments and justification of preventive and procedural measures undertaken by the police. The balance between requirements to uphold civil order and observation of citizens’ rights is controlled by the High Commissioner via direct observation of public actions by his staff. The High Commissioner notes some positive dynamic regarding the actions of the police and their correct behavior at the scenes of such actions, but there are still concerns about administrative proceedings, which are reflected in the report, Section On the Right to Freedom of Assembly.

There are human rights activists who believe that heated discussions on Ukraine and the integration of Crimea in the Russian Federation resulted in an inadmissible opposition between groups of people based on their political views, cases of intolerance towards dissenters by both parties. The High Commissioner shares this concern and believes that any forms of prosecution of a human being for his or her worldview, unless it contradicts the basics of constitutional order and national security and is not a threat to rights of other people should be suppressed by the state.

In this regard we should note the speech of the President of the Russian Federation at the meeting of the Security Council on November 20, 2014, where he made a clear separation between the need for combating extremism and inadmissibility of suppressing the dissenters. It should be a clear signal to those officials who believe that those two issues are equal\textsuperscript{58,59}.

Some human rights activists raised the issue of possible participation of Russian military in fighting in Ukrainian territory.


\textsuperscript{59} Quote: “Combating extremism has nothing in common with suppressing the dissenters. We are a free democratic country and our citizens have the right to their opinions and expressing their opinions, to be in opposition to the authorities.”
First publications in the media on forcing the conscripts to sign contracts in order to send them to Ukraine appeared in the second half of 2014.

For example, on August 9, 2014 a news website, Gazeta.ru published a material, according to which 9 Russian servicemen were killed on the Ukrainian border, followed with 2 more on August 11. Moreover, media circulated information about capture of 10 in the Donetsk region of Ukraine. As a result, a question was asked the chief military prosecutor was addressed to exercise measures of prosecutor’s supervision in the process of relevant inquiries. As the reply of the Chief Military Prosecutor of September 22, 2014 indicates there have been investigations on the information contained in the letter. The result of the inquiry by the Military Prosecutor’s Office was stricter supervision over laws on rights and social safety provisions for the families of military servicemen. As for the detention of 10 military servicemen, they, according to the reply of the chief military prosecutor, went off their patrolling route, got lost and were detained by the Ukrainian military. On August 13, 2014 the detainees were returned to the Russian Federation and went back to their military base. Also the media numerous times circulated information on forcing conscripts to sign military contracts, quoting the representatives of NGOs Soldiers’ Mothers of St. Petersburg and For Human Rights, as well as other organizations. It was, as well, connected with the crisis in Eastern Ukraine and possible sending of Russian military servicemen there. It should be noted that the Office of the High Commissioner for Human Rights was not contacted on the issue at all in 2014. Yet bearing in mind wide the attention of general public to the matter, the High Commissioner took it upon himself to address the heads of those NGOs with a request to provide facts that were a basis for those claims to start subsequent inquiries. Moreover, for each case mentioned in the media a relevant inquiry was sent to military districts prosecutors, as well as the Office of the Chief Military Prosecutor. As follows from official replies to the High Commissioner, the aforementioned claims were baseless. Additionally, to appraise objectively the actions of the authorities on the letters from the heads of the NGOs For Human Rights and Soldiers’ Mothers of St. Petersburg the Office of the High Commissioner for Human Rights issued its own inquiry. There have been telephone conversations between the staff of the Office of the High Commissioner and the parents of the servicemen mentioned in the letters. None of the claimants affirmed the fact that their sons were forced to sign military contracts or to take part in the fighting in Ukraine. All the claimants said that the rationale behind those letters was lack of information from military bases and, as a result, worry for their sons. On the whole the High Commissioner believes that the bulk of the guilt of inattention and untimely informing the relatives of the servicemen lies with the Ministry of Defense of the Russian Federation. The analysis of the situation resulted in a letter to the Minister of Defense of the Russian Federation with relevant observations and suggestions.

One of the most ambiguous human rights issues for the general public that draws the attention of multiple international and Russian NGOs is the rights of LGBT community.

In the countries with developed system of traditional values and demographic policy aimed at increasing birth rate development of LGBT community faces natural resistance. This was reflected in the Resolution of the UN Human Rights Council adopted on September 2, 2009 “Encouraging of Human Rights Through Deeper Understanding of Traditional Human Values”.

In Russia discrimination based on sexual orientation and gender identity is prohibited, as well as any other form of discrimination, and the rights of LGBT citizens are protected by existing laws. The Constitution of the Russian Federation guarantees equal human and civil rights and freedoms. The Penal Code of the Russian Federation does not provide accountability for homosexual relations. However the Russian Federation is regularly criticized by the representatives of the human rights community. For example, Moscow Helsinki group and Russian LGBT network claim that the federal law adopted in 2013 is a discriminatory one. A few cases of violations, according to them, of LGBT activists rights, are present in the reports of NGOs Amnesty International, Human Rights Watch and the Office of Human Rights Commissioner in St. Petersburg.60
As the Constitutional Court of the Russian Federation ruled, the criticized acts and amendments to federal laws that have been in force since 2014 do not violate the Constitution. They do not contain any elements of discrimination and are only aimed at protecting children from propaganda of nontraditional sexual relations. They establish the obligation of authorities to take action to protect a child from information, propaganda and agitation that would harm his or her health, moral or spiritual development.

In 2014, as in previous years there have been no complaints on discrimination and violation of constitutional rights registered in the Office of the High Commissioner, there are no observed mass violation of rights of LGBT citizens. Meanwhile the High Commissioner shares the view of human rights activists on inadmissibility of bullying, aggressive and other socially inadmissible actions that would lead to abasement of human dignity of the LGBT citizens.

According to the Glasnost Defense Foundation, the situation in Russian media remains difficult. The longstanding problems have been joined by new ones in the form of laws that complicate the work of the journalist community. In particular, articles on slander, insult of representative of authority have been re-introduced in the Penal Code and are constantly called upon, the so-called anti-extremist laws have been further developed, and the mandate of Roskomnadzor has also been expanded, providing it with the right to block access to media based on elements of offence with no need of warrant. Yet the most serious problem of all is deaths of journalists.

Human rights activists also point at disproportional, in their opinion, limitations of human rights in combating terrorism and extremist gangs in Northern Caucasus.

In this regard the High Commissioner is also concerned that anti-terrorist operations should not result in mass violations of civilians’ rights. Improving standards in the domain of human rights, not their deterioration is essentially a part of combating terrorism.

As for other cases of human rights violations in the regions of Northern Caucasus, the chair of regional charity organization Civic Assistance Committee that supports refugees and displaced persons insists on the need to form preemptive measures to prevent so-called “honor killings” of women in the Chechen Republic.

In the spring of 2014 after another call for the High Commissioner from representatives of NGOs to help with searching for people abducted in different parts of the republic and bringing the perpetrators to justice on April 23, 2014 a letter was sent to the Chairman of the Investigative Committee of the Russian Federation requesting to take all necessary organizational and procedural measures to ensure thorough investigation of the mentioned cases. The reply that was received in June said that the Investigation Department of the Investigative Committee of the Russian Federation in the Chechen Republic solved several criminal cases that were on trial in the European Court of Human Rights and the perpetrators were found as well. Moreover, all cases were solved through strict investigation procedure. Still there are a lot of problems to be solved by the representatives of the Investigative Committee (regarding efficiency of solving such cases) and by the state (regarding eradication of present violations of investigations inconsistent with the European Convention on Human Rights).

Several human rights organizations point to matters of compensations for lost homes and belongings for people who suffered during the crisis in the Chechen Republic living in its territory. The High Commissioner also receives complaints on this issue. According to the Legal Department of the Administration, President and the Government of the Republic in from 2003 to 2014 there were 85,151 cases of compensations. There
are also people who have the right to those compensations and relevant decisions have already been made but they have not yet implemented this right due to objective reasons.

With the complaints received in mind the High Commissioner addressed the prosecutor of the Chechen Republic with a request to initiate an inquiry on allocation of the funds received by the Republic for compensations for lost homes and belongings and the circumstances of 17,468 cases of people not receiving compensations\textsuperscript{64}. According to the received answer the funds allocated from the federal budget have been used fully and as intended. There are no further provisions for such compensations in the federal budget of the Russian Federation. Besides, due to Decree No. 10 of the President of the Chechen Republic January 22, 2014 the Secretariat of the Board of Applications was liquidated since the Board stopped working\textsuperscript{65}.

The established measure of state support did not allow resolving the existing housing problem for the citizens of the Chechen Republic. The disturbing issue of 17,468 unpaid compensations remain unresolved.

The described insufficient efficiency of the existing mechanism of protection of the aforementioned category of citizens and the need to create a new system of providing them with state support were addressed to the Minister for Labour and Social Security of the Russian Federation. Unfortunately, the view of the High Commissioner was not supported\textsuperscript{66}.

The Chairman of the Board of Human Rights Centre Memorial once again draws our attention that the so-called “case of 58” in the city of Nalchik in the Kabardino-Balkar Republic has still not been taken to court. The human rights activists are perplexed with the situation where the persons accused of attacking governmental buildings on October 13, 2005 have been housed in the pre-trial detention centre for nine years without a sentence.

According to the Moscow Bureau of Human Rights in 2014 guilty verdicts on “rousing hatred” and “public calls to extremist actions” grounds were passed in 145 trials of 148 people. 13 of them are on probation and 21 were imprisoned.

The NGOs protecting consumer rights are more and more concerned with food security.

For instance, the analysis of research of quality and safety of products conducted by the Russian Institute of Consumer Testing showed high level of dangerous and counterfeit products in several regions of Russia. For separate products it goes as follows: 86% for quark, 71% for milk, 50, 67 and even 100% for certain foreign and domestic vegetables, including canned vegetables. The NGOs believe that this is the result of lack of state control in the consumer market.

This conclusion is reaffirmed by various independent NGOs that work in the domain of safety and quality of food products. According to them, the share of dangerous food goes up as high as 25%, and low-quality and counterfeit food — about 30–40%, and for certain categories counterfeit may reach 60–80%. Together with that those NGOs believe that regulators quite often impose on businessmen not in order to ensure safety and quality of products that the aforementioned businessmen manufacture or distribute. There is a need for change in the very approach of regulators towards inspections — those should be pinpoint inspections of products, not the organization itself, the state of its books or fire safety of the building. Within this approach it would be prudent to develop ties between regulators with necessary laboratory facilities and the relevant mandate and NGOs and non-profit organizations with vast experience in this domain.

In this chapter we have offered only a glimpse of the problems raised by human rights activists that require constant interaction between them and state institutions in search of mutually acceptable solutions aimed at restoring the violated rights of the citizens of the Russian Federation. These goals should be addressed by the High Commissioner’s Expert Council that is being created now on the principle of wide representation.

\textsuperscript{64} Dec. No. EP 28133-26 as of September 9, 2014 to the Prosecutor of the Chechen Republic.

\textsuperscript{65} Inc. No. 8889 as of November 20, 2014. A reply from the Prosecutor of the Chechen Republic.

\textsuperscript{66} Inc. No. 8713 as of November 17, 2014. A reply from the Minister of Labour and Social Security of the Russian Federation.
1.3 High Commissioner’s Institution in the State Human Rights Protection System

The High Commissioner for Human Rights goes by the Constitution of the Russian Federation, the Federal Constitutional Law on the High Commissioner for Human Rights in the Russian Federation⁶⁷, legislation of the Russian Federation, as well as norms and principles of international law and international treaties of the Russian Federation.

Activities of the High Commissioner as a specialized constitutional institution — independent and non-accountable to any government agencies or officials — complements the existing means of protection of citizens’ rights and freedoms, yet it does not cancel or revise competencies of relevant government agencies that are charged with protection and restoration of violated rights and freedoms. The High Commissioner’s independence in decision-making and non-interference in his work guarantee efficient human rights activities and are a necessary condition for objective and unbiased decisions.

The High Commissioner uses his legal means to:
• restore violated human rights and freedoms, that is correct injustice towards a citizen;
• improve legislation on human rights and adjust it to universal norms and principles of international law;
• develop international cooperation in the domain of human rights;
• legal education in terms of human rights and forms and means of their protection.


The federal laws that have been adopted recently have improved greatly the dimensions of the High Commissioner’s activities. It can be said of, for instance, the sphere of interaction with Public Monitoring Committees (PMC) that are created to promote state policy in the domain of protection of human rights in prisons.

Federal Law No. 212-FZ of July 21, 2014 on the Basic Concepts of Public Control in the Russian Federation has set forth the High Commissioner’s responsibility in cooperation with entities of public control, e. g. the right to initiate public inquiry and public expert evaluation.

Regulation of activities in this new dimension requires further improvement of legal regulation, since public opinion thus far has had little influence on decisions made by authorities, among other things due to lack of instruments of public control of law-making and law-enforcement entities.

Mass changes that are under way in justice system are also followed very thoroughly by the High Commissioner. After the transformation of Russia’s Supreme Court into the highest judicial agency in civil (including economic), penal and administrative cases there will be a need for development of procedural concepts of protection of constitutional rights. It should be mentioned that on September 15, 2015 the Administrative Procedural Rules of the Russian Federation of March 8, 2015 No. 21-FZ come into force⁶⁸. According to it the High Commissioner has the right to bring administrative cases to court to protect rights and freedoms of general public and participate in court proceedings in person or via his representative.

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Developing Legislation on Human Rights

One of priorities for the High Commissioner appointed by the State Duma on March 18, 2014 is creation of an integrated system of independent state protection of human rights based on principles of federalism to secure their recognition, observation and respect by state and local authorities and officials.

In the process of restoration of violated rights certain difficulties are found due to lack of legislative regulation of the High Commissioner’s human rights activities.

For instance, the High Commissioner had no right to talk in private with persons that are in detention with the prison administration seeing them without hearing them, which was possible for members of public monitoring commissions. The same goes for temporary accommodation centers for persons applying for refugee status or already recognized as refugees, displaced persons or those granted temporary asylum in Russia. It led to the High Commissioner’s appeal to the President of the Russian Federation suggesting introducing draft laws that would allow greater independence for the institution of commissioners and create unified legal framework for activities of state human rights authorities that would ultimately result in more efficient protection of human rights.

The President of the Russian Federation supported the suggestions of the High Commissioner and based on subparagraph “d” of Article 84 of the Constitution of the Russian Federation these draft laws were introduced in the State Duma.

To further develop the capabilities of commissioners for human rights, in particular, their right to information on registered real estate rights a federal draft law was introduced in the State Duma on the initiative of the High Commissioner that would oblige state registration agencies to grant free access to necessary information at request from the High Commissioner and regional commissioners for human rights.

The federal constitutional draft law “On Introducing Amendments to Article 29 of the Federal Constitutional Law ‘On the High Commissioner for Human Rights in the Russian Federation’” and federal draft law “On Amendments to the Article 333.36 of Part Two of the Tax Code of the Russian Federation” are aimed at reducing bureaucratic procedures in activities on restoring the citizens’ rights and suggest the High Commissioner’s exemption from state dues in addressing certain justice authorities. At the moment of preparation of this Report the Government of the Russian Federation is gathering comments on the draft laws.

At the meeting with the President of the Russian Federation on November 17, 2014 in the interests of non-profit organizations the High Commissioner suggested revising the procedure of exclusion of NPOs from the list of “foreign agents”. The President of the Russian Federation supported this initiative and in accordance with his instruction amendments were made to the legislation in effect.

To implement the provisions of the Article 38 of the Law of the Russian Federation No. 3185–1 of July 2, 1992 “On Psychiatric Assistance and Guarantees of Citizens’ Rights in Its Provision” the High Commissioner took the initiative to develop a concept of a Federal Law “On Boards of Protection of Patients’ Rights in Long-Term Psychiatric Medical Facilities and Persons with Psychological Disabilities Residing in Long-Term Social Care Facilities”. The draft laws based on it were forwarded to the Government of the Russian Federation for further discussion and decision-making.

71. The automatic legislative support system of the State Duma assigned for them numbers 692549-6 and 692555-6.
74. This position was later reflected in Federal Law No.43-FZ of March 8, 2015 “On Introducing Amendments to Articles 27 and 38 of the Federal Law ‘On Non-Governmental Organizations’ and Article 32 of the Federal Law ‘On Non-Commercial Organizations’.”
Despite the fact that little time has passed since the appointment of the new High Commissioner conducted monitoring has already resulted in several projects aimed at improving regulations of rights of certain groups of citizens.

A federal draft law “On changes in article 23.2 of the Federal law ‘On Veterans’” was prepared and forwarded to the Administration of the President that would grant veterans’ relatives legal right to use provided monetary payment that was not used due to death for construction or purchase of housing.

In November 2014 the President of the Russian Federation was presented with a set of documents aimed at development of institutions of relief from punishment and commutation in the form of pardon or amnesty that is of great importance on the eve of 70th anniversary of the victory in the Great Patriotic War.

On December 5, 2014 the President of the Russian Federation approved the High Commissioner’s initiative on improvements in the system of medical and social expert review and better conditions for disabled persons in prisons and provided necessary instructions to the Government of the Russian Federation to prepare relevant suggestions. The decision was made during the meeting with members of the Presidential Council for Civil Society and Human Rights, commissioners for human rights, children’s rights and entrepreneurs’ rights.

In December 2014 the High Commissioner introduced the issue on the necessity to cancel planned changes in the decision of the Government of the Russian Federation that stipulated reducing the list of territories under the law of the Russian Federation No.1244–1 of May 15, 1991 “On Social Protection of Persons Exposed to Radiation after the Chernobyl NPP Meltdown” (2,252 settlements) and, therefore, measures of social protection for people in 14 regions of the Russian Federation. The High Commissioner’s address resulted in suspension of the decision.

**Monitoring of Legislative Activities**

Activities on improving the legal framework are undertaken by the High Commissioner via legal analysis of federal draft laws that are adopted in the State Duma in the first reading. In 2014 relevant committees of the State Duma received over a dozen of the High Commissioner’s reviews, several legal positions of the High Commissioner were taken into account.

In September 2014 the State Duma received an address with a suggestion to renew legislative procedures on draft law No.738983–5 “On Introducing Amendments to Article 72 of the Penal Code of the Russian Federation” that was introduced in June 2008 and stipulated changes in credit for time in custody. That is, credit for time in custody should be differentiated in passing the sentence since conditions in custody are often harsher than conditions of serving the sentence. The High Commissioner’s suggestion was supported in the State Duma.

In October 2014 the High Commissioner forwarded to the State Duma a decision on federal draft law No. 432308–6 that was adopted in the first reading. The suggestions were to clarify the competence of juvenile affairs commissions, non-exculpatory grounds, decriminalization of acts and possibility to provide information on previous offences or the type of offence regarding persons with no right to educational or relevant professional work for offences that threatened life, health or morality of minors. Unfortunately, the Federal law No. 489 of December 31, 2014 “On Introducing Amendments to Certain Legislative Acts of the Russian Federation” did not fully reflect the position of the High Commissioner. Future activities are supposed to include further adjustment of law to legal principles set forth by the Constitutional Court of the Russian Federation in its Ruling No. 19-P of June 18, 2013 “On the Case of Constitutionality of Subparagraph 13 Part 1

Federal Law No.357-FZ of November 24, 2014 was adopted and came into force with reflections of the High Commissioner’s remarks that were laid out in the review of federal draft law No. 5355676 “On Changes in Certain Legal Acts in Licensed Working Activities of Foreign Citizens and Declaration of Certain Provisions of Legal Acts of the Russian Federation to be no Longer in Force”. It stipulated involvement of foreign citizens in working activities on patents with a status not requiring a visa. The Parliament heeded the call to introduce more flexible regulations in terms of time frame of application for a license and their territory of validity as well as concerning consideration of addresses containing information on possible breaches of Russian law on migration registration.

In November 2014 the High Commissioner sent to the State Duma a review of federal draft law No.4807366 “On Introducing Amendments to the Federal Law ‘On Freedom of Conscience and Religious Assemblies” that was adopted in the first reading. It contained suggestions on improving the legal regulation of foundations and registrations of religious organizations.

In December 2014 the High Commissioner forwarded to the State Duma a review on introduced federal draft law No.522836–6 regarding improvements in requirements to dumping liquid waste in bodies of water and inadmissibility of cancelling the restrictions on dumping liquid waste in rivers and other bodies of water in the protected areas of potable and household water supply. The document contains arguments for inevitable environmental damage as well as negative consequences for human health if the draft law “On Changes in Article 44 of the Water Code of the Russian Federation and in the Federal Law ‘On the Enactment of the Water Code of the Russian Federation”.

It should be noted that the High Commissioner can only implement Part 2 of the Article 55 of the Constitution of the Russian Federation on inadmissibility of adopting laws that would annul or reduce human and civil rights including legal evaluation of draft laws through recommendations.

In this regard it is important to adjust the relations between the High Commissioner and the State Duma via introduction in its Regulation changes concerning consideration and discussion of the High Commissioner’s reports and addresses by the parliamentarians. Suggestions on this issue were addressed to the Speaker of the State Duma in December 2014.

Certain High Commissioner’s addresses to entities with the light of legislative initiative on issues of improving the legal framework are reflected in Part 2.

**Legal Education**

Law nihilism is one of the main problems of Russian society. Lack of knowledge on one’s rights and inability to defend them combined with indecisiveness — those are difficulties experienced by people who have become victims of lawlessness.

Legal education on human rights, forms and means of their protection is carried out in the following directions:

- immediate response to open addresses and expressions of opinions on publically important events, including those covered in media;

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80. The State Duma made a decision to reject the draft law in the first reading on February 17, 2015.
• cooperation with representatives of media (since Mach 2014 media have published over 14,000 materials on the High Commissioner’s activities);
• publications of information on the Internet including the official website (traffic has increased twofold for the last year).

In search of optimal decisions on urgent problems of protection of human rights the representatives of the office of the High Commissioner participated in over 153 events, including parliamentary hearings in the offices of the Federal Assembly (over 30); 25 meetings of governmental commissions; about 80 other events (round tables, workshops, congresses, conferences, forums and coordination meetings on issues of civil society and human rights with representatives of governmental authorities and participation of regional commissioners).

The analysis of complaints received by the High Commissioner reveals lack of legal awareness of the citizens about human rights activities on international level, first of all in the European Court of Human Rights. In their complaints the authors request a copy of the European Convention on Human Rights as well as assist them in understanding legal positions of the ECHR on certain matters and those rulings that were translated into Russian.

According to the official website of the ECHR81 for the last 5 years there have been almost 2,000 rulings against the Russian Federation. Still a lot of its decisions on needs in changes in Russia’s legal system remain unimplemented82. There is little doubt that there would be fewer verdicts against Russia if people and practicing lawyers had information on legal positions of the ECHR. The issue of open and full access to ECHR rulings was raised by the High Commissioner to the Representative of the Russian Federation at the ECHR deputy Minister of Justice of the Russian Federation.

The High Commissioner’s participation in the work of collective bodies with governmental agencies is regarded as a certain form of legal education as well. The High Commissioner participates in the following bodies personally or via representatives:

• The Presidential Commission for Screening Candidates for Federal Judges83;
• Commission of Chief Prosecutor’s Office on Preliminary Vetting of Candidates for Posts of Regional and Their Equivalent Prosecutors and Extension of Their Terms of Office;
• Governmental Commission on Migration Policy84;
• Governmental Commission on the Affairs of Compatriots Abroad85;
• Governmental Commission on Offence Prevention86;
• Governmental Juvenile Affairs Commission;
• Governmental Commission on Implementation of the Federal Law “On Free Legal Assistance in the Russian Federation”;
• Interagency Work Group on Changes in the Concept of Development of the Correctional System of the Russian Federation until 2020;
• Joint work group of the Investigative Committee of the Russian Federation and the Office of the High Commissioner for Human Rights in the Russian Federation on implementation of the right to review files on refusal to open penal cases and closed cases;
• Work group on issues of interaction and improving efficiency of activities of public monitoring commissions of the regions of the Russian Federation;

81. URL: http://www.echr.coe.int
82. E.g. court decision on the case “Rakevich v. the Russian Federation” (Rakevich v. Russia (Complaint No. 58973/00) of October 23, 2003; court decision on the case “Lashin v. the Russian Federation” (Lashin v. Russia (Complaint No. 33117/02) of January 22, 2013; court decision on the case “Kalinkin and others v. the Russian Federation” (Kalinkin and Others v. Russia (Complaint No. 16967/10 and others) of April 17, 2012.
• Work group with the Committee of the Federal Council of the Russian Federation on social policy “On Improving a Set of Measures Aimed at Social Protection of the People that Suffered Radiation Exposure after the Chernobyl NPP meltdown” and others.

This practice of participation in the aforementioned consultative and deliberative organs shows the need in the institution of the High Commissioner in implementing regulatory functions of the social state and allows recommending the involvement of regional commissioners in commissions under regional authorities of the Russian Federation.

**Development of International Cooperation of the High Commissioner in the Field of Human Rights**

Despite the deteriorated international climate the cooperation between the High Commissioner and leading international human rights organizations has not just avoided reduction but was substantially expanded.

On August 19, 2014 a Declaration of Intentions was signed with the Moscow mission of the Office of High Commissioner for Human Rights. In accordance with the declaration the following events were organized: international research and practice workshop “The role of national human rights agencies in promoting the rights of indigenous peoples” (September 30 — October 1, 2014 in Krasnoyarsk with organizational assistance from the Commissioner for Human Rights in Krasnoyarsk Region); international research and practice conference “Muslim women: human rights in the contemporary world” (October 16–17, 2014 in Kazan in cooperation with the mission of OHCHR and Commissioner for Human Rights in the Republic of Tatarstan).

Within the framework of a joint project with the Council of Europe on supporting public monitoring commissions the following events have been organized: joint visit to prisons in the Mari El Republic; a conference “Current Problems of Development of the System of Public Control in the Russian Federation” was held in Moscow; on December 2–5 Chechnya hosted a workshop for teachers of foreign languages dedicated to studying the standards of the Council of Europe aimed at creation of a universal European cultural space.

Agreements on cooperation were signed with commissioners of the Republic of Tajikistan and the Republic of Kyrgyzstan, continued cooperation was reaffirmed within agreements already in place with ombudspersons from Azerbaijan, Kazakhstan, Uzbekistan, Moldovan Transdniestrian Republic and Ukraine that promoted more efficient activities in restoring citizens’ rights.

Meetings were held with Ambassadors Extraordinary and Plenipotentiary and diplomats from Belgium, Denmark, Finland, France, Germany, Iceland, Norway, Sweden, Switzerland, the United Kingdom, the USA and the representatives of the UN; as well as meetings with Deputy Prime Minister, Minister of the Foreign Affairs of Belgium Didier Reynders, human rights counselors from the embassies of the EU countries, the delegation of International Commission of Jurists, Head of Adenauer Foundation in the Russian Federation Claudia Crawford, Coordinator of Protection Assistance Department of the IRCR Alessia Bertelli, Secretary General of Amnesty International Salil Shetty, Executive Director of the Russia-EU Civil Forum Anna Sevortyan, Executive Director of Human Rights Watch Kenneth Roth, Independent Consultant to the EU Marjorie Farquharson.

A wide range of issues of mutual interest were discussed at the meetings, such as Russia’s partnership with the Council of Europe in the light of Ukrainian crisis, forms of cooperation with the Council of Europe directorates.
Foreign partners were most interested in the following topics:

- problems of NGOs listed as “foreign agents”;
- the state of the LGBT community in Russia;
- the general situation with human rights in Russia.

Continued efforts are undertaken to solve a system problem that was uncovered after numerous complaints from Russian citizens that used to live and work in the territory of Uzbek Soviet Socialist Republic, that have difficulties receiving compensations for injuries from Uzbek treasury. In June 2014 the High Commissioner addressed the Government of the Russian Federation with a request to charge relevant ministries and agencies with the issue of alternative mechanism of sending compensations via Uzbek and Russian banks for Russian citizens.

Together with the Department of Consular service of the Ministry of Foreign Affairs of the Russian Federation the office of the High Commissioner helped Russian citizens who for various reasons had trouble coming home from abroad; assistance was provided to Ms. V., who found herself in a hospital in Poland, Mr. S. and Mr. B., who had trouble crossing Ukrainian-Russian border; the ship crew that was held by Lebanese authorities on the ship without shore leaves; operative telephone assistance was provided to Russian citizens in unusual situation abroad.

Commissioner for Human Rights in the Republic of Karelia requested assistance in bringing home Russian citizens Ms. L and Mr. R who were held in pre-trial detention center in Ukraine; the undertaken measures resulted in return home of Ms. L, the investigation concerning Mr. R is still under way.

On September 20, 2014 Russian citizens Mr. L and Mr. S., residents of Gatchinsky District of Leningrad Region were apprehended by Estonian border patrol in the basin of Narva river, where they were fishing and accidentally entered Estonian waters for just 10 meters. After the High Commissioner’s request to the Department of Consular service of the Ministry of Foreign Affairs of the Russian Federation and thanks to the efforts of Russian diplomats the fishermen were transferred to Russia on November 28, 2014.

Since the second half of 2014 the High Commissioner within her competence monitors the procedure and conditions of detention of the Ukrainian citizen Ms. N. Savchenko who was first held in Voronezh and then in a pre-trial detention center in Moscow.

Total number of appeals from Russian citizens on infringement upon their rights abroad has increased by 30% compared to the previous period. The number of cases of restoration of rights has increased 2.5 times.

**Development of the Institution of Commissioners for Human Rights in the Regions of the Russian Federation**

At the moment there are appointed commissioners for human rights in 81 regions of the Russian Federation.

The institution of regional commissioners for human rights has been formed for in several years due to numerous problems of their legal status and competence, safety measures of their human rights activities and lack of relations with both federal and regional authorities. The status of commissioners for human rights that is defined in constitutions (charters) and laws of the regions of the Russian Federation differs greatly in form, ways and means of protection of human and civil rights, in the mechanism of financing from the budget, in entities that nominate them, grounds for amotion; the office necessary for efficient work is not always provided, etc. For example, in such regions as the Republic of Adygea, the Komi Republic, the Republic of Mordovia commissioners for human rights did not have the capabilities to consider complaints on presidents of these republics.
The main problems with work of commissioners for human rights consist primarily of ensuring their independence and protection from possible pressure from regional authorities, and balance between their organizational and financial resources and their objectives set forth in legislation. The difference between concepts of creating a state institution for protection of human rights hinders the creation of a unified system of measures aimed at preventing violations and restoring violated rights of the citizens of the Russian Federation, prevents positive public opinion on the state abiding by its constitutional obligations. Irregular and incoherent measures, lack of systematic interaction between commissioners have negative effect on efficiency of correcting violations of human rights.

The High Commissioner paid great attention to development and introduction of a draft law “On Changes in Certain Legislative Acts of the Russian Federation Aimed at further Development of Commissioners’ Activities” that would provide for creation a unified independent system of state protection of citizens’ rights and 1) set out special procedures for nomination and amotion for regional commissioners; 2) define categories of entities with the right of nominating candidates for the post of regional commissioner, including human rights watchdogs; 3) ensured the right of immediate access for commissioners on the matters of their competence to heads and high regional, local and other officials with relevant state or public authority as provided for in federal law, as well as prison administrations.

Moreover, the amendments in the legal framework are aimed at improving organizational and financial resources of regional commissioners for human rights, including their own offices financed from regional budgets. This, on the whole, ensures efficient work within the system of the High Commissioner for Human Rights in the Russian Federation and regional commissioners for human rights.

The aforementioned meeting with the President of the Russian Federation on December 5, 2014 resulted in a series of instructions, including ones for commissioners for human rights in federal districts, on ways of developing human resources policies and ensuring independence of commissioners for human rights in Russia’s regions.

The High Commissioner hopes that most issues concerning organization of work of regional commissioners for human rights and their independence from executive authorities could be discussed in the near future at the meetings of federal districts coordination councils.

**Appeals Activities**

In 2014 the High Commissioner received 59,100 appeals from citizens and governmental and non-governmental organizations. The number of appeals increased by 43.6% compared to the previous year.

In 2014 the office of the High Commissioner received in person over 4,000 people (citizens of the Russian Federation, foreign citizens and stateless persons).

Over 8,500 appeals and complaints were received via call centre phones, about 7,600 of them were received by means of an e-form which was set up on the official web site of the High Commissioner in 2014.

Most complaints — 98.5% — came from the territory of the Russian Federation, the rest from abroad.

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87 The draft law provides that the candidate for the post of regional commissioner before it is considered in legislative (representative) regional government body is to be approved by the High Commissioner for Human Rights of the Russian Federation, and decisions on amotion are made after consultations with the High Commissioner for Human Rights of the Russian Federation.

The current e-form was first set up along with the renewal of the official website of the High Commissioner in 2014. Before that, e-applications could be submitted via the previous form (available at www.old.ombudsmanrf.org) and e-mail.

Fig. 18. Comparative statistics of the number and means of submission of appeals to the High Commissioner for Human Rights in the Russian Federation in 2011–2014.

<table>
<thead>
<tr>
<th>Year</th>
<th>Appeals via electronic means</th>
<th>Complaints and appeals from citizens</th>
<th>Total number of written appeals from citizens, state agencies and NGOs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>7,592</td>
<td>32,382</td>
<td>59,177</td>
</tr>
<tr>
<td>2013</td>
<td>3,081</td>
<td>22,997</td>
<td>46,921</td>
</tr>
<tr>
<td>2012</td>
<td>3,665</td>
<td>24,930</td>
<td>52,037</td>
</tr>
<tr>
<td>2011</td>
<td>2,529</td>
<td>26,197</td>
<td>54,336</td>
</tr>
</tbody>
</table>
Number of appeals received from federal districts.

Distribution of received appeals in groups of rights and freedoms.
Main topics of appeals related to economic rights in 2014.

**Fig. 21.**

Termination of employment contract
- 27.6%

Individual and collective employment disputes
- 13.4%

Issues of recognition of housing rights
- 12.8%

Land disputes
- 12.5%

Civil transactions
- 9.1%

Other
- 8.7%

Figures as % of received appeals in the sphere of economic rights

Main topics of appeals related to social rights and freedoms.

**Fig. 22.**

Provision of housing
- 36.4%

Issues of eviction
- 22.4%

Utility payments
- 18.4%

Healthcare and health insurance
- 15.3%

Admission and payment of pensions
- 12.8%

Social protection of certain groups of people
- 12.5%

Social protection of servicemen and members of their families
- 10.3%

Other
- 8.7%

Figures as % of received appeals in the sphere of social rights
Most appeals to the High Commissioner related to on the following complaints:

- protection of human rights in penal proceedings (complaints regarding sentences, rules and court decisions, violation of right to legal defense, violations during interrogations and investigations) — 32.1%;
- protection of housing rights (provision of housing, eviction, transfer form substandard housing, recognition of housing ownership, rent, utility payments and other) — 18.3%;
- protection of prisoners’ rights (in particular, complaints on conditions of detention) — 11.2%;
- social protection and healthcare — 6.9%;
- protection of labour rights (terminations of employment agreements, collective or individual employment disputes) — 4.6%.

The appeals addressed to the Commissioner covered almost all domains of human life (apart from the aforementioned there were issues of education and culture, land use, marriage and family, administrative responsibility, business and a lot more).

The increase in the number of appeals on the aforementioned and other problems in 2014 compared to the previous year was almost gradual. Still, the number of appeals on certain issues increased twofold or more (for example, on the issue of Russian citizenship — by 2.7 times).

**Restoration of Human Rights: Some Examples**

On the whole, the Office of the High Commissioner for Human Rights, on its own and in cooperation with relevant authorities, took measures to restore violated rights in 25,303 cases.

61 lawsuits were filed in courts of general jurisdiction. Three appeals were sent to the Constitutional Court of the Russian Federation, 20 petitions were submitted to cassation and supervisory bodies. Staff members of the Office of the High Commissioner took part in 60 hearings on cases and materials related to some events which had sparked a public outcry.
After the High Commissioner’s appeals in relation to the received complaints 12 criminal cases were opened\textsuperscript{90}, 198 rulings were reversed, including 8 rulings of investigative bodies to close a criminal case, 28 rulings on suspension of preliminary investigation and 121 rulings on refusal to open a criminal case were made, including 16 regarding police officers.

The High Commissioner’s assistance resulted in 151 officials held accountable: 113 were held disciplinary liable, 34 administratively, and 4 were brought to trial.

There have been 1,411 inquiries on received complaints in total. In 55 cases representatives of the High Commissioner studied the circumstances of a case on the site.

In criminal and administrative procedures over 14 thousand people saw their rights restored, 250 of them following complaints, the rest – following the correction of mass violations.

For instance, the rights of 300 disabled prisoners were restored in penitentiary facilities of the General Directorate of the Federal Penitentiary Service of Russia in the Republic of Bashkortostan, who, in breach of Article 107 of the Penal Code of the Russian Federation and the Instruction of the Federal Penitentiary Service No. 1307652-01 of April 24, 2012 had their monthly payments partly withheld; and the right of over 400 prisoners in the Correctional Treatment Centre No. 23 of the Directorate of the Federal Penitentiary Service of Russia in Volgograd Region (FKU LIU-23 UFSIN of Russia in Volgograd Region) to confidential correspondence with the High Commissioner for Human Rights in the Russian Federation were defended. Assistance of the High Commissioner facilitated restoration of rights of the relatives of convicts being held in the Pretrial Detention Center of the Federal Penitentiary Service Directorate in Bryansk Region (SIZO-1 UFSIN of Russia in Bryansk Region) (maximum capacity 600 inmates), who had to pay for application forms for visits and parcels; the rights of citizens regarding visits to the Penal Colony No. 2 of the Directorate of the Federal Penitentiary Service of Russia in the Republic of Tatarstan (IK-2 UFSIN of Russia in the Republic of Tatarstan) (maximum capacity 1,652 inmates); the rights of inmates to proper conditions of custody, unlawfully taken personal belongings were returned to convicts in the Penal Settlement No. 1 of the General Directorate of the Federal Penitentiary Service of Russia in Samara Region (KP-1 GUFSIN of Russia in Samara Region) (maximum capacity 319 inmates), disciplinary action was taken against the persons responsible; the rights of inmates to conditions of custody were restored in the Federal Government Institution Association of Penal Colonies No. 36 of the General Directorate of the Federal Penitentiary Service of Russia in Krasnoyarsk Territory (FKU OIK-36 GUFSIN of Russia in Krasnodar Territory) (Startsevo Village, maximum capacity 1,230 inmates).

The rights of over 9,000 prisoners who did not receive necessary medical help in the correctional facilities of the Directorate of the Federal Penitentiary Service of Russia in Kurgan Region (UFSIN of Russia in Kurgan Region) due to the lack of state medical license were also restored. The Kurgan City Court’s Decision of April 15, 2014 ruled the Federal Government Institution of Healthcare Hospital No. 74 (FKUZ MSCh-74) committed an administrative offence and imposed a fine of 50,000 rubles on it. The state medical license was acquired; persons held in the Administrative Detention Cell of the Inter-Municipal Department of the MIA of Russia (KAZ MO MVD of Russia) (Smolensk Region) were provided with three meals daily in accordance with existing regulations.

After the High Commissioner’s response to complaints of the employees of educational organizations within the system of the Federal Penitentiary Service of Russia (the FPS of Russia) to ascertain the qualification categories of the staff, a relevant legal act of the FPS of Russia was adopted, a certification commission was established, and in 2014 over 650 teachers had their rights restored. After a complaint from a staff member of the Directorate of the FPS of Russia in Chelyabinsk Region such violations as a lack of compensation for overtime work, as well as assignment of working hours on holidays and weekends were corrected; after complaints from its staff members, the Federal Government Medical Treatment and Prevention Institution Hospital No. 48 of the General Directorate of the FPS of Russia in the Komi Republic (FKLPU B-48 GUFSIN
of Russia in the Komi Republic) took necessary measures to make due welfare payments to the employees dismissed by reason of staff reduction.

On the appeal of the High Commissioner the Petrovsk-Zabaikalsk Inter-District Prosecutor’s Office conducted inspections of wards for persons in custody for administrative offences in the Petrovsk-Zabaikalskiy Inter-Municipal Department of the MIA of Russia which resulted in measures taken to adjust the mentioned quarters to the requirements of the law.

Some appeals resulted in restoration of civil rights of unidentified number of people.

The High Commissioner received a complaint from Ms. K who revealed that the officers of the Directorate of the Federal Migration Service of Russia in Nizhny Novgorod Region did not indicate the number of the passport of the applicant in the temporary identity card. For this reason Ms. K could not use train tickets that had been bought earlier or exchange them. Bearing in mind that it could be a mass problem, the High Commissioner addressed the head of the Federal Migration Service of Russia with a suggestion to consider complementing temporary identity card with an obligatory entry of a passport number.

Besides, assistance was provided in protecting the freedom of movement of the passengers who use the train that travels from Moscow to Rybinsk; temporary structures (garages) ownership rights in Moscow; the right to education for disabled students of the State Specialized Institute of Fine Arts; the right to decent housing conditions for the inhabitant of villages in Kargopol District of Astrakhan Region, Kochergin District in the city of Derbent, the right to health protection and decent conditions of transportation for passengers of Moscow Metro.

The High Commissioner’s appeal to the Government of Moscow Region resulted in aborting construction of low-storey apartment buildings at a mass burial site of the defenders of Moscow, thus protecting the rights of the relatives of the deceased.

The High Commissioner’s measures resulted in acknowledgement of the status of the lapel pin, “Winner of Socialist Competition” by the Ministry of Social Development and Family Policy of Krasnodar Region, which took it into account in awarding the medal, “Veteran of Labour,” restoring the right of the residents of Krasnodar Region, who had been awarded this medal, to be awarded the status “Veteran of Labour”.

Servicemen’s rights. The High Commissioner’s appeal to the Military Prosecutor’s Office of the Central Military District resulted in cancellation of the unlawful order that had been made by one of the commanders of military units and imposed groundless limitations on leaving a restricted military garrison. As a result, the rights of 436 servicemen were restored.

The High Commissioner’s appeal to the Military Prosecutor’s Office of the Western Military District protected the rights of 155 residents of a settlement, whose houses were damaged by ammunition disposal at a nearby firing range. The Prosecutor’s Office took steps to compensate the residents of the settlement and the disposal was put off pending decision to move the explosives disposal site.

Following the High Commissioner’s appeal to the Chief Military Prosecutor’s Office, 4,544 servicemen from Northern, Black Sea and Caspian fleets saw their right to extended vacation restored, or received compensation for the total amount of 1.3 million rubles.

After the High Commissioner’s assistance, 13 families of servicemen were provided with housing, many others were restored in the housing register; a number of servicemen were paid their due wages, received qualified medical help in military medical institutions, received assistance in transfer to other duty stations, as well as some were restored in the military service; while some citizens’ appeals resulted in annulment of three decisions to terminate criminal action.
The measures taken by the High Commissioner in the area of protecting citizens’ right to healthcare led to restoration of the right of disabled persons residing in the city of Podolsk (Moscow Region) and suffering from Parkinson’s syndrome. The patients were provided with Madokar, an expensive medicine for treatment of the illness. The right of cancer patients in Moscow (about 200 people) to an easier procedure of administration and prescription of narcotic and psychoactive substances was also restored.

The inspection conducted by the High Commissioner on the basis of a complaint from Ms. P. revealed violations of patients’ rights to healthcare at the Haematological Scientific Centre, Federal State Budgetary Institution of the Ministry of Healthcare of Russia. The revealed violations of regulations were discussed at the enlarged meeting of the medical panel of the institution and followed by appropriate measures.

The High Commissioner’s actions helped restore the rights of the following categories of citizens in social healthcare facilities:

- disabled and senior citizens (18 people) who had earlier lived in a small care home in Novosibirsk Region, which was closed, were transferred to other healthcare facilities taking into account their preferences;
- disabled and senior citizens (300 people) residing at the Regional State Budgetary Institution of Social Support, the Krasnoyarsk Care Home No. 1, were provided with safe living conditions at the institution. Joint efforts of the High Commissioner, the Prosecutor’s Office in Krasnoyarsk Region and the General Directorate of the Ministry of Emergency Situations of Russia in Krasnoyarsk Region resulted in repairing the faulty fire alert system in the facility; the director of the facility was charged with administrative offence for the fire safety violations revealed.

Labour rights. The High Commissioner’s assistance after a complaint from employees of the Inzhavinsky Health Resort, LLC (OOO “Sanatory Inzhavinskiy”) in Tambov Region on the misconduct of the administration that violated sanitary norms of organizing, housing and functioning of health resorts for children resulted in warnings or fines imposed on responsible persons; rights of 580 employees of the health resort were restored.

The High Commissioner’s consideration of complaints from staff members of the Sebastopol Branch Office, the Administration of Seaports of Ukraine State Enterprise, and measures taken within her mandate resulted in payment of due wages; the Government of Sebastopol made a decision to assist in finding new jobs for workers who had been dismissed, the rights of 240 people were restored; a complaint from officers of the General Administration of the Ministry of Internal Affairs in St. Petersburg and Leningrad Region was followed by measures to ensure payment of wages to the police officers in the above regions for night shifts; the rights of a certain number people were restored.

Following the High Commissioner’s actions taken in relation to complaints from employees of business companies (OOO “RusKom”, Krasnoyarsk Region; OAO “Goszemakadtrsyomka”-VISHAGI, Moscow and regional offices; OOO “Poultry Farm “Borovichskaya”, Novgorod Region; “Harabalinskiy Leskhoz” Autonomous Enterprise, Astrakhan Region; OOO “SU-91 Inzhstroyset”, Moscow; OOO “Energogazkomplekt”, the Republic of Tatarstan; OOO “InkomStroyMontazhi”, the Republic of Bashkortostan, and others) about failure of such companies to pay out due salaries, the guilty persons were punished for administrative offences, the salaries were paid out and labour rights of the employees were restored.

Special attention was paid to complaints received from residents of Crimea and Ukrainian refugees. Application for Russian citizenship and refugee status, clarification of the procedures and possibilities of settlement on the territory of the Russian Federation were among basic subjects of the appeals.
CURRENT PROBLEMS OF PROTECTION AND RESTORATION OF HUMAN RIGHTS BASED ON CONSIDERED COMPLAINTS AND APPEALS RECEIVED BY THE HIGH COMMISSIONER IN 2014
PART II: Current Problems of Protection and Restoration of Human Rights Based on Considered Complaints and Appeals Received by the High Commissioner in 2014

2.1 Political Rights as an Indicator of Freedom and Development

The High Commissioner does not interfere in political processes regarding support for certain politicians, political parties and movements, yet in accordance with their mandate, he/she has to assess fully and objectively the situation with political rights of people that are stipulated by the Constitution of the Russian Federation.

Election Day

The staff members of the High Commissioner performing on-site inspections have revealed several cases of violations during the single voting day on September 14, 2014.

Not questioning the legitimacy of the passed elections the High Commissioner believes it is necessary to point out the violations that have been uncovered during on-site inspections. 8.7% of those who addressed the High Commissioner in 2014 for protection of their political rights had issues with elections and electoral process. The monitoring organized by the High Commissioner was conducted in 14 regions of the Russian Federation: cities of Moscow and St. Petersburg; Bryansk, Volgograd, Vologda, Kursk, Lipetsk, Moscow, Novosibirsk, Pskov, Samara and Sakhalin regions; Krasnoyarsk and Khabarovsk territories. The analysis of the monitoring has shown the need for improving the work of electoral commissions and law enforcement bodies.

The detected violations were associated with irregularities concerning decisions of electoral commissions, actions of observers and members of electoral commissions, cases of concealed propaganda and free events for voters in the vicinity of voting stations, inactions of electoral commissions on complaints on electoral law (quite often complaints were registered as addresses and were not followed upon).

At certain voting stations there have been cases of denying observers and members of commissions in a consultative capacity access to voting rooms, as well as differences between notarized copies of the protocols and final tables (in Moscow Region and St. Petersburg). Representatives of the Golos Association were denied access to voting stations in observer capacity.

The lack of due reaction of police officers to information on violations at voting stations were common shortcomings in the work of law-enforcement bodies. In the overwhelming majority of regions of the Russian Federation there were no written instructions and quite often police officers failed to provide legal assistance as well. General shortage of police officers and slow transfer of information to the response center was also noted.

Unfortunately, “traditional” forms of administrative pressure on the result of elections persist: indirect propaganda by acting executive officials for “right” candidates, selective approach in registration of opposition candidates, not always justified early voting, use of administrative resources for organized voting of state employees and university students.

Residents of St. Petersburg who were going to be registered as candidates at the elections to the local council of the Parnas Municipal Entity had no such opportunity, since the building where, according to official information, the registration procedure was going to take place was closed for the whole period of
registration. The inquiry from the High Commissioner to the Election Commission of the Parnas Municipal Entity of the city of St. Petersburg was not delivered due to absence of the addressee at the location. The commission remained closed even on the single voting day, which was reaffirmed by the arrived representative of the High Commissioner.

In some cases the submission of documents to election commissions (e.g. Pulkovskiy Meridian, Chernaya Rechka, Moskovskaya Zastava, No.65) was only possible during a very short period of time: from 2 p.m. to 6 p.m.. At other time the election commissions were closed, which caused additional difficulties for the candidates.

In Moscow Region, in several election districts there have also been registered cases of denial of access for work in the quarters of election commissions to observers and commission members in a consultative capacity from candidates and electoral associations (e.g. due to lack of necessary rubber stamp on the documents). In particular, this has taken place in the Korolyov City District, as observed by a representative of the High Commissioner. At the same site there have been cases of amotion of observers and commission members in a consultative capacity under baseless pretexts (e.g. for violating photo regulations) and references to some legal norms irrelevant in the situation; as well as there have been numerous cases of refusing to present a copy of the records after the counting of votes. In some cases there have been drastic differences between certified copies of the records as handed to the observers and the final table.

Representatives of the High Commissioner have noted several cases of concealed propaganda and free promotional events for the voters in the direct vicinity of voting stations.

It should be noted that the efficiency of election monitoring depends greatly on preparedness of the observers and their civil motivation.

Observers' training and their legal education are in the High Commissioner's opinion the best guarantee of objectivity and lack of bias in defining the outcome of the election.

Setting the principle of accessibility of election commissions on all levels as a separate election principle (Article 3 of the Federal Law “On Basic Guarantees of Electoral Rights and the Right of Citizens of the Russian Federation to Participate in a Referendum”) together with the principle of non-interference in their activities appears to be of great importance.

The High Commissioner presented her comments and suggestions on solving the detected problems in the activities of electoral commissions and law enforcement bodies to the President of the Central Election Commission and the Minister of Internal Affairs of the Russian Federation.

To form legislative conditions for implementing the right to vote the High Commissioner suggests that the members of the State Duma consider the expediency of lowering the number of necessary signatures at the stage of candidates' registration, reconsider the system of "municipal filters" at the elections of heads of regions of the Russian Federation, reduce the list of grounds to refuse registration of candidates and tickets.

The format of joint videoconferences with the Chairman of the Central Election Commission, chairmen of regional election commissions and regional commissioners, as well as creation of joint platforms for discussions of issues associated with the electoral law and implementation of the voting rights of the people have proved themselves useful.
“Approve Impossible to Prohibit”

The practice of approving applications for public actions sometimes grows into full-scale procedures of requesting and granting “leaves”, which eventually leads to impossibility of conducting events.

According to the Federal Law No.54-FZ of June 19, 2004 “On Assemblies, Meetings, Demonstrations, Marches and Picketing”, governmental or municipal authorities may refuse to approve a public event. It happens if another event is applied for at the same time at the same place. Besides, there is an established practice of refusing the approval if the declared goals differ from evaluations of the officials on the nature of the event.

Mr. P., a resident of St. Petersburg, was refused a 20-person picketing by the administration of the Central district of the city. The applicant suggested three alternative locations in the city center, yet none of them were accepted by the officials. At the same time the Smolinsky District Court of St. Petersburg ruled that none of the reasons presented by the Administration were legitimate to refuse the approval of the event. However, despite the apparent triumph of justice, the public event could no longer be held: up to the court decision the refusal was still effective and after its ruling in favor of the complainants the event itself became irrelevant.

A resident of Moscow, Mr. N., filed an application to the Prefecture of the Central Administrative District of Moscow for picketing at Nikolskaya Street. He was refused an approval of his planned event with reference to inability to ensure security of the participants in the picketing and other people as well. The High Commissioner in her petition to the Moscow City Court Presidium in defense of Mr. N.’s position notes that the prefecture’s position cannot be deemed legitimate, since according to a decree of the Government of Moscow Nikolskaya Street is a major pedestrian area, therefore people can walk the whole width of the street, which is 10–15 meters. Thus, the presence of 2 to 5 declared participants in it could hardly threaten anyone’s security. The Moscow City Court did not agree with the High Commissioner’s arguments. In this view, an appeal on the court decision is being prepared for the Supreme Court of the Russian Federation.

The procedure of approving implies not just unilateral decision on the part of a government authority on approval or refusal of holding public actions, but a joint search for a compromise. In each individual case of refusal to approve a public event viable arguments should be presented to justify its prohibition due to necessity to protect public interests. That is the exact position that is reflected in the rulings of the Constitutional Court of the Russian Federation.

Governmental authorities are also charged with informing the organizers of a justified suggestion on conducting the event at a different time and place, if it is not possible due to objective circumstances. Replies to the High Commissioner’s inquiries revealed that the number of refusals varies from 8.5% (Yekaterinburg) to 23% (Samara). Still the organizers of non-approved events are not always presented with alternatives to time and place of these actions.

One should note minimal practice of administrative action against officials whose actions may constitute elements of offence in terms of infringement of citizens’ rights to freedom of public assembly.

According to statistics of the Judicial Department of the Constitutional Court of the Russian Federation for the first half of 2014, only 11 cases under Article 5.38 of the Code of Administrative Offence of the Russian Federation were filed in courts (violation of laws on assemblies, meetings, demonstrations, marches and picketing). 10 of them were considered, 4 were dismissed due to jurisdiction problems and incompletions in the records, four officials were relieved from liability. Only two people were fined 20,000 rubles in total.
It is suggested that each case of unlawful restriction by government officials of the constitutional rights of the people to freedom of assembly and freedom of speech and should be investigated with regard to Article 5.38 of the Code of Administrative Offenses of the Russian Federation.

Implementation of legal norms which regulate public events that differ from their declared goals leads to imbalance of relations between citizens and the authorities.

The aim of a public event is to draw attention of the general public and the authorities to a certain issue and inform representatives of the government on the organizers’ viewpoint.

The Constitutional Court of the Russian Federation, when considered the term “approval”, noted that its constitutional legal sense implies the right of a public authority to present the organizer of a public event with alternative time and place for a manifestation, providing legitimate motivations for such limitations with a full list of legal grounds concerning safety for life and health as well as normal lives of the citizens.

A possible solution to preventing further limitations of freedom of assembly is uploading maps of population centers to official websites of regional and local authorities in the regions of the Russian Federation with highlighted areas that are acceptable (unacceptable) for public events in accordance with the law. Such open information could promote public events in strict accordance with the law.

Monitoring of law enforcement bodies’ activities on ensuring public order in Moscow shows that, on the whole, actions of police officers are lawful, correct and justified. In the recent year the police have become a lot less harsh towards protesters. Police officers on duty wear special badges with their register number for their identification.

In 2014, Moscow police drew up 323 incident reports under Part 2 of Article 20.2 of the Code of Administrative Offenses of the Russian Federation (conduction of a public event without notification). That is 83 less than in 2013, which may be considered a positive trend. Yet the number of incident reports under Part 5 of Article 20.2 of this Code (violation of the order of a public event by its participant) in 2014 was a lot higher in 2014–716 compared to 249 in 2013.

Some police stations do not have proper conditions to keep in custody and make prompt records in relation to a large number of detainees. Long-term detention cases are observed. At the same time, the High Commissioner notes that objective information should be received and distributed, and it is unacceptable to deliberately distribute false information about and doubtful assessment of police officers’ actions, which seem to deliberately set a contradiction between the general public and law enforcement authorities.

Today we witness productive cooperation between the staffers of commissioners and the representatives of law enforcement bodies. Such cooperation makes it possible to analyze current events objectively, as well as direct information to eliminate problems and resolve certain issues on site. In the end this practice appeared to be of great interest to the policemen themselves, since it not only maintains discipline in the police, but also makes it possible to restore the real picture in case it is distorted due to misinformation.

The High Commissioner believes that the system of interaction of the office of the High Commissioner with police officers in Moscow requires further development, especially in the aspect of prompt exchange of information with officials responsible for upholding public order during mass protest events. Therefore, creation of a three-party work group with participation of the General Administration of the Ministry of Internal Affairs of Russia in Moscow, the Office of the High Commissioner, and staffers of the Commissioner

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95 On refusal to consider the complaint of Ivan Elaev on the violation of his constitutional rights by a provision in Part 5 of Article 5 and Subparagraph 2, Part 1 of Article 12 of the Federal Law "On Assemblies, Meetings, Demonstrations, Marches and Picketing". Resolution of the Constitutional Court of the Russian Federation of January 29, 2015 No. 201-0. // ConsultantPlus Network

96 Reply from Deputy Chief of General Administration of the Ministry of Internal Affairs of Russia in Moscow, V. Kozlov, to an appeal from the High Commissioner for Human Rights in the Russian Federation, Ella Pamfilova, of February 5, 2015. Out. No. 5/763.
for Human Rights in Moscow could be suggested to promptly investigate information on violations of human rights and take measures for their protection.

**Freedom of Assembly and Freedom of Arrests**

Arrests of participants in public actions are sometimes carried out even if the latter do not breach public order.

Additional risks of infringement of the rights of participants in public actions appear due to Article 212.1 of the Criminal Code of the Russian Federation (numerous violations of a charter of an organization or the order of assemblies, meetings, demonstrations, marches or picketing), which is to come into force in July 2014.

Taking into account appeals on this issue received both from ordinary citizens and human rights activists, the High Commissioner takes these cases under her personal control and, together with the human rights activists, is about to analyze the law enforcement practices to possibly appeal against Article 212.1 of the Criminal Code of the Russian Federation in the Constitutional Court of the Russian Federation.

**Right to Assembly**

An important role in protecting human rights is played by the “third sector”— non-governmental non-commercial organizations (NCOs) that are united in implementation of socially important projects. A lot of human rights activists possess great expertise in constructive cooperation with authorities. A lot of “socially hard won” suggestions are justified and balanced and possess substance that could improve a lot of legal acts and governmental decisions on matters related directly to constitutional rights and freedoms, and the “human dimension”.

According to the Ministry of Justice of the Russian Federation, there are 226,000 registered NCOs in Russia. The number of socially oriented NCOs grow every year: it has increased from 96,000 in 2011 to 113,000 in 2013.

The volume of state support has also increased: from 4.8 billion rubles in 2012 to 10.3 billion in 2014. In accordance with the decrees of the President of the Russian Federation “On Government Support for Non-Commercial Non-Governmental Organizations Participating in Development of Socially Important Projects”, in 2014 almost 2.7 billion rubles were allocated for subsidies (including 500 million rubles for human rights projects), which is 1.7 billion more than in 2012. Besides, socially oriented NCOs also receive support from regional budgets with assistance from the federal budget.

Human rights NCOs require a relevant strategy based on prudent balance of interests of various public entities.

Thus, the High Commissioner believes it is reasonable to support and promote:

- implementation of infrastructure projects aimed at developing public human rights movement;
- development of partnership between human rights organizations and commissioners for human rights of the federal and regional levels.
Foreign Agents and Educational Activities

Inclusion of NCOs in the Registry of Foreign Agents is questionable in most cases.

According to the Ministry of Justice of the Russian Federation, in 2014 4,108 Russian NCO received over 70 billion rubles from foreign sources, which is twice as much as one year earlier. 52 organizations were added to the list of foreign agents, that is, only 1.3% of the total number of NCOs receiving funds from abroad. Moscow hosts 15.2% of the organizations included in the list, Moscow Region — 6.4%, St. Petersburg — 5.4%, Krasnodar Territory — 3%.

The fact that uncontrolled flow of funds to the “third sector” could have negative ramifications for national security, if conducted without full transparency, raises little doubt. Yet we have to acknowledge that the existing procedure of adding NCOs to the list of foreign agents does not solve the problem. The principles and criteria for this are so undefined and vague that they raise opposition from the NCOs community and damage the reputation of the institutions of civil society. This problem is the most relevant for Russia’s human rights community that is very heterogeneous in potential, professionalism, goals and regions.

The lack of clear understanding and direct definition of the term “political activities” in a number of cases results in a situation when even educational events and publishing by NCOs are listed as political. For example, an administrative case was opened against the Krasnodar Regional Alumni Association, when the latter organized a regional conference named “Civic Participation in Negotiations at the Highest Level: Public Discussions of the G20 Summit Agenda” on November 27, 2014.

Meanwhile, this conference, although it was conducted with the use of foreign funds, was purely scientific and educational. The Ministry of Justice of the Russian Federation qualified the following activities as political: participation of the organization in the International Research and Practice Conference “Civic Participation in Public Control Over Protection of Human Rights: Expertise of the Regions and Prospects of Development”; information on public control over protection of human rights in Krasnodar prisons uploaded on the organization’s website, presentation of a pocket book for helping inmates, and participation in educational events conducted by the Commissioner for Human Rights in Krasnodar Territory.

The High Commissioner in her letter to the Minister of Justice of the Russian Federation pointed out groundless accusations to the Krasnodar Regional Alumni Association of “influencing the decisions of governmental authorities and their policy” only due to the fact that it participates in public activities. It is gratifying that the High Commissioner’s position was supported by the Justice of the Peace of the Central District of Krasnodar, so that the administrative case was closed due to the absence of the elements of the infringement.

The Constitutional Court of the Russian Federation provided a clarification that foreign financing implies the following circumstances: funds and other property should not just be transferred to an NCO, but accepted by it. In case the organization refuses to use the funds and returns them to the remitter, the obligation to register the status of a foreign agent shall not arise.

Meanwhile, despite the fact that the Golos Association refused an international award (this fact was the only argument for including it in the list), the Presnenskiy Court of the City of Moscow found the association and its executive director guilty of violating the procedure of activity for an NCO acting as foreign agent.
and were fined 300,000 and 100,000 rubles respectively. Petitions of the High Commissioner to review the court decisions that have come into force were granted by the Moscow City Court on September 1, 2014; unlawful court rulings were reversed and the administrative offence case was closed.

Despite the existing laws and the Decision No.10-P of the Constitutional Court of the Russian Federation of April 8, 2014, NCOs that participate in scientific and environmental activities, education, analytical studies, improving efficiency of social services, i.e. the kinds of activities that are explicitly excluded from the definition of “political activities” by the letter of law were forcibly included in the register.

Two and a half years have passed since the law on so-called “foreign agents” came into force. We have accumulated sufficient practice of implementations of this law, while the term “political activities” criticized by social activists remains unchanged.

The term “political activities” that has extremely vague legal definition is interpreted by law enforcement bodies in the broadest sense: experts have calculated that 52 organizations on the list are involved in approximately 70 types of “political activities”, as defined by the Ministry of Justice of the Russian Federation and prosecution bodies, with most of them far-fetched at best.

The “political activities” attributed to NCOs included educational events and trainings, participation of heads and members of NCOs in activities of public councils and public monitoring committees, expert work on possible corruption component of draft laws, environmental activities, implementation of initiatives related to cultivation of tolerance, organization of public hearings and participation in them, as well as submission of various letters of appeal to the state authorities.

Among other things, publication of educational literature, booklets and periodicals on human rights, as well as scientific research and activities in healthcare by NCOs were recognized as “political activities”.

Thus, the analysis of the inspection reports, remedial action orders on elimination of violations of law, resolutions on prosecution, and court decisions shows that any kind of activity that an NCO may be involved in can be and is recognized as “political”.

At the same time, different regions of the country have different approaches to classifying NCOs’ activities as “political”, i.e. activities that do not raise concern with the regulatory authorities of a certain region are considered “political” in another region. There is also a significant difference in positions of the Justice Ministry of Russia and the Prosecutor’s Office — a prosecutor that have conducted an inspection of an NCO can conclude that it has characteristics of a “foreign agent”, while an inspection held by the Justice Ministry of Russia only a month before might have found no violations of law by the NCO.

It is quite indicative when public authorities engage at their own initiative an NCO’s executives and staff members in the activities of public and expert councils, which are later referred to as an NCO’s political activities by the prosecutor’s office. By doing so, the state seriously deteriorates the conditions for interaction with civil society.

Despite the fact that the “foreign agent” status necessarily implies that an organization has two characteristics: it is financed from abroad and it conducts political activities, in reality, an organization should have no foreign financing whatsoever in order not to be given such a status. Some organizations simply cease their activity because NCOs are added to the registry on a random basis.

The high degree of arbitrary rule and discrimination in giving the status of “a foreign agent” to an organization will continue until the criteria for inclusion of non-commercial non-governmental organizations are not clearly specified on the basis of a regulatory definition of all kinds of activity subject to the category of “political”. 
“There is a Way Out!”

The law of the Russian Federation failed to provide legal grounds for removing non-commercial organizations performing the function of foreign agents from the Registry, even when financing from abroad was ceased.

A number of organizations performing the function of foreign agents that wanted to change their legal status and be removed from the Registry did not have such an opportunity due to the lack of appropriate legal mechanisms. The High Commissioner received a number of complaints on this issue from representatives of non-commercial organizations.

Taking into account the great importance of the issue, during her meeting with the President of the Russian Federation held on November 17, 2014, the High Commissioner made a proposal to develop procedures for withdrawing non-commercial organizations performing the function of foreign agents from the Registry, and to introduce relevant amendments to the Federal Law “On Non-Commercial Organizations”. The President of the Russian Federation supported these proposals by introducing a relevant draft law to the State Duma.

The adoption of this law eliminated the need to liquidate a non-commercial organization in order to remove it from the Registry. In addition, it will be possible to withdraw a non-commercial organization from the Registry upon request, if it is ascertained that the organization had refused to receive funds and other property from foreign sources and returned them no later than three months from the date it had been added to the Registry.

“Still Engaged in Public Activities? We are Coming for You Then!”

The list of grounds for public supervisory bodies to conduct inspections of NCOs now has yet another point: government and local authorities, individuals or organizations can inform an authorized body or its territorial body that a non-commercial organization performs non-commercial activities of a non-commercial organization acting as a foreign agent. This led to deterioration of working conditions for the NCOs, even though the intentions of the Government to control the non-profit sector must not result in a decline of civic engagement and support to the institution. Law enforcement and judicial practices also show signs of creation of “the most favorable environment” for the control and supervisory authorities, so that they request the documents that they are not authorized to request by law; an inspected organization is not being informed on the results of the inspection through adopting a relevant final act.

One of the organizations supported by the High Commissioner was the Russian Historical-Enlightenment Human Rights and Humanitarian Society ‘Memorial’ (the Memorial Society), as the Justice Ministry of Russia filed a lawsuit on its liquidation to the Supreme Court of the Russian Federation, which was an unfair punishment for the organization that had made an enormous contribution to the development of the Russian civil society. Without questioning the grounds of the lawsuit, the High Commissioner sent an open letter to the President and the Minister of Justice of the Russian Federation appealing to grant the Memorial Society an opportunity to introduce the necessary amendments to its Charter to comply with the legal requirements. The Justice Ministry of Russia responded to the High Commissioner’s and the organization’s requests by appealing to the Supreme Court of the Russian Federation to postpone the scheduled hearing. As a result, on January 28, 2014 the Supreme Court rejected the claim of the Justice Ministry of Russia to liquidate the Memorial Society due to termination of the proceedings.

It is necessary to regulate the prosecutor’s investigation procedure. Moreover, I believe that current and planned inspections should be revised in accordance with the provisions of the Resolution of the Constitutional Court of the Russian Federation.


The High Commissioner for Human Rights in the Russian Federation suggests that legislators and expert community should study the reporting requirements for non-commercial organizations as well as legal grounds for inspecting their activities in order to balance the transparency and efficiency of NCOs’ activity.

**Restoring Historical Justice**

Appeals to the High Commissioner submitted by Russian citizens repressed over the years on the territory of the former Soviet republics, which are independent countries now, indicate that they are unable to claim the status of a political repression victim, as it is not stipulated by the legislation of these countries.

The table below shows that the laws on rehabilitation of political repression victims, adopted in former Soviet republics, only apply to their own citizens, without taking into account that they might have been repressed in another country. Thus, the Russian Federation citizens, who have some documented proof of having been repressed on the territory of a former Soviet republic, cannot get a certificate of rehabilitation, since there either no laws on rehabilitation (the Republic of Uzbekistan) or they are not citizens of the country (Georgia, the Republic of Kazakhstan).

In August 2014, the High Commissioner received an appeal from Mr. A., a Russian citizen residing in Rostov Region, born in 1937, whose family had been forced to leave their home in the Georgian SSR and move to the Uzbek SSR in 1944. Everything would seem to be quite simple, since the rehabilitation of this man and his family members should have been carried out in accordance with the Georgian legislation, as the decision to repress them was made by Georgian administrative authorities; however, in this case it is not an option, since the above-mentioned Law of Georgia applies only to Georgian citizens (Paragraph 2, Article 1), while the applicant is a citizen of the Russian Federation.

Mr. G., a Russian citizen residing in the Republic of Tatarstan, born in 1952 in a special settlement, sought the High Commissioner’s assistance in obtaining the status of political repression victim. His father, who lived in the Ukrainian SSR, was evacuated to Bulgaria by the Germans in 1943, where he was repatriated from to the Soviet Union in 1945, through a screening point in Chisinau, and due to his Bulgarian ethnicity he was sent to a special settlement in the Molotovobadsky Area of the Tajik SSR, where he was registered until April 1954; the Prosecutor General’s Office of the Republic of Tajikistan rehabilitated him in April 2001. However, under the current Russian legislation, Mr. G. cannot be rehabilitated in our country, even though he is a Russian citizen.

Refusals to rehabilitate this category of persons by competent authorities of the Russian Federation comply with the provisions of the existing Law of the Russian Federation “On Rehabilitation of Victims of Political Repression”. At the same time, the documents on rehabilitation, issued by state authorities of the former Soviet republics, have legal force. According to the High Commissioner, the use of these regulations indicates the inadequacy of the legal regulation that only applies to the citizens of the Russian Federation who suffered political repression in the territory of the Russian Federation; this leads to our compatriots, who had been politically repressed in the territory of former Soviet Union republics, having no guaranteed protection of their rights. The High Commissioner appealed to the Chairman of the State Duma in order to restore justice for the citizens of the Russian Federation, who suffered political repression in the territory of another state.

We need to pay attention to the insignificant amount of compensation for the property lost during the repressions, established by the Law of the Russian Federation “On Rehabilitation of Victims of Political Repression”. The last amendments related to that matter were introduced by Federal Law No. 122-FZ of August 7, 2000; pursuant to this law, if rehabilitated persons cannot get the preserved property back, its cost should be reimbursed in accordance with the assessment carried out in line with the established procedure; however, the compensation amount should not exceed 4,000 rubles for property that does not include dwelling houses and 10,000 rubles for all property, including houses.

<table>
<thead>
<tr>
<th>Title of Law</th>
<th>Persons Entitled to Rehabilitation</th>
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<tr>
<td>Law of the Kyrgyz Republic of May 27, 1994 “On the Rights and Guarantees of Rehabilitated Citizens Who Suffered from Repressions for their Political and Religious Beliefs, On Social, National and Other Grounds”</td>
<td>All citizens of the republic and other CIS member countries, foreign citizens and stateless persons who were politically repressed in the territory of the republic.</td>
</tr>
<tr>
<td>Law of the Republic of Moldova No. 1225-HP of December 8, 1992 “On Rehabilitation of Victims of Political Repression Committed by the Totalitarian Communist Occupation Regime (November 7, 1917 – June 23, 1990)”</td>
<td>All persons, regardless of their residence, who were politically repressed in the present territory of the Republic of Moldova from November 7, 1917 to June 23, 1990, as well as citizens of the Republic of Moldova who were politically repressed on the territory of another country.</td>
</tr>
<tr>
<td>The Law of Ukraine No. 962-XP of April 17, 1991 “On Rehabilitation of Victims of Political Repression in Ukraine”</td>
<td>Persons who had been permanently residing in the territory of the country, before being subjected to illegal repression, as well as those who had been displaced from Ukraine for various reasons.</td>
</tr>
</tbody>
</table>
Not only is it necessary to increase the amount of compensation for the property confiscated during repressions, but also each child (not just one) of the person who had lost his/her property during repressions should have the legitimate right to personally receive compensation.

The High Commissioner’s suggestions on increasing the amount of compensation for the damage to rehabilitated persons and a similar position of the Constitutional Court of the Russian Federation outlined in rulings No. 272-O-O of January 16, 2007 and No. 273-O-O of April 4, 2007 have not been made into law yet.

2.2 Personal Rights and Freedoms: to Life and Civil Dignity

Freedom of Thought and Freedom of Speech

The Russian Federation provides all possibilities for the full exercise of the right to freedom of expression. According to the Federal Service for Supervision of Communications, Information Technology, and Mass Media, the Register contains data on 86,381 media; we have a powerful media community and wonderful journalism traditions. However, the practice of both the founders and government officials of various levels implicitly putting administrative, financial and other types of pressure on media is also widespread. Within her competence, the High Commissioner assists journalists and citizens in exercising their rights to freedom of expression and access to information.

Journalists Working in Conflict Areas

2014 witnessed more cases of journalists having been persecuted and killed because of their professional activity.

The attempts made by journalists to discover the truth and present objective facts are sometimes interrupted by their death or a real threat to their life and health.

On February 25, 2014, a reporter for the Prizyv (The Appeal) newspaper, Vitaliy Voznyuk, suffered multiple stab wounds in the neck and died in the town of Sebezh (Pskov Region).

On May 18, journalist Osman Pashayev (Crimea) was arrested in Simferopol for an attempt to enter the Council of Ministers. According to the Crimea. Realities, cameraman Dzhenghiz Kyzgyn (Turkey) and a staff reporter for the Gazeta Wyborcza newspaper (Poland) in Moscow, Wacław Radziwinowicz, also got arrested.

On June 5, the director of the Regional Press Institute (formerly the Russian-American Information Press Center), Anna Sharogradskaya, was arrested by customs officers in Pulkovo Airport; no explanations were given. Anna’s laptop, tablet, flash drives and a mobile were confiscated.

On June 10, the editor-in-chief of a local newspaper the Rodnoy Kray (Kirov Region), Galina Koshcheyeva, was found dead.

On August 20, the editor-in-chief of the Derbent News newspaper, Magomed Khanmagomedov (Derbent, the Republic of Dagestan), was beaten by unknown persons. That was the fourth time he has been attacked.

On September 4, reporter of a Saint-Petersburg news portal Artyom Alexandrov was attacked at the Administration Office of the Frunzensky District in Saint-Petersburg, when he tried to enter the room where early voting was taking place.

On September 18, unknown persons attacked the BBC Moscow Bureau team having been shooting in Astrakhan. The journalists had their camera smashed, recorded material deleted and the team’s cameraman beaten up.

On October 1st, the editor-in-chief of the Smolensk People’s Newspaper, Maxim Zakharov, was attacked in Smolensk. Two weeks before the attack, Maxim had filed a police report stating that he was receiving threats. Based on the report of the attack, a criminal case was opened under Article 116 (Assault) of the Criminal Code of the Russian Federation.

The High Commissioner is deeply concerned about Russian cameramen and reporters being arrested and killed while covering the situation in Ukraine.

On March 6, the VGTRK (All-Russia State Television and Radio Broadcasting Company) camera crew (reporter Veronika Bogma, cameraman Antuan Kechedzhiyan, assistants Vladimir Shumakov and Andrey Meshcheryakov) were denied access to the territory of Ukraine at the airport of Donetsk.

On March 19, Alexey Khudyakov, a journalist working for the Segodnya.ru online news portal, was kidnapped; he had been on an assignment in Donetsk since February 2014. Alexey’s photo and video materials were confiscated and destroyed and he was handed over to the border police for deportation.

On April 7, the Ukrainian border police banned entry to Ukraine for Pavel Sedakov and Artyom Goloshchapov, journalists working for Forbes Russia.

On May 9, a freelance journalist working for the RT RUPTLY, Fyodor Zavaleykov, was seriously wounded during a punitive operation of the Ukrainian forces in Mariupol.

On June 5, an MP of the Verkhovna Rada tore up the accreditation card belonging to Alexander Balitsky, a TV journalist for the VGTRK Media Holding (Russia), and threw him and his cameraman out of the building.

On June 17, journalists for the VGTRK Company came under fire near Lugansk, namely reporter Igor Kornelyuk, video engineer Anton Voloshin, and cameraman Victor Denisov. Igor Kornelyuk and Anton Voloshin died.

On June 30, cameraman of the Channel One Russia Anatoly Klyan died in a shelling near Donetsk when a bus carrying journalists got hit.

On September 3, the Russian Investigative Committee announced that photojournalist Andrey Stenin died on 6 August near Snezhnoye (Donetsk Region), when the convoy he was travelling in was shelled. Before, the journalist was considered to be gone missing.

On October 24, the Kiev offices of companies working with Russian TV channels were searched. According to the prosecutor, these organizations were charged with violating the ruling of the Kiev District Administrative Court prohibiting the transmission of Russian TV channels in Ukraine.

Journalists work in the public environment and in the interests of society. It is due to this difficult mission that they are entitled to special protection, while particular attention should be paid and stringent requirements applied to the investigation of crimes against individuals and their professional activities, especially if they work under conditions of war.

Therefore, the High Commissioner supports the adoption of Draft Law No. 560373–6 “On Introducing Amendments to the Law “On Mass Media” and to the Code of Administrative Offenses of the Russian Federation providing for additional guarantees for the rights of journalists working in the zones of armed conflicts, improving measures for their protection, and obliging the employer to provide additional life insurance to the employees working in extreme circumstances.
No Competition in the Air (“Dispute” between “Economic Entities”)

For technical reasons, the broadcasting of television channels and radio stations that are by coincidence in certain cases considered critical of the authorities of the region are cut off the air.

The High Commissioner points to the different ways used to stop the broadcasting of regional TV channels and radio stations. On several occasions in 2014, the Tomsk Television and Radio Broadcasting Company TV-2 was on the brink of ceasing operations. According to the statement made by its management, the broadcasting stopped because of a failure of the transmission equipment, which is owned by the Regional Radio and Television Transmission Centre (RRTTC). Despite the fact that it was not the company’s fault that the broadcasting was interrupted, on May 15, 2014 it received an instruction from the Federal Service for Supervision of Communications, Information Technology, and Mass Media (Roskomnadzor) to resume broadcasting before May 20, 2014 and a warning that otherwise its broadcast license would be suspended.

Considering this decision of the media watchdog with regard to the TV company premature and a priori impossible to implement due to circumstances beyond its power, the High Commissioner sent an appeal to the Prosecutor General of the Russian Federation and the Minister for Communications and the Mass Media of the Russian Federation to cancel the aforementioned order of the Federal Service for Supervision of Communications, Information Technology, and Mass Media. The Minister for Communications and Mass Media did not find legal grounds to react having considered the actions taken by Roskomnadzor lawful and reasonable. As to the Prosecutor General, he informed the High Commissioner that the director of the RRTTC had been given an order to remedy the violations of the communications law.

The result was that, since January 2015, Tomsk-based station TV2, which had been on air for 24 years and had received the largest number of TEFI Award among all regional TV stations in Russia, stopped broadcasting and has only been available in a cable version.

According to Glasnost Defense Foundation, on different grounds, 11 media outlets have been blocked, 36 regional TV channels and radio stations disconnected from the network, and the publication of 15 regional periodicals discontinued. Commissioners for human rights in the constituent entities of the Russian Federation provide worrisome information concerning Mayak and Yunost radio stations, Russia’s oldest long- and medium-wave radio stations that have been cut off the air. Economic feasibility (energy-inefficient long-wave broadcasting, obsolete equipment, and relatively small audience) is placed on one side of the scale and the standing, popularity, genuine love of listeners, for many of whom these radio stations is the only source of information, is on the other. Unlike the new and primarily entertainment-driven FM radio stations, old-time radio programs have used to bring people together, given answers to questions relating to pressing issues, and provoked thought.

The High Commissioner for Human Rights in the Russian Federation and the Government of the Russian Federation have acquired information necessary to develop multi-program radio broadcasting all over Russia, including free off-air reception of mandatory and generally available TV and radio channels which is to reach over 98 percent of the population by the end of 2015. However, the High Commissioner will continue to monitor the accessibility of radio for the population of Russia.

Horizons of the Internet

Legal regulation of the Internet must take into account public security matters, the right of an individual to free dissemination of information and other personal rights.

Citizens are becoming increasingly active on the Internet. The freedom of information in the Internet often results in people’s making unfounded statements with respect to others. And they bear no responsibility
for insulting comments and the publication of obviously false information. This gives grounds for a certain reaction on the part of the State. However, the restrictions must not, from the point of view of the right to free speech, take the form of a fight with dissidents.

In May 2014, the term blogger was introduced into the federal legislation; it means the owner of a website or webpage containing publicly available information and accessed by more than three thousand Internet users per day. These amendments, which came into force on August 1st, 2014, made popular blogs equivalent, in their legal status, to mass media. Now the same restrictions apply to blogs as to mass media. Non-implementation of restrictions is punishable by a fine amounting to 10 to 30 thousand rubles for individuals and 50 to 300 thousand rubles for legal entities. It is also required by law that online sources of information notify Roskomnadzor about the start of their activity and store six months of data. Non-compliance with these rules is punishable with a fine of up to 500 thousand rubles.

In this context, it becomes relevant to analyze law enforcement practices in relation to additional requirements and restrictions placed upon online resources whose status is now the same as that of the media.

By the time this report was being written, the High Commissioner still had not received an answer from the Head of the Federal Service for Supervision of Communications, Information Technology, and Mass Media who had been requested to provide information about the reasons for restricting access to certain online resources and the anticipated results. That must be a side-effect of the Open Government.

**Human Rights and Criminal Justice**

“When Victims Suffer Twice”

There is a need for additional protection of the rights of crime victims by the State.

In 2014, 656 citizens who had suffered from a crime filed a complaint with the High Commissioner, and every fourth of those complaints was deemed well-founded. The rights that had been infringed upon have been restored and 13 criminal cases have been opened with the assistance of the High Commissioner. It took Mr. K. over a year to initiate criminal proceedings concerning the death of his son in a car accident. The investigative authorities in Tambov Region had repeatedly refused to do that. Only in February 2014, in response to the High Commissioner’s request, did the regional prosecution authorities open a criminal case.

The High Commissioner believes that every unfounded decision and every instance of red tape during the procedural review by police or any other report concerning a crime must undergo at least an internal review.

In the opinion of the High Commissioner, justice cannot be considered to have been served if the rights and lawful interests of all parties to the process, including — and, perhaps, primarily — those of the victims, have not been ensured.

Very often, the victim of a crime cannot expect recovery for damages (e.g. when the perpetrator has not been identified or has gone into hiding). Even if the perpetrator has been prosecuted and convicted, this does not guarantee recovery of damages for victims because he/she may not necessarily have the resources and the investigative authorities do not always take comprehensive measures to track the perpetrator’s assets.
We should recall the universally accepted international principle concerning the support of the victims of crimes and abuse of power: when the damages cannot be fully recovered from those responsible for the crime or offense, the State has to take additional measures to provide compensation.

“At the Request of the Investigators…”

Do court decisions on requests of investigators concerning preventive measures change?

In 2014, courts twice as often as before replaced detention with house arrest. However, the number of court decisions imposing arrest as a preventive measure remains consistently high. This is proved by the fact that the number of requests of preliminary investigation bodies to extend an arrest that have been granted has increased from 176 thousand in 2011 to 209 thousand in 2014.

The complaints received by the High Commissioner in respect of detention imposed as a preventive measure or the prolongation of an arrest show that the decisions are in most cases taken based on the materials provided by the prosecution. The materials provided by the defense in support of a non-custodial preventive measure are very often ignored. This judicial practice runs against the explanation contained in Ruling No. 41 of the Plenary Session of the Supreme Court of the Russian Federation of December 12, 2013 and numerous decisions of the European Court of Human Rights.

The majority of the indicated issues arose in the case of Mr. K. whose rights were the subject of a complaint received by the High Commissioner in 2014. The Court of the Tverskoy District in Moscow had repeatedly stated in its decisions concerning the prolongation of pre-trial detention that there existed a possibility that he would abscond from the investigation authorities and the court. However, the investigators provided no proof of any such attempts by the defendant. The argument of the defense that the defendant held state secrets, so his right to leave the country was restricted, was not taken into account. Neither was the information about Mr. K. himself, that he was a renowned scientist, Doctor of Engineering, and one of the heads of an important scientific institution in the field of nuclear energy, nor his age, family status, the fact that he had a dependent daughter and received positive reviews from the leadership of the organization where he had worked for many years.

It should be noted that the other defendants in that case who were being charged to the same extent with two crimes provided for in Article 159, Para. 4 of the Criminal Code of the Russian Federation were put under house arrest. The explanation provided by a representative of the investigative body during the court hearing had little to do with the law: it was said that the other two defendants had pleaded guilty, unlike Mr. K. who had not confessed, so the preventive measure imposed on them was not custodial. Such explanation in this case shows that detention is not an injunctive remedy aimed at preventing possible obstruction of the investigation and justice but a way of exerting pressure if the defendant does not confess.

In support of Mr. K’s lawyers’ complaints, the High Commissioner has repeatedly filed requests to replace the current preventive measures with a release under personal guarantee or house arrest. However, the court refused to grant the request. The court’s decisions are purely formal in their reasoning, which is identical to that provided by the investigators.

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116. In its rulings concerning different defendant States, the European Court of Human Rights has repeatedly underlined that long-term pre-trial detention cannot be justified by the gravity of the offense in question. The prolongation of detention should not be a precursor of the imposition of a penalty in the form of imprisonment. (See Judgment of the European Court of Human Rights in Letellier v France of June 26, 1991, Series A, No.207, §51; Judgment of the European Court of Human Rights in Panchenko v Russia of February 8, 2005, complaint No. 45100/98, §102; Judgment of the European Court in Goral v Poland, §68; Judgment of the European Court in Iliykov v Bulgaria, §83).

The Voice of People vs. the Justice State Automated System

Last year, the High Commissioner pointed out the fact that judicial bodies published rulings on their websites in an inconsistent fashion, in contravention of Federal Law No. 262-FZ of December 22, 2008 “On Providing Access to the Information on the Activities of the Courts of the Russian Federation”, which results in the lack of transparency and openness of the judicial procedure.

On January 16, 2014 Mr. O. from Vladivostok filed a complaint with the High Commissioner stating that it was impossible to find on the official websites of the justice of the peace and of the Court of the Soviet District of Vladivostok the texts of anonymized courts’ decisions (imposing administrative liability on Mr. G. under Article 19.1 of the Code of Administrative Offenses of the Russian Federation\(^\text{118}\) for unwarranted collection of fees for access to the sea shore and naming Mr. O. as the injured party).

The review showed that the officials of the said courts believed that the Regulations for Publishing Information on On-going Cases and the Texts of Court Rulings on the Official Website of a Court of General Jurisdiction in the Information and Telecommunications Network, the Internet\(^\text{119}\), adopted by the Presidium of the Council of Judges of the Russian Federation leaves this matter to their discretion only. The Rules provide that only the judge\(^\text{120}\) has the right to take the preliminary decision to publish (or not to publish) the text of a ruling on the official website of the court, or to remove it, and that the final decision shall be taken by the presiding judge\(^\text{121}\). In April 2014, the High Commissioner asked the Council of Judges of the Supreme Court of the Russian Federation to analyze the issue and study the possible ways to solve it.

The Presidium of the Council of Judges of the Russian Federation adopted a resolution\(^\text{122}\) instructing the Judicial Department to cooperate with judicial councils in the constituent entities of the Russian Federation, the Council of Judges commissions on IT, optimization of the work of courts and the relations with government bodies, public organizations and the media, and to summarize the practice that shows how the Federal Law “On Ensuring Access to the Information on the Activity of Courts in the Russian Federation” is implemented as far as the publication of court rulings on the websites of courts, justices of the peace and offices of the Judicial Department in constituent entities of the Russian Federation is concerned, and to submit to the Presidium, by December 1\(^\text{st}\), 2014, proposals on how this work could be improved\(^\text{123}\).

As part of the implementation of this resolution, the information received from the offices of the Judicial Department in the constituent entities of the Russian Federation and its discussion at the session of the Commission of the Council of Judges of the Russian Federation on IT and the optimization of the work of courts were summarized and the following main causes of non-observance of the procedure for publishing court rulings were identified; these are: different interpretation of the requirements of the federal legislation and the Regulations, lack of staff in courts and in the offices of justices of the peace, heavy workload, lack of IT professionals, technical problems related to the use of the Justice SAS subsystems, etc.

As a result of the discussion, the Council of Judges adopted a resolution\(^\text{124}\) recommending the chairmen of district courts, garrison (military) courts and justices of the peace to take additional measures to ensure access to the information on the activities of the courts of the Russian Federation by way of publishing court rulings online. It was also decided to request the Government of the Russian Federation to instruct government authorities in the constituent entities of the Russian Federation to adopt additional measures to improve the logistical and staff capacities of the offices of the justices of the peace.


120. Ibid. Para. 4.1.

121. Ibid. Para. 7.1.


Equal rights of the parties to legal proceedings: Legislative guarantees of adversarial proceedings in cases concerning administrative offenses still have not been introduced.

The Constitution of the Russian Federation sets forth the adversarial principle and equal rights of the parties as the cornerstone of litigation but does not provide for any exceptions, which makes the adversarial nature absolutely necessary, including in cases concerning administrative offenses.

The adversarial principle means that the initiation of prosecution, the formulation of charges and prosecution of them in court are carried out by the bodies and officials designated by law. However, in accordance with the Code of Administrative Offenses of the Russian Federation, the court proceedings dealing with administrative offenses do not involve an official mandated in any way to prosecute and sustain administrative charges against a defendant. The participation of a prosecutor in the proceedings is not mandatory.

Traditionally, the participants of court proceedings in a case concerning an administrative offense include the judge, the defendant and his counsel. As a matter of fact, the defense confronts not the prosecution but the court itself, which does not exclude the possibility of the judge performing de facto certain functions of the prosecution.

In an absolute majority of cases concerning administrative offenses, the evidence includes statements by the persons that reported the offense and that are de facto the initiators of the prosecution, i.e. the prosecutors, their written clarifications, reports and testimony. So the evidence includes nothing but the information provided by the initiator of the administrative proceeding.

The established judicial practice is that the accusatory testimony by an official is deemed more trustworthy than the exonerating evidence provided by the defendant.

This was exactly the case when Mr. S. from Kirov was brought to administrative liability. In September 2014, he filed a complaint with the High Commissioner. The complainant had been held administratively liable for crossing the median and thus violating the rules for driving on roadways laned for traffic (Article 12.5, Para. 4 of the Code of Administrative Offenses of the Russian Federation). He claimed it was not his fault explaining that he had had to do that due to a backup of cars moving to the left but that he had not left his lane. The court considered his arguments an attempt to escape responsibility and stated in its ruling that the guilt of the defendant was supported by the evidence of Inspector B. of the Traffic Police, which the court had no grounds to dismiss, and the other evidence was the Inspector B.’s report on the circumstances of the offense, the report on an administrative offense written by B. as well, the layout of the traffic signs, lanes and the scene of the offense, though the latter had been drawn in Mr. S.’s absence and he never saw it.

It has to be noted that the report on an administrative offense is a document accusing a person of an administrative offense, it is therefore an opinion of one of the sides, and its legality must be determined in court. The use as evidence of accusatory documents that contain a personal assessment of the evidence violates the right to fair trial on the basis of the adversarial principle and equal rights of the parties because in this case the opinion of only one of the side is used as evidence.

The assessment of the testimony provided by the defense is not viewed as evidence per se. If the defendant cannot provide objective evidence proving his innocence, his explanations and the testimony by the witnesses questioned at his request are usually found unreliable by the court.

The indicated gaps in the legislation result in biased investigation of cases concerning administrative offenses by justices of the peace and district court judges and in citizens having no opportunity to restore the violated rights in higher courts.
The complaints received by the High Commissioner show that there exists a system-related problem that demands additional legislative regulation. In the opinion of the High Commissioner, an offense must be proven by an official mandated to prosecute, but by no means by the representative of an executive body who drafted the report on the administrative offense in question.

The judge must determine the subject of proof, facilitate the collection of evidence and assess the evidence provided by the sides. Only if these requirements are met, can one count on the impartiality of the court in this type of cases. This contradiction can be overcome if new provisions are introduced into the Code of Administrative Offenses of the Russian Federation to make the procedure for court proceedings regarding administrative offenses more precise.

### Not Everyone Merits Parole

The number of complaints related to release on parole is not decreasing either, their substance, however, is changed. In 2014 the High Commissioner began to receive requests from convicts asking to elucidate the criteria the court is guided by in taking decision on parole.

Convicts point out the fact that courts grant parole to prisoners who have bad references whereas similar requests for parole submitted by convicts who have commendations and good references are denied.

Convicts’ reports of the arbitrary character of court rulings seem to have some grounds, particularly given that a quota of parolees is confirmed to have been introduced by the president of the regional court in one of Russia’s constituent entities.

As a rule, in taking a decision judges argue that the convict has committed a major offense and has failed to prove that he/she has been reformed. Over the last three years we have been witnessing an overall decline in the total number of parole requests reviewed by the courts along with a decrease in the number of parolees. According to the statistics produced by the Judicial Department at the Supreme Court of Russia, in 2012 51.4% of parole requests were granted, in 2013–45.9%, whereas in the first half of 2014 in less than 45% of the cases the court pronounced a favorable decision.

In light of the established practice, the High Commissioner has submitted a proposal to the Chief Justice of the Supreme Court of Russia that the legal foundations for parole should be perfected. The Supreme Court, for its part, has expressed its willingness to improve the legislation upon studying and analyzing the judicial practice taking heed of the amendments to the federal legislations that have relatively recently entered into force.

The High Commissioner expresses her gratitude to the leadership of the Supreme Court of Russia for their careful consideration of her proposals on summarizing the judicial practice and suggests getting back to the issues related to parole in 2015 with due regard for the existing legal practices.
Diagnosis is Not a Sentence

The High Commissioner is particularly concerned about the judiciary’s policy with regard to freeing the convicts suffering from serious diseases which make it impossible for them to serve their sentences.

One of the grounds for freeing the convicts from serving their sentence is a disease included into the List of Diseases approved by the Government of Russia, provided that in-patient treatment has proved ineffective. A court ruling should be well-motivated and contain concrete grounds of the adopted decision. Yet, the practice of denying compassionate release to prisoners suffering from terminal illnesses often defies explanation both on the grounds of common sense and humanity. A person suffering from a serious disease can be denied compassionate release merely for “behaving badly” in prison. In other word, a prisoner has to prove that he/she deserves the right to life and treatment.

The wording of Article 81 of the Criminal Code of the Russian Federation as well as Article 175 of the Penal Code of the Russian Federation does not provide for considering any additional information when a release request submitted by a prisoner due to an illness is reviewed. The legal nature of a medical release is completely different, since when such a decision is under review, it requires studying the circumstances other than those that are considered when a parole is mandated, for instance whether the diagnosis is objective, whether the disease can be cured at the correctional facility, whether there are any close relatives who would be willing to provide the prisoner with required assistance should a medical release be granted.

According to the General Statistics on the Activities of the Federal General Jurisdiction Courts and Justices of the Peace produced by the Judicial Department of Russia’s Supreme Court, in the first half of 2014, the courts considered 339 medical release requests, out of which 186 were granted.

In August 2014 the High Commissioner received “a cry for help” from the mother of prisoner N., stating that her son was dying at the Medical Correctional Facility No. 51 of the Federal Penitentiary Service General Directorate in Sverdlovsk Region (LIU-51 GUFSIN of Russia in Sverdlovsk Region). The High Commissioner’s Office sent a staff member who established that prisoner N. was suffering from an illness included into the List approved by the Government of Russia as grounds for release. However, the Leninsky District Court of Nizhny Tagil had on multiple occasions denied N.’s release requests arguing that he “was not striving to embark a path of reformation”. Meanwhile, prisoner N. was slowly dying, his relatives unable to relieve his sufferings. N. shortly died at the correctional facility.

It seems reasonable that the Plenary Session of Russia’s Supreme Court should consider the issue of procedural uniformity in applying the legislation governing the release of prisoners on the grounds of an illness. As an outcome, clarifications should be communicated to general jurisdiction courts.

The Rights of Legally Incompetent Persons and Justice

Legally incompetent citizens have the right to appeal against court rulings pronouncing them as such and they can petition the court to recognize their competence, but they cannot always exercise this right.

For a long time the Russian legislation effectively limited almost all the rights of a person pronounced as legally incompetent, including his/her right to recourse to the courts. The international law, however, states the inadmissibility of discrimination against incompetent persons, which includes their right to judicial protection.

Presently, the legislation has been amended so as to provide persons suffering from mental illnesses with the right to appeal against the court decision on their incompetence and submit requests to have
their competence restored\textsuperscript{132}. Regrettably, in practice, certain government officials are still guided by the stereotypes that have emerged over the years. The High Commissioner has been receiving complaints about courts’ refusing to consider citizens’ requests to have their status reviewed on the grounds of the applicant’s legal incompetence.

There is no doubt that it is incumbent upon higher courts to redress such errors but it seems that if the Supreme Court of Russia were to summarize the legal practices in cases related to legal incompetence or restoring a citizen’s competence, such errors could be avoided in future.

**Human Rights and the Penitentiary System**

Detention facilities hold a special place in Russia’s law enforcement systems. Today they hardly resemble the notorious Gulag but the historical memory of a mighty system designed to suppress dissent in the Soviet Union remains part of Russia’s social consciousness. This largely explains why human rights advocates place a particular emphasis on the penitentiary system and why efforts are undertaken to prevent cruel treatment of inmates at the Russian Federal Penitentiary Service facilities.

**The Burden of Reforms**

Many provisions of the 2020 Russia’s Penitentiary System Development Concept were almost impractical and out of touch with reality.

The need to amend the Concept was stated by the High Commissioner when she addressed the President of Russia proposing that an inter-agency group should be set up with a view to adjusting the Concept\textsuperscript{133}, since it had been elaborated with no regard for the social and economic conditions in Russia and the modern notions of what a penitentiary system should look like. The penitentiary system was tasked with the impractical task of turning the majority of corrective labour colonies into prisons. As the choice of reforms of the penitentiary system proved to be ill-advised, in practice, not only have any positive changes turned out to be lacking, but the roots of existing challenges have also persisted and grounds for new difficulties have emerged.

The sore points of the penitentiary system had been left without attention; existing problems had been swept under the rug, which in the end turned into a series of high-profile emergencies in the correctional facilities in Chelyabinsk and Bryansk regions.

Other government bodies have started to agree that the High Commissioner’s criticism of the Concept is justified and well-grounded. An inter-agency working group on adjusting the Concept for the Penitentiary System Development completed its work in 2014. In January 2015 the idea of turning educative colonies for minors into educative centres, which the Concept set forth as a priority, was recognized untenable by the Accounts Chamber of Russia, which concluded that the said idea had been implemented without elaborating any assessment criteria or performance indicators, without an impartial assessment of the need for creating educative centres and with no regard for the unique characteristics of Russia’s practice of carrying out sentences imposed on minors. The Accounts Chamber established that the reform of the Russian Federal Penitentiary Service facilities had been initiated without proper legislative basis, in certain cases the real expenses of converting the colonies had surpassed the calculated costs nineteen-fold\textsuperscript{134}.


The High Commissioner put forward a number of proposals on improving the Concept which served as a basis for draft government decrees prepared by the Justice Ministry.

The current state of affairs is influenced by a wide range of negative factors, and, thus, to a great extent is due to the shortcomings of the penitentiary system’s legal foundations. Basically, the current Penal Code of the Russian Federation has extensively drawn on the Corrective Labour Code of the Russian Soviet Federative Socialist Republic. Furthermore, presently the penitentiary legislation has been sent into disarray by a chaotic influx of amendments and additions which have essentially undermined the integrity of Russia’s Penal Code.

Since 1997 Russia has adopted more than 70 federal laws thereby introducing more than 100 amendments and additions. Several norms have changed their substance repeatedly.

Moreover, based on the 2020 Penitentiary System Development Strategy, the Federal Penitentiary Service of Russia (the FPS) has worked out and adopted a Plan to Draft New Federal Laws providing for a revision of 93 Penal Code articles out of 179 that are in force as of now, i.e. 52% of the Code, 9 Penal Code articles and 11 Criminal Procedural Code articles.

All this points out to Russia’s need for a new version of the Penal Code, in which context the High Commissioner has expressed her willingness to contribute to drafting it.

**Rights of Correctional Officers**

Contrary to the view that human rights advocates care more about the rights of the convicts than the rights of the penitentiary system officers, the High Commissioner emphasizes the need to ensure decent working conditions and remuneration for those who work hard to protect society from an important internal threat.

Up until now the service at the penitentiary system that has been within the purview of the Justice Ministry for more than 16 years, is governed by the Regulation on the Service at the Internal Affairs Bodies of the Russian Federation of 1992, which no longer applies to the Ministry of Internal Affairs. In default of a federal law the Justice Ministry of Russia has instead adopted the Instruction on the Application of the Regulation on the Service at the Internal Affairs Bodies of the Russian Federation at the Penitentiary System Institutions and Bodies.

Apart from this ministerial regulation being “an instruction on how to apply an instruction”, up until recently it contained provisions that contravened the current legislation as it granted the heads of FPS facilities and bodies the right to fire female employees that have children under the age of 3, and single mothers raising a child under the age of 14 (under the age of 18 for children with disabilities) as part of workforce optimization. Only by virtue of the High Commissioner’s initiatives and the Constitutional Court’s intervention, starting from 2014 the provisions of the Instruction that infringed upon the rights of the afore-mentioned category of employees, have been abrogated and in November 2014 the legislation was amended accordingly.

Currently, in compliance with the Instruction of the President of Russia a draft federal law on the service at the penitentiary system of Russia has been prepared and has undergone a public debate. The draft law is expected to be passed in 2015.
The High Commissioner is paying special attention to detention conditions and to the treatment of inmates by the administration of FPS facilities.

The right to security of the person and human dignity become increasingly threatened when the circumstances bring a human being to partial or complete dependence on the state.

The High Commissioner regularly receives complaints about unprovoked physical violence against convicts. Mass violations of convicts’ rights at the Federal Government Institution Penal Colony No. 6 of the FPS Directorate for Bryansk Region (FKU IK-6 UFSIN of Russia in Bryansk Region) have been thoroughly investigated by the High Commissioner. In June 2013 it came to light that a convict serving his sentence there had been taken to intensive care, gone into a coma and died subsequently without regaining consciousness. An inquiry was initiated which established the colony administration’s involvement in that tragedy. The High Commissioner submitted the inquiry materials to the Investigative Committee of Russia.

After criminal charges had been brought, in April 2014 the Klintsy City Court of Bryansk Region found one of the officers of the Penal Colony No. 6 guilty of exceeding his authority in using violence and causing grave harm as well as of inflicting with intent grievous bodily harm that entailed the victim’s death through negligence. The court sentenced the officer to ten years at a strict regime corrective colony.

A mass protest was staged in March 2014 at the very same Penal Colony No. 6 in Bryansk Region because men on duty from among the convicts were beating the inmates and extorting money. The colony administration, however, did not stop those infractions and essentially connived at those illicit activities by its actions. After an investigation was conducted, disciplinary action was taken against 26 officers of the Penal No. 6 and the FPS Directorate in Bryansk Region whereas the colony governor was dismissed from office. The ascertained breach of law was remedied.

In this context a lot of questions arise whether it is justified to extend the grounds for using physical violence and special weapons at detention centres.

In 2014 the Justice Ministry of Russia worked out a draft law “On Introducing Amendments to the Law of the Russian Federation ‘On Institutions and Bodies Which Carry Out Criminal Punishments in the Form of Imprisonment’ and to the Federal Law ‘On the Detention of Persons Suspected or Accused of Committing Crimes’” which stipulated the use of physical violence for breaching the “custodial regime”, thus, if the draft law had been adopted, it would mean that physical violence could be used even for so minor an infraction as smoking outside the designated area or repairing the plumbing without the administration’s permission.

For these reasons the High Commissioner has submitted a request to the Government of the Russian Federation that the grounds and conditions for using physical violence and special weapons at penitentiary facilities should be revised. The proposals submitted are based on the requirements of the European Prison Rules, i.e. prison staff shall not use force against prisoners, except in self-defense or in cases of attempted escape or active or passive physical resistance to a lawful order.

When this report was prepared, the High Commissioner had managed to agree with the Ministry of Justice on significant changes to the draft federal law “On Introducing Amendments to the Law of the Russian Federation ‘On Institutions and Bodies Which Carry Out Criminal Punishments in the Form of Imprisonment’ and to the Federal Law ‘On the Detention of Persons Suspected or Accused of Committing Crimes’”. Specifically, additions have been made so as to limit the use of resin batons in prisons and pre-trial detention centres and to establish a procedure for immediately recording any bodily harm caused by the use of physical force or special weapons and for subsequently recording the victims’ explanations by investigative agencies.
“Disabling Environment for Persons with Disabilities”

The High Commissioner emphasizes how important it is to draw attention to respecting the rights of disabled people in detention facilities.

The Russian Federation ratified the UN Convention on the Rights of Persons with Disabilities\(^\text{141}\) on May 3, 2012 and adopted the Accessible Environment State Programme for 2011–2015 but, regrettably, that has hardly had any effect on the penitentiary system which as of now is holding around 20 thousand persons with disabilities sentenced to prison, approximately half of whom are category II disabled persons and almost 500 of category I.

The detention conditions for disabled people who require assistive care, who cannot look after themselves and keep themselves clean on their own, nor can use sanitary and hygiene devices, move, or receive social assistance, especially given that neither their relatives nor social services have access to them, are the issues of particular concern. As there are no measures for creating proper detention conditions for disabled persons, they are forced to address the European Court of Human Rights with the requests to protect their rights, and the first precedent decision on this problem has already been carried out\(^\text{142}\).

The penitentiary legislation does not stipulate establishing of specialized corrective facilities for disabled persons or separate divisions for people with impairments.

Convicted persons with disabilities, including both category I and II, serve their sentences just the way everyone else does in standard detention facilities among other inmates who do not have disabilities.

This question was raised by the High Commissioner when the President of Russia met with the Presidential Council for Civil Society and Human Rights, Commissioners for Human Rights, Children’s Rights and Entrepreneurs’ Rights on December 5, 2014. After the meeting the President of Russia instructed the Government to work together with the High Commissioner to come up with proposals on creating favourable conditions and environment for disabled persons and other people with health impairments at the penitentiary institutions\(^\text{143}\).

The High Commissioner has submitted specific proposals on improving the legal status of persons with disabilities at the penitentiary facilities and creating favourable conditions for them while they are serving their sentence to the Justice Ministry of Russia\(^\text{144}\).

“Right to Labour is not Guaranteed in Penal Colonies”

There is every reason to characterize the situation with convicts’ employment at detention centres as disastrous.

According to the FPS of Russia, only about 30% of convicts serving their sentence in penitentiary facilities are employed. This situation means that the convicts’ rights are violated as they are deprived of the opportunity to acquire essential goods. It also means that the rights of victims are also violated as they do not get compensation for damages and losses awarded to them by the court. Under the existing legislation unemployed convicts are kept at penitentiaries at the government’s expense only, which creates an additional pressure on the budget.

Complaints about poor labour organization at penitentiaries annually account for 18 to 20 percent of all complaints to the High Commissioner from victims, convicts, their relatives and human rights groups.

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What we are witnessing is a paradox: while only one third of convicts are employed, the FPS of Russia establishes the Trading House commercial structure aimed at making profit of selling the manufactured products instead of searching for employment opportunities of the remaining two thirds that are unemployed.

This situation is provoked by the legislation regulating employment at penitentiaries: on the one hand, labour is legislatively stated to be one of the principal means of rehabilitation whereas on the other there is no stipulation that would require a penitentiary’s administration to provide labour opportunities to the convicts, it being said, however, that convicts can be employed “depending on the jobs available”.

During parliamentary hearings the High Commissioner put forward some proposals, including government support for employing convicts and extending the government procurement mechanisms to the products manufactured at penitentiaries, and submitted additional proposals to the President of Russia. A proposal has been set forth to introduce into the Penal Code of the Russian Federation a provision that requires the employment relations between the employer (the administration) and the convict to be in written form and determines how the convicts’ labour functions are to be performed.

There is also a need for legally regulating the monthly amount of money convicts spend on food and essential goods as no limitations are imposed only on the money they earn when serving their sentence, their pensions and social benefits. The level of expenditure is strictly limited and it has not changed since the Federal Law “On Introducing Amendments to the Penal Code of the Russian Federation” was adopted and entered into force, and considering the inflation level currently the population’s purchasing power has significantly reduced. It has had a particularly strong impact upon the convicts that receive neither pensions nor benefits and are unemployed for reasons beyond their control.

The Justice Ministry of Russia has prepared and submitted in October 2014 to the Government of Russia a draft federal law “On Introducing Amendments to the Penal Code of the Russian Federation (Concerning the Increase of Monthly Amount of Money Available to Convicts for the Purposes of Acquiring Food and Essential Goods)” that provides a significant increase in the amount of money convicts are allowed to spend in prison. The High Commissioner gave a positive assessment to the draft law, proposing, however, that the amount of money should not be fixed, but instead should be periodically adjusted. In response, the Justice Ministry of Russia expressed willingness to take the High Commissioner’s idea into consideration when finalizing the draft law “On Introducing Amendments to the Penal Code of the Russian Federation” before it would be submitted to the State Duma for the second reading.


“Someone Else’s Misfortune Cannot Be Only Their Problem”

The authorities and citizens of Russia have done everything in their power to receive and accommodate refugees from Ukraine in the Russian territory.

In 2014 as a result of an armed conflict in Ukraine a great number of Ukrainian citizens requested the High Commissioners to assist them in receiving asylum in Russia.
The High Commissioner has submitted to the President and to the Government of Russia proposals on receiving and accommodating refugees from Ukraine arriving in Russia, and these proposals have been met positively\textsuperscript{151}. Starting from July 2014 the Government of the Russian Federation has taken a number of resolutions with a view to providing jobs to Ukrainian citizens arriving in Russian regions, granting them support in getting accommodation, food, medical, social, and psychological assistance and in finding employment.

The resolutions of the Russian Government have also served as a legal foundation for receiving and accommodating Ukrainian refugees\textsuperscript{152}. 75 constituent entities of the Russian Federation have established temporary accommodation centres for persons forced to leave Ukraine as well as emergency assistance centres at the regional executive level. The standard procedure for granting temporary asylum has been significantly simplified for Ukrainian refugees and a mechanism has been set into place to provide them with medical assistance free of charge.

At the end of 2014 the Government took measures aimed at funding temporary relocation of citizens forced to leave Ukraine and staying at temporary accommodation facilities in 2015\textsuperscript{153}. As of January 2015 the hot lines were still operational and provided primary consultations to refugees arriving in Russia and there were 524 temporary accommodation centres in place\textsuperscript{154}.

According to the Federal Migration Service of Russia, as of now more than 800 thousand Ukrainian citizens who were forced to leave Southeastern Ukraine are staying in Russia. To establish their legal status, 594,255 Ukrainian citizens have applied to the FMS regional offices. 251,711 applicants have been granted temporary asylum while 250 citizens have received the refugee status\textsuperscript{155}.

In 2014 under the Federal Programme of providing assistance to repatriates in Russia\textsuperscript{156}, more than 106 thousand people moved to Russia from abroad, including 42,057 Ukrainian citizens. The actual number of repatriates exceeded expectations more than twofold. Presently, 55 constituent entities of Russia are ready to receive compatriots. As a result, people from Southeastern Ukraine fleeing the war have managed to acquire a proper legal status, get a job and receive financial assistance from Russia.

At the same time, when receiving and accommodating Ukrainian refugees, it became clear that there are issues that require amendments to the Russian legislation and adjustments to how the law is enforced:

• there is not enough temporary asylum status forms, and special certificates that have been elaborated by the FMS regional offices are issued instead (these certificates were not recognized by local compulsory medical insurance funds, which caused refugees from Ukraine certain difficulties in exercising their social rights);

• in order to file an application for a temporary asylum in Russia, refugees have to wait for a very long time (in some FMS regional offices the waiting time before the initial consultation and the subsequent interview often reached 60 to 90 days);

• there is not enough clarity in determining the order for the transfer of refugees from one region to another.

\textsuperscript{151} Appeal No. EP 13123-44 of May 14, 2014 of High Commissioner for Human Rights in the Russian Federation E. Pamfilova to Chairman of the Government Commission for Migration Policies, First Deputy Prime-Minister I.Shuvalov. In June 2014 the High Commissioner met with President of Russia Vladimir Putin and put forward a number of measures to help persons arriving in Russia from Ukraine, in particular, to assist them in acquiring temporary accommodation and employment, to reimburse the costs incurred by constituent entities of Russia in receiving Ukrainian refugees and providing them with temporary accommodation and other measures.


\textsuperscript{153} On the Allocation of Other Inter-Budgetary Transfers in 2015 from the Federal Budget to the Budgets of Constituent Entities of Russia with a View to Funding Temporary Accommodation of Ukrainian Citizens and Stateless Persons that Reside Permanently in Ukraine and Have Arrived in Russia Urgently and on a Mass Scale: Decision No. 1502 of the Government of Russia of December 26, 2014. Official Website of the Government of Russia. URL: http://ips.pravo.gov.ru (Date of access: December 26, 2014).

\textsuperscript{154} Information Letter No. KR-1\textsuperscript{116}-980 of Director of the Federal Migration Service of Russia K. Romodanovsky of January 30, 2015.

\textsuperscript{155} Ibid.

2.3 Social and Economic Rights amid Sanction Pressure

“Difficulties Faced by Patients with Rare Diseases”

Providing medication to citizens suffering from orphan diseases, i.e. rare diseases affecting no more than 10 in 100,000 people, is still a pressing issue that requires solutions.

Russia counts around 13 thousand patients afflicted with orphan diseases, half of them are children. In 2014 the funds required to treat rare diseases amounted to some 26 billion rubles. The total expenses of various regions of Russia, however, are estimated at 9 billion rubles.

In compliance with Paragraph 10 of Part 1 of Article 16 of Federal Law No. 323-FZ of November 21, 2011 “On the Fundamentals of the Public Health Protection” provision of citizens with medications to treat illnesses listed as life-threatening and chronic progressive orphan (rare) diseases that lead to a shorter life span or disability, lies within the purview of authorities of Russia’s constituent entities. Part 9 of Article 83 of the Federal Law stipulates for providing citizens with medications to treat the diseases on the list, with the exception of diseases listed under Paragraph 2 of Part 2 of Article 15 of the Law that are the most expensive (the so-called ‘seven nosologies’), at the expense of the budgets of Russia’s constituent entities.

Despite financial difficulties, under no circumstances should there be a decrease in the funds allocated to constituent entities of Russia for the purposes of treating haemophilia, cystic fibrosis, pituitary dwarfism, Gaucher’s disease, malignant neoplasms of lymphoid, haematopoietic and related tissues, multiple sclerosis and helping recipients after transplantation of organs and/or tissues.

Funding the costly treatment of orphan diseases on the list approved by Decree No. 403 of the Government of Russia of April 26, 2012 lays too heavy burden on Russia’s constituent entities that are responsible therefor. The price of medicines just for a handful of patients can exceed the costs of funding the treatment for a whole group of people with a more widespread disease, for instance cancer.

The incidence of certain rare hereditary diseases can vary from region to region, which entails significant expenses in a number of constituent entities. As new methods and medications for treating rare diseases becoming increasingly numerous, so is the cost of such treatment, which consequently makes it more difficult to get funding from the budget.

In July 2014, the High Commissioner submitted a request to the Government of the Russian Federation to instruct the relevant federal executive bodies to settle the issue of making the necessary changes to the legislation that regulated the provision of medical services, including medications, to persons suffering from orphan diseases. The Ministry of Healthcare of the Russian Federation concurred with the High Commissioner that there was a need for changes to the Russian legislation on public healthcare. Moreover, according to the Russian Ministry of Economic Development, to assess the appropriateness of this decision it is essential to make an estimate of additional funds to be allocated for these purposes from the federal budget before 2020.

It is inadmissible that in order to get medicines they are entitled to by law, for instance eculizumab, patients with paroxysmal nocturnal haemoglobinuria (PNH) are forced to go to court. Yet, even that does not guarantee that their rights will be protected. For example, only after the High Commissioner had sent a request to the regional offices of the Federal Bailiffs’ Service, were the court rulings that had entered into force, implemented (disabled persons M., O., and Y., from Vologda Region, the Republic of Kalmykia and the Chuvash Republic respectively).
Even Pain Can be Measured

Sometimes lack of pain-relieving (narcotic) drugs for the patients suffering from terminal cancer can lead to tragic consequences.

The problems patients suffering from terminal cancer face in acquiring pain-relieving drugs have become particularly manifest after a number of suicides (the suicide of retired rear-admiral A. who did not receive timely medical assistance due to the flaws of the existing procedure for pain-relieving drugs provision, and other cases).

The administrative barriers the above group of patients faced while trying to get necessary pain-relieving drugs led to an unfavourable situation that was inadmissible and required an immediate intervention.

To that end the High Commissioner submitted requests to the Moscow Department of Healthcare and addressed Deputy Prime Minister Olga Golodets with an appeal to inspect the situation with provision of cancer patients with pain-relieving drugs and take appropriate measures to ensure citizens’ right to health protection and competent medical assistance.

As a result, the Healthcare Ministry of Russia elaborated legal basis regulating the distribution of narcotic drugs and psychotropic substances that allows doctors and nursing staff (if the need arises) to timely prescribe and dispense narcotic drugs.

Another positive sign is the adoption of Federal Law No. 501-FZ of December 31, 2014 “On Introducing Amendments to the Federal Law ‘On Narcotic Drugs and Psychotropic Substances’” stipulating for the prescription extension for 30 days, and the simplified procedure for the destruction of narcotic drugs and psychotropic substances used for medicinal purposes; and, inter alia, eliminating the requirement for patients’ relatives to return the used transdermal patches.

Mental Disorder is Not a Reason for Violating Patients’ Rights

There are established procedures for considering complaints about legal infractions in mental health services, such as involuntary commitment, mistreatment, failure to hospitalize one’s relatives and legal competence restoration. Of particular concern are complaints about violations of the rights of such vulnerable category as inpatients that receive mental treatment at health institutions and persons suffering from mental disorders that stay at inpatient social care facilities (psychoneurological care facilities).

Regional commissioners for human rights have visited psychiatric care facilities, including in Archangel, Irkutsk and Vladimir regions, and found out that the conditions of special care provision do not entirely satisfy the sanitary and hygiene standards. Hospitals often occupy premises that were not initially designed to accommodate a psychiatric care facility and used to be prisons, colonies, boarding schools or retirement homes. Many of these buildings are in critical condition. Some departments only have 3 square metres of floor space in a ward per patient whereas in others it can be less than 2.5 square metres. Hospital departments were designed to accommodate 70 to 90 patients and wards are overcrowded, which leads to greater tensions both among patients and among the staff.

It is particularly preoccupying that legally incompetent citizens that do not require further treatment and are supposed to be transferred to psychoneurological care facilities are kept for an unreasonably long time at inpatient psychiatric facilities. Yet, as there is a long waiting list at inpatient social care facilities, these patients often stay at psychiatric hospitals for quite some time. However, after many years of struggle in 2014 the Commissioner for Human Rights in Arkhangelsk Region succeeded in making the Arkhangelsk Regional Public Health Facility ‘Arkhangelsk Clinical Psychiatric Hospital’ to transfer 101 patients that no
longer required secondary care to inpatient social care facilities. At the same time, as of the beginning of 2015, the Hospital had 87 legally incompetent patients to be discharged, waiting on the list to be admitted to inpatient social care facilities.

In view of the violations of a wide range of patients’ rights and legitimate interests at a branch of the Regional Public Healthcare Institution ‘Irkutsk Regional Psychiatric Hospital No. 2’ that have been brought to light in Irkutsk Region, in November 2014 the High Commissioner launched an investigation assisted by the Prosecutor General's Office of the Russian Federation. As a result, a number of acts of prosecutorial response have been carried out.

However, we can trace a crucial factor explaining continuous violations in this sphere: the lack of proper persistent and direct control (externally regulated, yet internal in terms of work organization). Incidentally, there is the legal basis for establishing and introducing this type of control.

Law of the Russian Federation No. 3185–1 of July 2, 1992 (Article 38) provides that the government must put in place a system for protecting the rights of patients staying at inpatient psychiatric care facilities, this system being independent from the executive bodies responsible for healthcare. This notwithstanding, as of now no such institution has been set up. This fact justifies the criticism expressed by the medical community, human rights groups and citizens.

To exercise its powers, a state institution protecting the rights of this special category of citizens has to be furnished by the following opportunities: unimpeded access to the premises occupied by medical institutions, and to all the relevant documents; opportunity to talk privately both with the patients and with the medical staff; to receive written and oral explanations from the administration and staff of medical institutions; to request all the requisite information from municipal authorities; to submit its observations and general proposals; to take part in discussions of draft regulations and other legal instruments in the area of healthcare, protection and restoration of patients’ rights, improvement of financial and pharmaceutical support to inpatient care facilities; to forward complaints from the patients to the executive bodies, the prosecutor’s office or court; to act as a patient’s representative at their request; to facilitate the implementation of rights set forth in Article 37 of the Law, as well as to promote the adoption of measures with a view to assisting the rehabilitation and social adaptation of patients discharged from these medical institutions. Status of representatives of such supervisory institution should ensure independence and unaccountability to any government bodies or officials, particularly to the executive bodies in healthcare (as provided for by Article 38); it should also ensure performance of their functions independently of the interests of psychiatric, medical and social services, patients’ relatives and third parties. The representatives of such an institution visiting an inpatient care facility can comprise, for instance, a lawyer, a psychiatrist, a social worker and a representative of civil society organizations. This will help to provide different forms of legal assistance with due regard for the special social status of persons with mental disorders and will also help to investigate cases of legal infractions that occur during mental health assessment, determining the grounds for hospitalization, exercising control over the due procedure when a court is deliberating on involuntary commitment to an inpatient psychiatric care facility, considering complaints from patients and taking measures with a view to redressing other violations of rights enshrined in the law.

At a meeting presided by Deputy Chairman of the Government of the Russian Federation where negotiations with government and civil society organizations concerned took place, the High Commissioner stepped forward with an initiative to work out a concept and a relevant draft law. The Concept and the draft law “On the Boards for the Protection of the Rights of Patients Staying at Inpatient Psychiatric Care Facilities and of Persons Afflicted with Mental Disorders that are Staying at Inpatient Social Care Facilities” have been submitted to Government of the Russian Federation and Interagency Working Group on the Implementation of Article 38 of the Law “On Psychiatric Care and Guarantees of Citizens’ Rights in Its Provision” by now.
“Only an Able-Bodied Person is Capable of Proving Disability”

The issues surrounding the recognition of disability status and the rehabilitation of persons with disabilities are caused by the complexity of formal procedures and inconvenience in going through them, as they sometimes require a lot of physical and mental efforts.

According to the Ministry of Labour and Social Protection of the Russian Federation, in 2014 the number of registered persons receiving a disability pension from the Pension Fund of the Russian Federation amounted to 12 million 550 thousand people (category I — 1.5 million, category II — 6.4 million, category III — 4.2 million, 590 thousand children with disabilities).

The number of people with disabilities is steadily declining which at first sight might seem a positive trend\textsuperscript{157}. We are yet to see a profound and impartial analysis of this trend’s factors, though one of them is already evident: there are too many difficulties involved in the process of acquiring the disability status.

Regrettably, there is still too much red tape and lack of impartiality in the medical and social assessment. The procedures of disability identification, reexamination and elaboration of an individual rehabilitation programme are still rather complicated and lengthy.

Yet, there is every reason to believe than new classifications and criteria produced by the Ministry of Labour and Social Protection of the Russian Federation within the framework of the Concept of Improving the State System of Medical and Social Assessment (in compliance with the International Classification of Functioning, Disability and Health) are designed to ensure that the disability assessment is both unbiassed and credible\textsuperscript{158}.

The assessment of effectiveness of practical implementation of these classifications and criteria can be carried out after some time passes on the grounds of monitoring of situation with disability identification under the new legislation, conducted with assistance of the High Commissioner and civil society institutions.

Ensuring physical and information accessibility of facilities required for medical and social expertise is a crucial element for its high-quality performance, which implies the need for equipping the facilities where medical and social expertise is conducted with special infrastructure to help persons with visual or hearing impairments and with locomotive disabilities.

Unjustified Limitations for People with Limited Abilities

The situation with provision of disabled people with technical means of rehabilitation by the Social Insurance Fund of the Russian Federation and the authorized bodies of the constituent entities of the Russian Federation cannot be considered satisfactory.

Among the drawbacks are the failure to provide the disabled people with these means timely, the low quality of them (among other factors due to the outdated production technologies); unjustified denials of the Social Insurance Fund of the Russian Federation (hereinafter — the Russian SIF) to pay compensation when the disabled people self-acquired technical means of rehabilitation; and complicated “route” of acquiring the technical means of rehabilitation.

The intervention of the High Commissioner for Human Rights, their appeal to the Russian SIF, has allowed to solve a number of issues of the people with disabilities who had been trying unsuccessfully to exercise on their own the right to prostheses and other technical means of rehabilitation as well as to compensation for the self-acquired technical means (for example, people with disabilities F. and F. residing in Penza and Leningrad regions were provided with lower limb prostheses, disabled Mrs.I. from Moscow got a


\textsuperscript{158} Concerning the Classifications and Criteria Used in Medical and Social Assessment of Citizens by the Federal Medical and Social Assessment State Institutions: Decree No. 664-n of the Ministry of Labour and Social Protection of the Russian Federation of September 29, 2014 // Rossiyskaya Gazeta, December 12, 2014.
referral for a knee endoprosthesis and disabled Mr. B. from Samara Region got a compensation for his self-acquired orthopedic shoes etc.\cite{footnote:11875-25}

A number of significant breaches in the area of provision of disabled people with technical means of rehabilitation were identified by the Prosecutor General’s Office of the Russian Federation. The Prosecutor General’s Office said in official response to the appeal of the Commissioner for Human Rights in Russia that the Russian SIF is working on the allocation of necessary funds from the federal budget and on the establishment of a unified registry of people with disabilities requiring technical means of rehabilitation. The work is conducted in order to ensure timely provision of certain categories of citizens with technical means of rehabilitation. The High Commissioner for Human Rights noted that the measures taken are the intermediate result and took this problem under their personal control.

It is important therefore to take necessary measures to ensure a timely and high-quality provision of people with disabilities with technical means of rehabilitation, including the legislation improvement in this area. It also seems important to expand the Federal List of rehabilitation measures, technical means of rehabilitation and services provided to disabled persons, approved by Decree of the Government of the Russian Federation No. 2347-r of December 30, 2005, and include such essential technical means of rehabilitation for the disabled people in the List as a multifunctional bed with a tool kit, and sanitary and hygienic equipment in the List.

“The Barriers on the Way to a Barrier-Free Environment”

The moving possibilities for the disabled people and other people with limited mobility are still characterized by a low level of accessibility.

A new socially important Federal Law No. 419-FZ of December 1, 2014 “On Introducing Amendments to Certain Legislative Acts of the Russian Federation on the Issues of Social Protection of Disabled Persons in Connection with the Ratification of the Convention on the Rights of People with Disabilities” was adopted in December 2014. The law amends 25 legislative acts of the Russian Federation on provision of people with disabilities with services in the areas of transport, culture, information, healthcare, communications, housing and utilities. The concept of the above draft federal law was approved by the High Commissioner for Human Rights in April 2014 and in June 2014 the High Commissioner submitted a list of amendments to the draft federal law.

With regard to Article 5 of the UN Convention on the Rights of People with Disabilities, this Federal Law has introduced an incredibly important provision on non-discrimination on the grounds of disability to the Federal Law “On Social Protection of the Disabled People in the Russian Federation” and formulated the definition of such type of discrimination (incidents when disabled people were not allowed on the plane, in the restaurants and shops that found resonance in the media are well known).

In July 2014, the High Commissioner for Human Rights got known about the situation of a disabled girl E. residing in Moscow. She could not exercise her right to higher education in one of the capital’s institutes of higher education. While passing a medical and social examination Ms. E. got a resolution that she had some contraindications for higher education with one of the members of the commission telling the girl, “Do a good deed, don not occupy place of normal children”. Such statements, especially by officials, addressed to a disabled person are absolutely inadmissible.

With the assistance of the High Commissioner for Human Rights medical and social reexamination was conducted that resulted in a new resolution on Ms. E.’s ability to get a higher education.

As the analysis of complaints received by the High Commissioner for Human Rights in 2014 showed, there are many barriers on the way to creating a barrier free environment for disabled people, such as insufficient
provision of disabled people with access to social infrastructures, lack of accessible transport services for disabled, inability of most of them to execute their right to employment, problems with implementation of inclusive education etc.

Employment of people with disabilities is one of the most pressing issues. The proportion of the disabled people of working age who actually work is about 31.9% of the total number of disabled people of working age. In order to solve that problem it is important to create such conditions for those of them who would like to work that they can find a work place adapted to their special needs.

As far back as 2013, in response to complaints from the disabled people about violations of their rights the High Commissioner for Human Rights appealed to the Ministry of Labour and Social Protection of the Russian Federation with a request to adopt a legislative act stipulating for the basic requirements for special work places equipping with due regard to the functional limitation or activity restriction of the persons with disabilities. In this regard, the Ministry issued Order No. 685 of November 19, 2013 “On the Approval of Main Requirements for Equipping the Work Places to Employ the Disabled People with Limited Functions and Limited Abilities” which came into effect in April 2014.

There is still a problem that residential buildings lack technical accommodation for people with disabilities that makes disabled people unable to leave their houses and exercise their right to live independently and participate fully in all aspects of life established by Articles 9 and 19 of the UN Convention on the Rights of People with Disabilities. This problem has repeatedly been covered by the High Commissioner for Human Rights in their annual reports.

Regrettably, there is a persistent problem of adapting older buildings like five-storey khrushchevki to the needs of disabled people. Due to lack of technical possibility, state and local authorities cannot solve numerous issues on adaptation of lifts and staircases in residential buildings in order to make the disabled people move without restrictions. Layouts of many apartments make it impossible to adapt them to the needs of disabled people.

It is therefore necessary to look for other ways of solving this problem. For instance resettling disabled people from the houses where there are no such technical possibilities to a specially adapted housing, or to the apartments on the first floor. The positive experience of resettling wheelchair-bound invalids to specifically adapted flats on the ground floor in new houses can be found in the Republic of Tatarstan.

**Through Formulas to Pensions**

Methodology for calculating pensions and mechanisms of length of service verifications remain unclear for the overwhelming majority of Russians.


The formula used to calculate insurance pensions under the new pension legislation, the points required to establish a cash equivalent, the value of the pension coefficient etc. are abstruse both to the ordinary people and officials.
The focus of the High Commissioner for Human Rights remains on protecting the pension rights of citizens and improving the legislation. Back in 2013 the Russian Government decided to freeze the transfer of pension savings for the future retirees in 2014 to private pension funds, redistribution them to the pension system. It was considered to be a necessary though one-time measure.

In 2014, however, the Russian Government again decided to redistribute the total amount of pension contributions of citizens in 2015 for the mandatory pension insurance in order to create and finance the insurance pensions in the distributing component of the pension system.

Extension of the moratorium on the transfer to the funded part of private pension funds undermines citizens’ confidence in the predictability of the government policy with regard to pensions. Accumulated funds of people should to a greater extent contribute to their financial well-being after retirement.

There is still an urgent problem of implementing the right to receive pensions, calculated from the average monthly wages of citizens whose primary documents on earnings for the period prior to their registration in the system of compulsory pension insurance have been lost due to military actions, natural disasters, negligence of employers, workers of archives and other reasons.

Since it is impossible to calculate pensions of the average monthly salary received during the work of these people, their pensions are set to the minimum sizes. However, the implementation of this principle that does not affect the individual work will protect the rights of those people who cannot confirm their average earnings for the reasons beyond their control.

Unfortunately They Leave Us More and More Often…

With unconditional implementation of the Executive Order of the President of the Russian Federation No. 714 of May 7, 2008 “On Providing Housing to the Veterans of the Great Patriotic War of 1941–1945” the amount of 286.3 billion rubles was allocated in the period from 2008 to 2013 which allowed providing housing to 272,885 veterans of the Great Patriotic War. The budget for the implementation of these measures in 2014 was allocated in the amount of 9 billion rubles which allowed providing housing for at least 8,000 people.

At the same time, however, citizens’ complaints demonstrate the need to eliminate the drawbacks of the legal regulations when a family receives a lump sum of money to build or purchase housing to a veteran and it is not used for its intended purposes due to the death of the veteran.

In practice, there is uncertainty as to the legal regulation which entails a different interpretation and application of the rules of Federal Law No. 5-FZ of January 12, 1995 “On the Veterans” which is not consistent with the principle of universal equality before the law and the court, ensured by Part 1 Article 19 of the Constitution of the Russian Federation and based on the constitutional provisions of the principle of social justice.

In June 2014, the High Commissioner for Human Rights proposed to the President of the Russian Federation to design a draft law to introduce necessary changes in the said Federal Law, namely in Article 23.2. Later a draft federal law was put forward. It stipulated for the right for the veteran’s family members to use the money allocated for a veteran of the Great Patriotic War in case it has not been used before their death and only if their living conditions still need to be improved.

“Children of War”: Unrecognized Status

Over many years the High Commissioner for Human Rights has been receiving proposals on establishing a legal status for the generation of children of war and providing them social support. The initiative has been
coming from the heads of civil society organizations representing the interests of citizens who survived the Great Patriotic War when they were children, as well as retired people who call themselves “children of war.”

Currently the existing legislation of the Russian Federation does not contain a notion of “children of war.” Over the past years a number of draft laws aimed at establishing the legal status for this category of citizens and providing them with social guarantees was introduced into the State Duma of the Federal Assembly of the Russian Federation. Most of them were rejected.

In several constituent entities of the Russian Federation regional authorities have established measures of social support to the citizens who were minors during the Great Patriotic War.

In January 2014, asking to report on their position on the legal status of people who survived the war at an early age and on social support that can be provided them, the High Commissioner for Human Rights sent appeals to the plenipotentiary representatives of the President of the Russian Federation to the Central, Northwest, Urals, Far East and Southern federal districts and to the heads of 13 constituent entities of the Russian Federation.

It is clear from the responses received that the position of the governments (administrations) of the constituent entities of the Russian Federation can be confined to the following: there is a need to create federal universal criteria specifying which citizens can be categorized as “children of war” and to establish a common approach to giving social benefits in addition to those they already have.

Based on the feedback, the High Commissioner for Human Rights sent proposals to the Chairman of the State Duma’s Committee for Labour, Social Policy and Veterans’ Affairs requesting that they should be incorporated into the existing draft laws.

**National Security Starts with the Protection of the Rights of the Family and Children**

The analysis of complaints and appeals on violation of constitutional rights of children and families submitted to the High Commissioner for Human Rights indicates that there is a lack of unified comprehensive approach to implementing the government policy in the spheres of the above rights protection, which includes the prevention of child abandonment, homelessness, neglect, alcoholism, drug abuse, suicide, and wrongful acts committed by minors and against them. The lack of unified informational and analytical legal space, clear conceptual framework, as well as uncoordinated accounting among different departments affect the law enforcement practices, make statistics biased and do not reflect the real situation which ultimately leads to the violation of citizens’ rights.

Thus, since 1996, when applying Article 156 of the Criminal Code of the Russian Federation “On the Failure to Fulfil Parenting Responsibilities for a Minor” representatives of the prosecutor’s office, law enforcement authorities and judges still subjectively determine the signs of “ill-treatment” of children166. According to the High Commissioner for Human Rights, arbitrary definition of the level of violence for the prosecution of some people and addressing the issue in civil proceedings for the application of extreme measures of legally-familial norms to others conceals a lot of dangerous risks and breeds corruption.

The Family Code of the Russian Federation (hereinafter — FC RF) does not define the conditions that threaten the life or health of children or hinder their normal upbringing and development (Article 121 of the FC RF). Given that the legislature in these cases requires that the child should be immediately removed from the family (Article 77 of the FC RF), there should be no “margin of error” and subjective approach to such issues167.

In light of the recent upsurge of “home and family” violence, the High Commissioner for Human Rights considers undermining the institution of family to be unacceptable. A unified account for the crimes

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equalizes the relations in the family with the relations between the neighbours. It does not make it possible to distinguish between the problems of the family, inside the house or community by ascribing everything under the list of domestic violence and failing to understand the scale of them to develop preventive and supportive mechanisms. Current legislation poses the responsibility for the implementation of the measures to coordinate the actions of institutions and agencies for preventing child neglect and fighting juvenile delinquency and protection of their rights on the commissions on minors’ affairs and protection of their rights (hereinafter — the Commissions). Legal basis that regulates their work is rather outdated and does not correspond with the aims that the Commissions have nowadays. At the same time there is a trend towards solving such problems through introducing amendments to Federal Law No. 120-FZ of June 24, 1999 “On the Principles of Preventing Child Neglect and Juvenile Delinquency” (hereinafter — Law No. 120-FZ)\(^{169}\), which cannot be called a targeted, systematic and effective response. Moreover, the explanation of the new provisions by the Plenary Session of the Supreme Court\(^{170}\) does not make the situation any clearer.

The interaction of actors charged with preventing such crimes is not regulated either, which leads to their uncoordinated actions, overlapping of their activities, and in the end to the dysfunction of the system, unreasonable increase in the staff, misuse of budget funds, and decline of efficiency of their work.

In order to improve the measures of human rights protection, the High Commissioner takes part in the work of the Government collegiate bodies\(^{171}\).

As a member of the Governmental Commission on Minors’ Affairs and Protection of their Rights, in December 2014, the High Commissioner introduced proposals to the 2015 Work Plan: on the inadmissibility of eviction of families with a minor from their only housing; on the practice of identifying, recording and providing rehabilitation to the minors and parents who suffer from alcohol, toxic, psychoactive substances or drugs abuse; on measures for identifying and prosecuting the adults who allow the sale of alcoholic beverages to minors, involve minors into criminal activities, and drinking and coerce them into taking drugs; on the practice of expropriating children with direct threat to their life and health, limitation and termination of parental rights and improvement of maintaining family ties; on the measures for implementing the judicial decisions for the recovery of alimony for the minors, expropriation of a child, providing housing for orphans and those left without parental care; on the measures for the prevention of juvenile delinquency, criminal and administrative liability as well as the crimes committed by minors etc.

Despite the adoption of many laws, plans, concepts, and strategies and the creation of working groups and amendments to laws, problems with families and minors do not go away. Moreover, there are new challenges that require a swift and efficient response and systematic and concerted actions.

The High Commissioner proposes introduction of the question “On the Situation and the Measures to Improve the System Protecting the Rights of Families and Minors, Preventing Homelessness, Neglect, Alcoholism, Drug Addiction, Suicide, and Illegal Acts Committed by Minors and against Them” to the agenda of the meeting of the Security Council of the Russian Federation which will allow to pass a final document with the aims set for federal and regional authorities.

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\(^{171}\) By Decree No. 1243-r of July 7, 2014 of the Government of the Russian Federation, High Commissioner for Human Rights was included into the Government Commission on the Prevention of Juvenile Crime; by Decree No. 1486-r of August 9, 2014 of the Government of the Russian Federation, the High Commissioner was included into the Government Commission on Minors’ Affairs and Protection of their Rights.
Problems of Employment and Labour Relations in 2014

Some statistics:

According to the Federal State Statistics Service, in 2014 the overall unemployment rate averaged at 5.2% of the whole economically active population, against 5.5% in 2013. Total unemployment rate in the Russian Federation amounted to 1.2% of the economically active population, against 1.3% in 2013. Among the unemployed 56% are men, 44% — women, 61.8% — urban dwellers. The average age of the unemployed is 36 years.

According to the Russian Ministry of Labour in 2014 over 15,000 new job places were created for the disabled people in constituent entities of the Russian Federation, the average size of compensation to the employer for equipping a workplace for persons with disabilities and establishing the necessary infrastructure for easy access to specific work places was increased up to 100,000 rubles.

The number of industrial accidents in 2014 decreased by 19% in comparison with 2013.

Meanwhile, workers’ rights are often violated by employers at all stages: in the processes of conclusion of employment, work activity and termination of a labor agreement. Employment is frequently being concluded with no regard for any legal procedures, inter alia without conclusion of labor agreement so that workers often do not even know the conditions under which they must operate. Age discrimination in conclusion of employment is a commonplace. Labour contracts do not specify any rights and mutual obligations, which allows the employer to impose additional demands on the employee. Instead of employment contracts, civil contracts are issued whereof the employee may not even be aware. Violation of the safety rules is also a commonplace, and employees are often charged for industrial accidents.

Under financial crisis circumstances, employers quickly return to the practice of delayed wages paid “in an envelope”. Another trend related to the crisis is an intensification of labour and reduction of salaries. Free overtime work is considered to be normal. Dismissals without complying with legal procedures are also another practice for employers in Russia. Most of the time employees are pressured to terminate labor agreement “on employee's initiative”. There are many cases in which the employer is abusing the right to dismiss the head of the organization under Paragraph 2 of Article 278 of the Labour Code of the Russian Federation as well as the right to fire for absenteeism an employee in a difficult life situation, who is informed post factum that he/she was denied a vacation time which they had agreed about verbally earlier or taken at his/her own expense.

Consequences of violating of human rights at work include reduced initiative and conscientiousness; growth of public spending on the reproduction of labour force; hidden labour relations; and reduced managing capacities.

In such conditions the role of tripartite commissions cannot be underestimated.

“Working Poor”

For a long time the monthly minimum wage has remained uncorrelated with a level of subsistence minimum.

According to the research carried out by the Institute of Sociology of the Russian Academy of Sciences, while only 15% of senior citizens can be considered poor as they receive allowances and indexations for payments, 60% of the working population enter into the same category. Among those who work but are still poor about 14% are families with two children, more than 50% have three and more children. About 80% are those who have been poor for over three years and are considered chronically poor.
In order to make monthly minimum wage (hereinafter — MMW) actually perform its social function, it is important to define its limit properly.

At the end of a lengthy discussion, the Russian Ministry of Labour said that there are plans to increase the MMW up to a subsistence level until October 1, 2018. Nevertheless, amid the current financial and economic crisis, inflation and rising food prices, it seems unacceptable to put off such vital to ordinary citizens issues. This crisis is manifested not only in the macroeconomic level. The most low-paid workers feel it much sharper than banks, investors and financial analysts. Unskilled workers in the budgetary sphere (for example nurses, babysitters, technicians, cooks, guards) have the salary equal to the MMW that was 5,554 rubles in 2014, including the salaries for those who work in the Far North and regions with a similar status. It is hard not to agree with the need to achieve budgetary savings but even harder to understand how a person has to survive on 5,500 rubles per month.

Taking into consideration the unfavourable factors of social and economic development in 2014–2015, the High Commissioner for Human Rights draws attention of the Government of the Russian Federation to the inadmissibility of suspending or slowing down the increase of the MMW to the subsistence minimum.

Primary Right: Implementation of Labour Rights for Russian Citizens should be a Priority

There is no doubt that with the predicted growth of unemployment the state should concentrate on supporting its citizens, provide them with jobs and fulfil their right to work. That is why the President of the Russian Federation proposed developing a national directory of professions in demand in the labour market.

According to the Ministry of Labour in Russia, the new Rules for Determining the Need of the Authorities of Constituent Entities of the Russian Federation to Attract Foreign Workers adopted in 2014 guarantee that Russian citizens receive employment priority over migrant workers.

In 2014 receipt of a quota for a foreign labour force was the main condition for the legality of the labour relations with migrants. But there is still no clear explanation of these quotas; no analysis of the social risks connected to the influx of cheap foreign labour is conducted: all that hampers an accurate understanding of the current need in foreign labour in the economy. Therefore, there is no credible explanation for local workers why we need so many working migrants. According to the Federal Migration Service, about 3.6 million foreigners live illegally in the territory of Russia.179

It is necessary to create conditions for the inflow of migrants of a certain age, education, profession and with other characteristics which are needed in the regions. This process should be based on results of specific monitoring studies which will allow us to systematically and rapidly identify those economic sectors or spheres or enterprises that are in need of foreign labour force. However, it should not create any problems for the local population.

There is a wide spread opinion that migrant workers fill mainly non-prestigious jobs where the conditions are hard and which are usually rejected by the residents: for example, construction, manufacturing, wholesale or retail trade, agriculture and forestry. Many Russians are constantly dissatisfied with their wages while the foreign workers are silent and happy to receive their salary of 5,000 rubles (although the amount of money indicated in the payroll is known only to the employer and the tax authorities). Nevertheless, the government employment policy should not hide behind the stereotypes about the unwillingness of the local population to work in the spheres of trade, development and production.

The data on providing communal, social and personal services in the sphere of employment in Moscow shows that it accounts for a mere 4.1% of the employed people. Thus, the need for the labour force is

only 3.1%. The wages in this sphere are much lower than the average in other economic sectors. The only explanation for such an unusual data for a city with several million people is that this sphere of employment has all the characteristics of a shadow economy zone.

It is worth mentioning that in 2014 the number of skilled foreign workers increased. If in general the number of foreigners in 2014 dropped to 93.5% as compared to 2013 (1,745,584 people), the number of qualified workers from abroad increased. In 2014 it was 82.4% of the total number of people required in the foreign firms while in 2013 this figure stood at 79%.

With that stable trend it is important to avoid the situation when Russian citizens with the same qualifications are marginalized.

At the same time the real opportunities for Russian people to fulfil their potential lag behind their expectations. Many experts admit that social mobility nowadays does not work. Currently employers believe that short-term strategies in relations with employees are more profitable to them. Then it is not clear what will happen to the offered positions in a year or two. Opportunity to fulfil one's potential is extremely important to many young people with a higher education, residents of the capital and major cities, relatively more wealthy Russians. “Opportunity to fulfil one's potential” is a value that is in demand today which often stimulates young people to go abroad. Changing attitudes to labour policy elaboration can create the conditions which will satisfy the demands of a certain category of Russian citizens. It is necessary to create such conditions where it would be more beneficial to hire residents than illegal migrants.

In July 2014, the State Duma adopted in the first reading draft Federal Law No. 535567-b “On Introducing Amendments to Particular Legislative Acts Regarding the Labour Activity by Foreign Citizens and Invalidating Certain Provisions of Legislative Acts of the Russian Federation” which changes the terms of access of working migrants to the employment market. Legal analysis of the draft law revealed a number of interesting provisions that do not fully contribute to the exercise of rights of either migrants or their prospective employers.

On that grounds the High Commissioner submitted a conclusion to the State Duma Committee on Constitutional Legislation and State Building with several legal positions that were taken into account while updating the draft law and then reflected in the final version of the Federal Law on establishing more flexible rules on the timing for receiving the patent documents and territory of their jurisdiction, as well as the guarantees for processing the application of the citizens containing information about possible violations of the laws of the Russian Federation on migratory registry.

“**A Right to Get into the Line**”

Citizens that have a right to obtain housing on a priority basis under contracts of social hiring, can wait for years or decades for the expected housing even with the court decisions in their favour.

The main cause for violations of the right to housing on a priority basis is the lack of available premises on the municipal housing for social purposes and the lack of construction of new social housing because of the acute shortage of funds for these purposes.

As practice reveals, even the court decisions satisfying the legitimate demands of the citizens to the local authorities do not guarantee the provision of housing. In each constituent entity of the Russian Federation such court decisions are not executed immediately (sometimes not even within months or years).

In July 2014, the European Court of Human Rights delivered a trial Resolution No. 194 in the case of “Gerasimov and others versus Russia”. It dealt with the complaints of eleven people from different regions of Russia, six...
of which have suffered from a prolonged delay in fulfilling the decisions of the courts, according to which the authorities had to provide these people with housings.

It seems necessary to make a legislator develop a uniform procedure for the execution of court decisions on the provision of housing and *inter alia* solve the issue of funding the costs (on the terms of co-financing from the regional and municipal budgets), as well as to oblige the authorities on all levels to include in their annual budgets the item for spending on the execution of court decisions about the provision of housing.

**“Neither Parents, Nor House”**

For years there has been an urgent problem of providing housing for orphans, children left without parental care or others from the same category.

Since January 1, 2013 there has been a new procedure established to provide housing for orphaned children and other persons pertaining to this category. In accordance with this procedure, they have to get housings for rent for five years from a specialized housing fund. The responsibility for resolving the housing problems of orphaned children is laid upon the government of constituent entities of the Russian Federation. The first regions where these specialized funds were created are Perm Territory and Lipetsk, Pskov and Amur regions. However the situation is not favourable. The majority of complaints about the violation of housing rights of orphaned children and requests to clarify their eligibility, came to the High Commissioner from the Republic of Bashkortostan, Krasnodar Territory and Archangelsk Region.

Analysis of the complaints’ materials and the examination of the situation in the regions show that the main problems in the exercise of the right of orphans to residential housing are:

- a mismatch between the amount of budgetary money and the actual number of orphans waiting for the housing when their turn comes;
- a steady growth of property prices which greatly outpace the set standards of a cost per square meter for the construction or purchasing of housing for orphans and those alike;
- lack of available housing with the standards established by the regional legislation and the complications of creating special housing fund for the orphans for that reason.

In addition, year in, year out there is an untimely transfer of subsidies from the federal budget and the incomplete utilization of the allocated funds by the regional authorities. At the end of 2013 there was a remaining sum of unused resources of more than 1 billion rubles. As of January 1, 2014, 34 constituent entities of the Russian Federation have a debt to the orphans. In 2014 the situation was much the same.

The High Commissioner invites the Government of the Russian Federation to consider the question of improving the calculating methods of the cost of one square meter which defines the amount of funds allocated for the construction and purchasing of housing for orphaned children and those alike.

Given the objective difficulties with the creation of specialized housing funds for orphaned children and those alike, it is possible to find solutions through improving the legislation, including through improving the procedures for auctioning and housing purchasing in order to establish a more flexible mechanism for purchasing the property.

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178. 34 regions have debts to more than 1 thousand orphaned children to provide them with housing. According to the Accounts Chamber information on the intermediate results of the expert analytical activities "Analysis of the Execution of Orders of the President of the Russian Federation and the Implementation of the Legislation of the Russian Federation to Improve Public Policy in the Sphere of Protection of Orphans and Children Left without Parental Care" URL: http://www.ach.gov.ru/activities/control/19106/ (Latest date of access: September 18, 2014).
"While You Wait for Your Turn, You'll Get Old"

The hopes of many young families to get state support in acquiring housing are shattered as the funds allocated annually for this purpose are not sufficient to provide it to everyone waiting.

The High Commissioner focusses especially on the complaints of young families who need better housing and are entitled to government support under the Subprogramme “On Providing Housing for Young Families”179. Analysis of the complaints of the citizens shows that local authorities often exclude from this subprogramme young people who are over 36 years old, according to paragraph 18 of the Rules for Providing Young Families with Social Payments for Buying (Constructing) Housing and its Operation180.

Nevertheless, far from excluding young families from the subprogramme, these provisions merely provide requirements for those who want to participate in it. Excluding people from this subprogramme upon reaching a certain age is not provided for by the Rules of the Programme.

Although the Subprogramme “On Providing Housing to Young Families” of the Federal Target Housing Programme has a certain time limit, it depends directly on funding from various budget levels. In this regard, the families that apply for housing support usually wait for a long time for their turn to improve their living conditions and as a result risk being excluded from the Programme due to the age requirements.

This situation leads to unjustified differences in the amount of social rights of citizens belonging to the same category and thus undermines the credibility of the state institutions that assumed public commitments.

The High Commissioner wrote about it in October 2014 in her appeal to the Constitutional Court of the Russian Federation181 in connection with the complaint of citizen S. According to the Court’s legal stance set forth in Definition No. 3-O92 of January 15, 2015182, establishing categories for citizens in need of housing, determining the order and provisions for getting it, taking into consideration the social status of a citizen, all lie within the purview of the legislator and/or that of the Russian Government. The Government’s financial, economic and other capabilities should be also taken heed of.

The High Commissioner also stresses the social importance and relevance of the Subprogramme that allows young families to have a more flexible and timely chance to improve their living conditions (using their own funds). However, it seems necessary for the Russian Government to consider amending the mechanisms for granting social benefits to young families with a view to purchasing housing by increasing their guarantees.

"Homeless... officers"

There is still an acute problem, albeit by no means new, of providing housing to military reservists and their families who live in former closed military settlements.

One of many examples of this urgent situation can be found in the urban settlement Roshinsky in Samara Region. The Government of the Russian Federation has excluded it from the Registry of Closed Military Settlements of the Armed Forces of the Russian Federation with Available Housing Facilities. As a result, more than a thousand reservists and their families living in this settlement lost their right to resettlement without getting the right to privatize the apartments currently occupied by them. In an attempt to draw attention to their problems and defend their rights, the residents started to hold rallies, appeal to the state authorities and attempted to block a federal highway. This confrontation was widely covered in the media, one officer died of a heart attack. And that is only a small part of the fight for rights.

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180. Appendix 3 to the subprogramme “Providing Housing to Young Families” of the Federal Target Programme “Housing”.
In accordance with the Order of the Deputy Minister of Defense of the Russian Federation that regulates the issues of exclusion of real estate from a specialized housing fund and its transfer into the property of the local urban settlement Roschinsky, 649 apartments had to be transferred from administrative status into the ownership of the municipality which would make it possible for the families of reservists to privatize them. The problem is not solved however: the documents on the transfer (reception and transmission) of 270 apartments from the Russian Defense Ministry to the municipality of the urban settlement Roschinsky are pending. The confusion with the documents on completion of the housing and sluggishness of the Federal State Institution “Volga-Ural Territorial Administration for Property Relations” of the Russian Defense Ministry cannot justify the continuing violation of the rights of retired servicemen. The High Commissioner for Human Rights insists on the immediate adoption of the measures by the Russian Defense Ministry for fulfilling its own order. The officers have done their duty to the country and now the Russian Defense Ministry is obliged to perform its duty to the officers.

The housing fund in many former military settlements is too old; apartments in these houses do not actually have any “market value” so it is not possible to solve this problem by asking military retirees to sell their current apartments and buy new ones in other cities.

In 2014 the High Commissioner sent proposals on a possible solution of the problem to the Minister of Defense of the Russian Federation, to the Minister of Regional Development of the Russian Federation and Minister of Construction, Housing and Utilities of the Russian Federation. In particular, she proposed preserving the right of military retirees who resided in the territories of former military settlements that had been shut down, and were willing to move to other municipal entities and constituent entities of the Russian Federation to receive housing at the expense of the Federal budget through receiving the state housing certificate. The High Commissioner expects to work constructively to resolve the housing problem in concert with all the federal authorities.

Analysis of the complaints received by the High Commissioner from the military servicemen suggests that there is a need to improve the legal regulation of the mechanism for implementing their right to improve their living conditions. While there is a set norm for the military to get 18.0 square meters per person, there is no unified federal norm or rule that can allow a retiree to get into the list for improving the living conditions. Its parameters are set by the local authorities (from 9.0 to 15.0 square meters per person) in different regions of the Russian Federation which is much less than the norm set for allowing the military to get housing. As a result there is a disparity between the right of the military personnel to get housing and the size of it. And most importantly only the norm that is set by the local authorities is taken into account while the actual provision of the military personnel and their families with housing is carried out by the Russian Defense Ministry at the expense of the federal budget.

During 2014 the High Commissioner repeatedly sent appeals to the Government of the Russian Federation on introducing a unified federal norm for the military personnel. The balance of positive and negative decisions of the federal executive authorities on the High Commissioner’s proposals is gradually shifting in favour of eliminating the inequality between the military personnel’s right to get housing. The High Commissioner for Human Rights expects that the State Duma of the Federal Assembly of the Russian Federation will pay attention to this issue and support the proposal on establishing a unified federal norm for the housing standards for the military families.

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184. Questions regarding the movement of the families of retired military servicemen from the closed military settlements were considered the competence of the Ministry of the Regional Development of the Russian Federation until their transfer under the jurisdiction of the Ministry of the Construction, Housing and Utilities of the Russian Federation by the Decree of the President of the Russian Federation No. 612 of September 8, 2014 “On Abolition of the Ministry of the Regional Development of the Russian Federation”.
“It is Not Easy When You Have Nowhere to Go”

Homeless people must have an opportunity to get a roof over their head, at least a temporary one...

An issue of current concern is the problem of citizens who have lost their home due to an extreme situation. This situation is particularly difficult during winter and for families with children. Citizens in a stressful situation are unable to solve their accommodation problem on their own. The state does not always help people, leaving them alone with their troubles.

Under the current legislation, temporary shelter is provided to citizens experiencing difficult situations from the interim public housing fund.

A significant number of communications on this subject testifies to a factual absence of dedicated interim housing facilities at government and municipal levels. There is a serious shortage of available residential facilities in the interim housing fund, and their engineering and technical condition is poor.

The powers granted to the government and municipal authorities to create and maintain the interim public housing fund are not implemented in full measure, while the lack of due accountability for discharging their duties makes it possible for them to misrepresent the situation, arguing that the funding is not sufficient.

It should be noted that several municipal entities (such as Tomsk and Rostov-on-Don) have worked out and are implementing municipal programmes to create interim public housing. The High Commissioner notes the need to make an inventory and to define the technical parameters and requirements for the volume of the interim housing fund, after relevant statistical data have been collected and analyzed at the federal and regional levels.

There is also a need for a legal mechanism which would impose on the government and municipal authorities the responsibility for elaborating special programmes on creating new interim public housing and improving the technical conditions of the existing one, as well as the ways to supervise their factual implementation.

It seems appropriate to organize a system of private and municipal partnership, as well as to create favorable conditions for construction; to conclude rental agreements with the owners of the facilities and provide housing in neighboring municipalities, if it is required.

This topic was discussed during a meeting of the President of the Russian Federation with the High Commissioner on November 17, 2014, following which the head of state instructed Deputy Chairmen of the Government to consider the issues risen in the submission. The federal executive authorities are currently working along these lines.

It also seems appropriate to introduce new stipulations into the Housing Code of the Russian Federation for expanding the categories of citizens and the grounds for providing them with facilities from the interim fund.

In order to develop an affordable housing market and social housing facilities the constituent entities of the Russian Federation are working out and adopting legislative acts and regional rental housing market development programs. Such regional programmes are adopted in 32 and being finalized in 17 entities of the Russian Federation. According to the Ministry of Construction, the adoption of these legislative acts and regional programmes in the constituent entities of the Russian Federation should be completed by the end of 2015.

The proposals submitted by the High Commissioner to the Government of the Russian Federation for addressing these issues are used by the responsible ministry in working with the constituent entities.

Debt recovery often affects all the monetary assets of the debtor, which are his or her only source of income.

In implementing the court judgment the court bailiff has the right to charge the recovery on the salary, pension and other incomes of the debtor, but to a certain limit. As a practice, no more than 50% of the salary and other income sources are to be withheld. Court bailiffs can retain these assets, even if they are kept in a bank account. The entire balance may be written off from accounts and payroll cards, except for the sum of the last payment, to which a 50% limit is applied.

This being so, under the law the bailiff has obligation neither to verify the origin of the sums accrued to the account, nor to consider that these payments might be unrecoverable or subject to a percent limitation.

Once the bailiff has identified the existence of a bank account, having no knowledge of the balance composition details, he orders to write off all money from it, thus violating the above mentioned legal rule.

For the same reason, it is frequently observed that immediately after an enforcement procedure has been initiated the debtor is left with absolutely no means of subsistence. It occurs when the bailiff has simultaneously identified the debtor’s place of work and their bank account and takes recovery measures in respect of both sources. In this case, half of the salary is retained by the employer and the other half is written off after the money had been accrued to the bank account.

Now, regrettably, it is a tendency to justify bailiff’s actions, which deprive the citizen of subsistence means and put the blame on the debtor himself, who had failed to notify that the money received is intended for a special purpose and the recovery is either prohibited or subject to limitations.

It should be noted that this situation primarily negatively affects citizens belonging to socially unprotected layers of population, who live on the verge, if not below the poverty line, some of them being elderly people, persons with disability and etc.

While addressing this category of complaints, the High Commissioner is increasingly convinced that many people become aware of the enforcement proceeding initiated against them only after payments are stopped. They do not know their rights and do not realize that they can entirely lose their only source of income since they consider that their pensions and social benefits are untouchable.

The High Commissioner finds it difficult to accept the practice whereby certain citizens are threatened with prospects of losing their subsistence means for months because of their legal illiteracy.

By and large, an analysis of citizens’ constitutional rights and enforcement proceedings legislation practice reveals the following:

• it should be a legal obligation of the bailiff to initially ascertain by all available means the real financial status of the citizen before determining which incomes and what extent of them should be retained (including an interview with the debtor, a request to the bank to provide information about the account and the origins of the payments, to receive this kind of information from the employer and from the Pension Fund of the Russian Federation);

• a responsibility should be foreseen for a failure to meet this obligation, which leads to deprivation of debtor’s subsistence means.
The Negative Consequences of Loans

A real social and legal disaster unfolded against people who had borrowed foreign currency loans against the background of the financial and economic crisis.

According to expert estimates, there are about 30,000 foreign currency residential mortgage contracts now in Russia. A significant part of these loans was issued in 2005–2008 when banks were massively advertising currency mortgages. At that particular time they discarded currency risks and aggressively offered loans in dollars, euro, yen and Swiss francs to citizens, whose income precluded them from getting loans in rubles.

By 2015 thousands of honest but less well-off borrowers (as compared with those who drew upon ruble loans) were unable to repay their debt, which had doubled or tripled in a short period of time. Many would never be in a position to repay their debt without a radical reduction of its overall amount. More than that, even if they sold their mortgaged home, they would not be able to meet their obligations to the banks, since the foreign currency value of their property had substantially fallen.

The Bank of Russia made an important step by advising to recalculate the debts at the rate of October 1, 2014 and allowing to reschedule foreign currency loans without obligatory supplementing of reserves. Unfortunately, the credit institutions, eager to squeeze out the maximum of their clients, ignored the regulator’s recommendation.

While giving due justice to the arguments about the risks that citizens voluntarily took upon themselves by concluding loan contracts, the High Commissioner still considers the resulting situation to be a serious social and economic problem.

If the state and corporations can negotiate among themselves on how to write off, restructure debts, reduce loan interests, etc., then this option is virtually inaccessible for ordinary citizens. Moreover, despite their financial condition and life situation, banks and collectors’ agencies are “extorting” money from debtors. Only yesterday the debtors were welcome clients of credit organizations, lured by easy loans, instant subsidies and unusually attractive terms. Today, gullible citizens fall prey to the sharks of the credit business for whom, as it happens to be, moral principles have no value. Loss of employment, currency exchange fluctuations, birth of a child — all of this does not mean a thing to banks, agencies and collectors, who are threatening their clients and families with unfavorable consequences, in case they fail to pay off their debts.

Citizens can hardly expect the state would protect them: their problems are classified under the heading of disputes between “business entities” and, therefore, they should extricate themselves from life situations of any degree of complexity on their own. The social “costs” of the situation are shattered lives and suicides of people who lack financial sources and moral strength to live with a guilty feeling of insolvency.

It appears that, in order to alleviate this painful social problem, there is a need to impose a “moratorium” on the regular procedure of debt recovery.

At the time when the present Report had been finalized, a group of lawmakers introduced on March 30, 2015 a Draft Federal Law No. 756369–6 “On a Temporary Ban on Debt Recovery, Recovery Proceedings Against the Mortgaged Property, Assignment of Claims and Transfer of Mortgages to Third Parties in Respect of Borrowers Having Credit Obligations Denominated in Foreign Currency”. Hopefully, this draft will be adopted soon.

At present, the majority of micro-financial organizations grant citizens non-purpose unsecured loans at nebulous interest rates. As a result, micro-financing degenerated into a kind of pawnshop. Its activities lead to a lower life quality and impoverishment of socially unprotected layers of society, contribute to social instability, inflationary expectations and general criminalization.

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190. The average annual interest of loans by micro-financing organization is comprised between 32 and 686.
Given the circumstances, there is clearly a need to discuss with all authorities concerned, non-governmental organizations and the expert community the possibility of a more effective legal regulation for consumer loans and debt recovery in respect of physical persons, in order to prevent negative social consequences of chaotic changes in the financial and economic sphere, including the introduction of a maximum interest rate on consumer loans by micro-financial organizations, credit and consumer cooperatives and pawnshops (with no obligatory linkage to average market rates).

The Government of the Russian Federation should elaborate regulatory legal acts that will provide measures to protect debtors from abusive methods of debt recovery (inter alia, possible specific restrictions applied on collectors’ agencies) in the territory of the Russian Federation.

**Nominal Land Ownership**

Citizens can easily lose their lands while remaining de jure owners.

A significant number of complaints filed to the High Commissioner deals with an indirect deprivation of citizens’ right to ownership of land plots, despite the existence of legal grounds for this right and its recognition by state.

Under the effective legislation, individual citizens acquire plots of land (on the basis of the government or municipal authorities’ ruling, acting within the limits of their respective competences, duly documented civil law transactions and by way of distribution between members of gardeners’ and dacha partnerships, as reflected in appropriate documents) and consider themselves to be owners, since their right has been duly registered or assimilated to a registered right, as provided for by Article 9, Paragraph 3 of Federal Law No. 137-FZ of October 25, 2001 “On the Entry into Force of the Land Code of the Russian Federation”.

While entering relevant information into the State Cadastre of Immovable Property (hereinafter — SCIP) to delimit their land plot, in order to define its borders, the owner is surprised to learn that their plot not only has a different address, but also a different owner. Such cases stem from the well-known fact that, prior to the adoption of Federal Law No. 221-FZ “On the State Cadastre of Immovable Property,” land plots used to be registered by declaration, that is, without the definition of their borders. Sadly enough, this is exploited not only by unscrupulous board members of gardeners’ and dacha non-commercial partnerships (hereinafter — GNP and DNP) but also by state and local authorities. They often take decisions to create a “new” land plot and to assign it a different address, which is accompanied by the definition of its limits, and to put it at the disposal of a legal or physical person without finding out the fact of absence or existence of other persons’ ownership rights to this plot or ignoring the information available.

While hearing claims by citizens, who are the factual or titular owners of such land plots, courts conclude that these land plots cannot be identified, since they have no borders and, consequently, the claims of the citizens cannot be upheld. In doing so, the primary land use entitlements are either not examined or not taken into account. At the same time, the rights of the new land owner, land user and owner of the disputed land plot are recognized by courts, the land plot of the former owner is removed from the cadastre, thus leading to a legal liquidation of this immovable property object.

As a result, the citizen remains the titular owner of the land plot, since their registered right is not challenged, but, at the same time, the object of the right is missing. That is to say, the right exists on paper but, in fact, the land plot mentioned in the document is nowhere to be found.

The High Commissioner considers this practice unacceptable, since when a land plot has been removed from the register and the corresponding entry in the SCIP has been cancelled on the basis of the court’s judgment, citizens lose their rights to the land plot not because the registered right has been challenged

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but because the land plot, to which this right pertains, is artificially (virtually) destroyed. Moreover, the land plot, in respect of which the concrete person has long ago acquired a duly registered property right, is redistributed or sold to another person, that is, factually confiscated from the first owner under no legal grounds.

An honest acquirer of a land plot cannot assert their rights because the specific characteristics of a land plot as an object of right are underestimated. While removing a land plot from the register, when the registered right of the titular owner has not been challenged, the courts believe that the competent government or municipal authorities will solve this problem by allocating another plot. But what if there are no more parcels available? What about the registered and the unchallenged right of the first land plot owner?

To find a way out of this situation is to rigorously observe the legal norms governing property relations in the law enforcement practice. The adoption by the Plenary Session of the Supreme Court of the Russian Federation of a special judgment explaining to the lower courts the peculiarities of civil cases hearing pertaining to land disputes, may be of considerable help to increase the legal protection of citizens in this respect.

**Involuntary Offenders**

*Bona fide* acquirers of the land plots, the categories and types of authorized use of which are identified by government and municipal authorities, can, all of a sudden, become unauthorized builders.

The High Commissioner pays special attention to collective appeals. Among these are complaints against court judgments to nullify decisions of authorities of the constituent entities of the Russian Federation upon transfer of land from one category to another or local self-government authorities’ rulings to exclude construction of buildings from the authorized land use regime.

Dismissing any thought that the documents provided by the administration can be illegal, unsuspecting citizens took on loans, sold their comfortable city flats and moved to unused agricultural lands in order to cultivate well-groomed vegetable and flower gardens and to build houses immersed in the greenery.

When officials responsible for decisions to change the type of authorized land use have committed violations, the acts and transactions pertaining to land plots’ ownership acquisition are declared null and void. The consequences of the courts’ judgments are evident: citizens who have been openly using lawfully acquired land plots lose the rights of ownership, as well as the buildings erected on these plots, and, consequently, they suffer virtually irrecoverable material damage.

Especially alarming is the spreading practice whereby state or local authorities change the type of authorized land use in areas where individual land plots have been already formed, registered and documented as individual property.

The High Commissioner is presently closely following the judicial fate of the land parcels on which “Radonezhskie Prostory” DNP, “Ryzantsy”, “Leshkovo”, “Radonezh”, “Novoselye”, “Repikhovo” and “Hot’kovsky” are located. More than 1,500 families who bought in 2009–2012 land plots near Radonezh, at the moment of acquisition belonging to the category of agricultural land that can be used for dacha building, have filed collective and individual complaints. The land plots in the said partnerships were used for particular purposes, residential or non-residential buildings were built on those plots, and the corresponding property rights were duly registered.

By Order No. 426-r of March 22, 2014 of the Government of the Russian Federation, “Drevny Radonezh” was recognized as a cultural heritage site of federal importance and classified as a landmark. The borders of this
territory were approved by Order No. 199-r of May 20, 2014 of the Ministry of Culture of Moscow Region\textsuperscript{194}. Pursuant to Order No. 1468\textsuperscript{195} of the Russian Ministry of Culture of August 25, 2014, “Drevny Radonezh” was registered in the Unified State Register of Cultural Heritage.

As specified in Order No. OG-P44–9125 of December 12, 2013 of the Government, the next step should be the adoption of an elaborated draft order on approving types of use, the restrictions and requirements to economic activities, the design and construction on the territory of the “Drevny Radonezh” cultural heritage site. This thorny issue, due to some circumstances, became the subject of wide public discussions.

In September 2014 the High Commissioner sent a letter to the Ministry of Culture asking about the current status of implementation of the Russian Government’s instruction requesting to give her representatives the opportunity to take part in the discussions of the legal regime of the use of this landmark.

The officials at the Ministry consider that the adoption of the draft order will not violate the rights of the citizens to their land property, because the lands located within the borders of the protected landscape have a land use regime which allows cultivation of agricultural crops and prohibits any construction.

Yet, most citizens invested the borrowed money into the construction of dwellings with the purpose of family gardening, growing flowers and having a place of permanent residence or recreation. All this will not be possible if there are no necessary constructions.

The Russian Ministry of Culture should use its best efforts to find mutually acceptable solutions for avoiding the escalation of the conflict between bona fide buyers of land plots, on the one hand, and the cultural heritage preservation supporters, on the other hand, between private and public interests.

\section*{New Solution, New Problems}

An improved access to pre-school education has been achieved, inter alia, at the expense of closing nursery groups.

In correspondence with Decree No. 599 of May 7, 2012 of the President of the Russian Federation “On Measures to Implement the State Policy in the Field of Education and Science”\textsuperscript{196} children aged from three to seven years should be provided hundred percent access to pre school education.

Much has already been done: new kindergartens are being built; buildings, previously taken out of the education system are being returned into municipal property; private summer kindergartens and family children groups are being partially funded from the budgets at different levels; the Building-Kindergarten projects are getting support; additional places are being created in the existing groups; the admission procedure to pre-school educational institutions (hereinafter — PEI) is becoming more transparent since parents file their requests through an automated system (as a result, they no more depend on kindergarten director’s and local administration officials’ approaches and sentiments).

According to the Russian Ministry of Education and Science, more than 400,000 new places have been created in kindergartens in recent years. Waiting lists in pre-school educational institutions are getting shorter. At the same time, some officials, desirous of achieving needed performance indicators have resorted to such a “creative” approach as dismantling full-time groups of children younger than three years, which is not stipulated by the Decree.

The vacant places in kindergartens were provided to older children, such that the general accessibility rates of pre-school education improved. The parents of children under the age of three years are offered places in

\begin{footnotesize}
\begin{enumerate}
\item[194] On Approving the Territorial Borders of the Cultural Heritage Site (Landmark) — “Drevny Radonezh” (XIV–XV), Located in the Sergiyevo-Posadsky Municipal District of the Moscow Region.
\item[196] On Measures to Implement the State Policy in the Field of Education and Science: Decree No. 599 of May 7, 2012 of the President of the Russian Federation. Rossiyskaya Gazeta, May 9, 2012.
\end{enumerate}
\end{footnotesize}
short-term and adaptation groups (up to 40 minutes per day), which does not make it possible for them to have a full-time employment.

Similar decisions have been taken in a number of Russian regions. Improving the performance indicators in accordance with the Decree of the President of the Russian Federation at the expense of reducing full-time groups for younger children is not acceptable. The High Commissioner believes that with a view to assessing impartially growth of accessibility to pre-school education the Russian Ministry of Science and Education could publish the official data on the factual creation of new places in kindergartens and the factual enlargement of the PEI network.

Mergers and Acquisitions

The way the educational institutions were reorganized in 2014 has given rise to a massive indignation of the parents’ community.

Specialized (correctional) educational institutions in Moscow (or their merger with general and pre-school educational institutions) were reorganized in consequence of the adoption on December 29, 2012 of Federal Law No. 273-FZ “On Education in the Russian Federation”. Article 2, Paragraph 16 of this Law defines the categories of children with health limitations, but their legal status is not determined, as it is the case with disabled children, for the education of whom additional funds are allocated.

There are many children in this category with speech delays, as well as various forms of mental retardations, which require specific training. As a result of these mergers, educational institutions can lose their “correctional” status, involving the dismissal of speech pathologists, psychologists, medical workers and other specialists, whose assistance is of vital importance to children and is not provided in ordinary schools.

There are well-grounded fears that due to these mergers specialized educational organizations will lose their specific nature in future. It could entail the lowering of the education quality in schools, where different disciplines are studied in an advanced manner, as well as the disappearance of various educational methods in correctional schools and specialized care-and-education facilities for children and teenagers with deviant behavior.

Parents often point out instances of reorganization procedure violations, such as the absence of an agreement of the schools’ managerial bodies, a failure to inform parents in advance about possible changes, unwillingness of the educational entities’ administrations and educational system authorities to get in touch with parents.

2.4 Culture and Ecology in a Consumer Society

Destruction of Monuments of Architecture and Historical Heritage as a Factor of Society’s Massive Defeat in Cultural Rights

It is estimated that our country has lost more than 2,500 monuments of history and architecture over the last 15 years. The condition of half the monuments protected by state is unsatisfactory. Putting aside the problem of insufficient funding allocated to architectural monuments’ conservation, the High Commissioner attracts the attention of public authorities to the demolition of such architectural monuments with the purpose of building new objects, as well as to the generalized practice of new constructions within the cultural heritage conservation zones and to the distortion of the historical image of the cities and nature landscape.
To give an appearance of legitimacy to the demolition of antique buildings and the construction of new ones in the protected territories, quite sophisticated methods are used, such as manipulations with the regimes of the protection zones, protection statuses, objects of protection, historical and cultural expert examinations and even with the location addresses of architectural heritage objects. It is not a coincidence that the executive authorities of many regions have not put in place social councils on cultural heritage conservation issues, depriving the expert community and representatives of public associations of the opportunity to participate in discussing and taking decisions on issues of urban development and historical and cultural heritage preservation.

In 2004, among the victims of an ignorant and neglectful approach towards the historical heritage in the city of Moscow were: “Zhiloy Dom (XVII–XIX)” (A House) Cultural Heritage Site of Federal Importance (known as “Palaty Kireevskogo” (The Chambers of Kirievsky); a mansion dating back to the XIX century and located within the conservation zone in Tagansky District; The House of the Proshins on Tverskaya Street built in 1905 in the Modern style; “Ansambl’ dohodnikh domov kuptsa Privalova” (The Ensemble of Tenement Houses of Merchant Privalov) by architect E. R. K. Nirznee.

A Long Road to the Cathedral

Of no less importance remains the problem of unfair procrastination in dealing with issues of allocating land parcels for the construction of places of worship.

The construction of places of worship remains one of the most painful problems, and the number of conflicts around them is not diminishing. The construction of a mosque in Kaliningrad is one of the most resounding cases. The conflict which is almost 20 years old, all but sharpened in 2014. In April the Moscow District Court of Kaliningrad found illegal the ruling of the Head of the Municipal Administration to allocate two land parcels for the construction of the mosque and issue a construction permit. The Kaliningrad Regional Court upheld this judgment in June. The Kaliningrad Region Governor promised that the community would be paid a compensation for the construction costs already incurred. The Supreme Court of the Russian Federation declined to consider the Muslim complaint, and the community members appealed to the European Court of Human Rights (ECHR). In late December 2014 the ECHR registered the Kaliningrad Muslims’ complaint against the authorities’ action.

Problems with the construction of mosques were also encountered in other constituent entities of the Russian Federation. The Novosibirsk City Mayor’s Office annulled its ordinance to allocate a land parcel for the construction of a mosque on the 1st Gruzinskaya Street. This was preceded by protests of local population, who also protested against the construction of a mosque in the woodland park zone on Uchitelskaya Street.

Moreover, over a number of years the High Commissioner has been receiving similar complaints from Evangelistic Christians, Molokans, Krishnaites and Old Believers. For instance, a plot in the Village of Vereskino allotted to the Society for Krishna Consciousness on a free fixed-term basis, was taken out further by decision of the Moscow Urban Planning and Land Use Commission. The High Commissioner sent a letter to the Mayor of Moscow of April 11, 2014 requesting to review the situation created with the Krishnaite church. The answer was that “it would be possible to choose a new land plot for the church only after the territorial schemes of the Troitsky and Novomoskovsky Administrative Districts of the city of Moscow have been finalized”, that is to say, the land allocation issue on the construction of the cult building has been indefinitely postponed.

Long overdue is a solution to the issue to allocate a plot for the construction of a prayer house of the Community of Spiritual Christian Molokans. According to the Deputy Mayor of Moscow, the same finalization of the territorial schemes of Troitsky and Novomoskovsky Administrative Districts is needed.
A similar situation has evolved with a land plot for Old Believers’ church in the city of Togliatti of Samara Region.

It should be noted that similar difficulties arise for the Russian Orthodox Church buildings, inter alia, in the context of implementing the capital city’s “200 Churches’ Program”.

Most problems on the way to construct cult buildings, as in previous years, are connected with the fact that the envisaged construction plots are located within green zones. The local population and ecologists argue against the construction in this area. Nevertheless, there are some positive examples, too. Over a number of years the High Commissioner was repeatedly requested by the leader of the Saint Trinity Church Evangelist Christian religious organization to help settle the issue of parcel allocation with the purpose of constructing a prayer house. The measures the High Commissioner had taken to protect the right of the said religious organization to religious freedom led in 2014 to the allocation of a land plot by the Moscow City Architecture Committee in the Novokosino District of Moscow.

Observe the Rites and Respect the Order

Legislative changes in the procedure of authorizing public religious events.

In 2014 the legislation in the field of freedom of consciousness and freedom of religion has been substantially supplemented. According to Federal Law No. 316-FZ of October 22, 2014, religious services, rituals and ceremonies can be carried out without prior notification of the local authorities on the premises and land parcels belonging to religious organization on the right of ownership or on another property right, as well as in places of pilgrimage, crematories and cemeteries. In other cases, public religious rituals and services held in public places and requiring public order enforcement are assimilated to rallies and demonstrations, which must be duly notified to local authorities. Nevertheless, it is not entirely justified that religious groups or religious assemblies of citizens should have more rights and freedoms than local or centralized organizations, since the law covers only religious organizations (not religious groups).

According to the Justice Ministry of the Russian Federation, 27,315 religious organizations have been registered in Russia as of October 1, 2014, of which 544 are centralized religious organizations (201 organizations being registered in the territory of a territorial entity of the Russian Federation). At the beginning of 2014 the majority of the religious organizations were comprised of Orthodox (15,196) and Muslims (4,831).

On October 7, 2014 the State Duma held its first reading of a draft federal law submitted by the Government of the Russian Federation, which would cancel the 15-year existence requirement of a given religious group as its condition to be registered as a religious organization, as well as the obligation of a religious organization to annually confirm the continuation of their activities. At the same time, the draft law contained provisions which made the registration more rigorous and diminished the rights of local religious organizations.

The High Commissioner gave findings on the draft law, in which she suggested a possibility of establishing a differentiated amount of powers in organizing religious associations in the territory of the Russian Federation with a view to implementing the European Court for Human Rights’ judgment on the “Kimlya and Others v. Russia” case (applications Nos. 76836/01 and 32782/03), which entered into force on March 10, 2010.
Despite this substantial progress in the legal protection of religious freedom, the High Commissioner continues to receive complaints from various religious organizations.

For instance, in the summer of 2014 several complaints were received about being subjected to administrative penalties for having conducted prayer assemblies on the premises of palaces of culture (local cultural centers) without prior notification of the executive authorities.

The organizers of these religious events assumed that an assembly held in a palace of culture, authorized with the permission of the administration could hardly necessitate any measures aimed at ensuring public order and security of participants of religious services and ceremonies, and other citizens. However, in regional and district courts’ judgment, an appropriate notification was needed, since the event was of a public character. The appropriate petition has been sent by the High Commissioner to the Supreme Court of the Russian Federation to review the judgments rendered by the courts.

The last year was marked by growing social tensions and the emergence of a number of resounding conflicts over the protection of believers’ religious feelings. In the short term, these negative trends can receive further development unless wide discussions take place thanks to the joint efforts of social and state institutions in search of a mutually acceptable compromise and agreement on how to overcome insuperable contradictions between the respect for the believers’ feelings and the freedom of artistic expression, teaching and of cultural life.

**The North is Far, the Problems are Close**

The rights of small indigenous peoples of the North, Siberia and the Far East to native habitat and traditional way of life should be addressed on a systemic basis.

The violations of the rights of small indigenous peoples are manifested in deteriorating labour and living conditions, as a result of environmental changes and the activities of extracting companies, as well as in reduced fishing, hunting and gathering quotas, which pose a threat to the traditional way of life. These actions are accompanied by the steps of regional authorities, who fix the amount of compensatory payments obtained from resource-extracting companies without considering the views of the inhabitants.

The High Commissioner receives appeals regarding the non-observance of the rights of small indigenous peoples from individuals, public associations and governmental agencies.

Article 69 of the Constitution of the Russian Federation reads that the state guarantees the right of small indigenous peoples, according to the generally accepted principles and rules of international law and international agreements, to which the Russian Federation is a party. For the past decades several communities have lost their traditional habitats, while for many of them the relationship with their land, territory and resources is a paramount feature.

At present the actions to protect and promote the rights of small indigenous peoples are not system-related. The stagnation in the improvement process of a relevant legislation is evident.

Problematic in the context of enforcement practice is Federal Law No. 49-FZ of May 7, 2001 "On the Territories of Traditional Land Use of Small Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation", which guarantees the protection of indigenous environment and traditional small indigenous peoples' way of life, as well as the conservation of the biological diversity on territories of customary land use. Unsupported by the implementation mechanism, it seems declarative. The provisions of the law are not implemented, because there is no adopted procedure of creating territories at the federal level.

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203. For many years there have been no follow-up to some initiatives on specific draft laws. For instance, the Draft Federal Law No. 220824-3 "On Reindeer Farming" introduced into the State Duma in 2002 was declined on January 16, 2009 by Decision No. 1603-5 GD.

It should be pointed out that practically all constituent entities of the Russian Federation, where representatives of small indigenous peoples live, have legislative acts protecting their rights. Yet, a broad legislative framework — both federal and regional — does not prevent their rights from being violated.

An issue of current concern remains the compensation to small indigenous peoples and their associations for damages caused to customary environments by the activities of logging companies. For instance, wood harvesting in the Far East with the participation of transnational companies undermines the foundations of customary land use by many representatives of indigenous peoples, who hunt, gather wild plants and fish. Attention should also be drawn to the contradictions in the Forest Code of the Russian Federation, insofar as timber production for the needs of small indigenous peoples themselves is concerned, on their ancestral lands within national parks.

Various difficulties arise from the fact that small business is poorly developed among small indigenous peoples of the North (hereinafter — SIPN). Beyond any doubt, appropriate measures are necessary to better adopt traditional small indigenous peoples’ economic activities to modern economic environment, while preserving their native habitat and traditional way of life.

Among problems with the implementation of the social and cultural rights of the SIPN are as follows:

- access to public services when physical presence is required (documents processing, public expertise) in remote northern territories, where SIPN traditionally live and indulge in customary economic activities, and where federal agencies and authorities have no local departments;
- improved quality of educational services and the consideration of ethnic and cultural peculiarities of SIPN in line with the implementation of the Federal Law on Education (assistance to small-size kindergarten, promotion of distant learning, update of methodologies, development of bilingual education system);
- cultural heritage preservation in the field of traditional cultures and traditional way of live, inter alia, through the support of national media;
- promotion of popular arts and crafts to increase employment, particularly, in villages, mountainous and remote areas, and places where small indigenous peoples traditionally live and pursue customary economic activities;
- protection of health, families, maternity and childhood;
- improvement of housing conditions.


Given the acute, complex and multi-faceted nature of the issues in this most sensible area, as well as the need to coordinate the activities of the federal and regional authorities and to organize the cooperation of all its stakeholders, the establishment of the Federal Agency on Nationality Affairs is only to be welcomed.

Zones of Legal Exclusion

Citizens were recognized as participants of Chernobyl Nuclear Power Plant (NPP) disaster elimination if they had worked within the zone of exclusion during the period from April 26, 1986 to December 31, 1990,

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case that they had been sent there by state executive authorities. When they had been dispatched to the Chernobyl NPP by the Party or Komsomol organizations, which was the usual practice during that period, the citizens were not recognized as “liquidators”.

But, as a matter of fact, a person exposed to radiation makes no difference which governmental body or public and political agency has decided his/her fate. The High Commissioner submitted an expert report to the Constitutional Court of the Russian Federation on a complaint of citizens K. and P., which was upheld by her representative during its hearing. The Russian Constitutional Court in its judgment on this case took the position that the very fact of health damage caused to citizens, present in the radiation emission zone, incurred constitutional and legal relations between the state and the citizens in respect of damage compensation, independently of which organ or organization dispatched them to participate in the liquidation works. These findings are implemented in Federal Law No. 53-FZ “On Adopting Changes to the Resolution of the Supreme Soviet of the Russian Federation ‘On the Adoption of the List of Works, Considered to be Works Aimed at Eliminating the Consequences of the Accident at the Chernobyl NPP and Carried Out from April 26, 1986 to December 31, 1990 in the Exclusion zone of the Russian Federation’, which entered into force on March 20, 2015.

Meanwhile, as it has become known, a new Resolution of the Government of the Russian Federation “On the Adoption of the List of Localities within the Zones of Radiation Contamination as a Result of the Accident at the Chernobyl NPP” would exclude 2,252 out of 4,413 localities from the current List, approved by Resolution No. 1582 of the Government of the Russian Federation. If adopted, starting January 1, 2015 it would have affected the rights of population of 14 regions of the country to healthy environment and reliable information on its condition, damage compensation, caused to health and property by an environmental offence, and to social protection.

The authority of the Government of the Russian Federation, as set out by Article 7 of the Law of the Russian Federation “On the Social Protection of Citizens Exposed to Radiation as a Result of the Accident at the Chernobyl NPP”, to review the radiation contamination zones’ limits and the lists of localities therein, taking into account changes in the radiation situation and other factors, is unquestionable. It should be considered, however, that many factors, including public health, were not duly recognized. A wave of protests swept through the regions and more than seven thousands negative opinions on the draft decision have been given.

The High Commissioner petitioned the Government of the Russian Federation arguing for the need to conduct comprehensive research in the contaminated territories with a view to appraising the social impacts of governmental decrees, prior to an eventual change of the List of Localities. The adoption of the above-mentioned Decree of the Government of the Russian Federation is postponed and the concerned federal executive agencies are instructed to carry out additional research.

The High Commissioner also supported the establishment of an Inter-Agency Working group under the Council of the Federation Committee on Social Policy with the task to work out a consolidated position of all stakeholders and to inform the population preoccupied by possible changes in measures of the state support. Eventually, it raised a very important question of elaborating and adopting a Special-purpose Federal Programme “On Overcoming the Consequences of Radiation Accidents for the Period up to 2020”, aimed at improving access and quality of medical care and developing social and economic infrastructures on radiation-contaminated territories.
Nature and Industry

Disregard for legislation in the process of constructing and exploiting industrial facilities entails dangerous consequences for the environment and public health.

Construction of industrial facilities is allowed on the precondition of predicting the impacts of their exploitation and observing the sanitary and epidemiologic norms. And yet, violations of the existing norms are registered, such as changing the parameters of sanitary protection zones, the hazard class of facilities, and the maximum level of industrial waste in the documents for prospective or ongoing construction works.

For instance, the construction of a wood board and phenolic resins factory in the Ufa District of the Republic of Bashkortostan could have endangered the preservation of the quality of drinking water sources and farmlands. These plans of the Kronshpan Bashkortostan LLC to build a factory coincided with the submission to the State Duma of a draft law proposing amendments to the Water Code of the Russian Federation. The draft law proposed to authorize the wastewater discharge into water bodies of the second and third belts of the sanitary protection zones of sources for drinking and domestic water supply, as well as to abolish norms establishing the limits and quotas for the withdrawal (extraction) of water resources from water bodies and wastewater discharges. Instead of bringing the provisions of Sanitary Regulations and Norms (SanPiN) 2.1.4.1110–02 (paragraph 3.3.3.4) in line with the Water Code of the Russian Federation, the draft law proposed to tailor the Federal Law provisions to fit the executive order.

The High Commissioner officially made unfavorable comments on this draft law and submitted to the State Duma Committee on Natural Resources, Environmental Management and Ecology her arguments in defense of the constitutional rights of citizens to the protection of health and a healthy environment. Moreover, messages were sent to the highest state authorities of the Russian Federation. The High Commissioner’s opinion was taken into consideration, and the draft law was rejected in February 2015.

This measure taken by the High Commissioner contributed to protecting the constitutional rights of more than a million people living in Ufa and the Ufa District and preventing potential harsh consequences both to the life and health of citizens and the environmental situation in the Republic of Bashkortostan, as well as the Russian Federation as a whole.

A tendency prevailing in approaches towards the observance of the right to a healthy environment in many foreign countries should be noted. Industries recognized as “dirty” (they include, incidentally, wood board materials manufacturing), are closed down or moved outside the country; by no means are they admitted close to housing areas or water supply sources. Furthermore, legislation in these countries seeks to increase regulation in the environmental area and introduce stricter standards for industrial and economic activities. It seems that Russia should offer no preferences to such investors. The Russian social state based on the rule of law should prioritize the needs of its population and society.

Softening environmental protection requirements for particular manufacturers only to pander to the economic interests of certain investors to the detriment of the environment, namely to the detriment of life and health of the current generation of citizens and many generations to come, is entirely unacceptable.

Efforts to establish a questionable “investment attractiveness” of the country by such improper means can not only result in reputational losses, but can also inflict irreparable damage to the ecosystem and public health, as well as affect the current economic development capacities.
2.5 Crimea: Despite the Difficulties of the Transition Period

The High Commissioner gives particular attention to the problems faced by the Republic of Crimea and the federal city of Sebastopol.

A number of appeals received from the residents of the peninsula and refugees from Ukraine called for an immediate personal reaction from the High Commissioner, including during the repeated visits to Crimea by the High Commissioner herself and her officers.

In July 2014, in compliance with the law, the post of the Commissioner for Human Rights was established in Crimea and a Commissioner was elected.\footnote{216}{On the Commissioner for Human Rights in the Republic of Crimea: Law of the Republic of Crimea No. 25-ZRK of July 2, 2014. Rossiyskaya Gazeta, July 4, 2014.}

Two alternative draft laws concerning the Commissioner for Human Rights submitted in November 2014 and March 2015 are under consideration at the local Legislative Assembly. The High Commissioner in Russia hopes for an early adoption of this law in view of its importance.

**Issues of Citizenship**

A considerable number of appeals received by the High Commissioner from Crimean residents in 2014 focused on the problems that occurred in the process of obtaining the Russian citizenship and the Russian passports.

According to the Federal State Statistics Service data, the number of residents of the Crimean Federal District who have attained the age of 14 and are entitled to obtain the Russian passport is about two million people; only 3.5 thousand Crimean residents rejected Russian citizenship and chose to retain Ukrainian citizenship (500 of these are Crimean Tatars).

In 2014, according to the statistics provided by the Ukrainian side, about 20 thousand people left the peninsula for Ukraine after the referendum. About 200 thousand refugees fled Donetsk and Luhansk Provinces for Crimea within the same period.

All residents of the Republic of Crimea who rejected citizenship of the Russian Federation were granted a temporary residence permit entitling them to live and work in Russia, and to apply (a year after) for permanent residency, if necessary. In spite of the absence of Russian citizenship, persons in the above-mentioned category who are pensioners are entitled to pension benefits until December 2015 under the Russian legislation.

Granting the Russian citizenship to persons without registration who have furnished the proofs of their permanent residence in Crimea (including as on the date of referendum, March 18, 2014) remains a major problem. This is a burning issue which cause well-grounded disapproval by this category of Crimean residents of judicial authorities and migration services.

As a result, according to expert assessments, the number of those who failed to legalize their residence in Crimea in 2014 amounts to no less than 100 thousand people.

As for convicted persons serving their sentence in penitentiary institutions in the territory of Crimea, only 18 persons rejected Russian citizenship in writing; 22 convicts filed in petitions asking to be extradited to Ukraine.

The High Commissioner faced a difficult collision regarding the procedure of confirmation of citizenship for two Crimean residents in detention. In June 2014, during her visit to O.G. Sentsov, domiciled in Simferopol, at a Moscow pretrial detention facility, the High Commissioner received the detainee's claim requesting assistance in the confirmation of his Ukrainian citizenship. A similar claim was received from another

\footnote{217}{URL: http://www.gks.ru/wps/wcm/connect/rosstat_main/rosstat/ru/statistics/population/demography/}
person in pretrial detention, A. A. Kolchenko. The only identification documents of both claimants available since their arrest are the national Ukrainian passports. Neither of them applied for the Russian citizenship or obtained the Russian passport.

The detainees’ claims asking to confirm their Ukrainian citizenship were forwarded by the High Commissioner to the Federal Migration Service of Russia and the Office of the Prosecutor General of the Russian Federation. Rejecting the initial arguments presented by the above-mentioned institutions in their responses, the High Commissioner filed another appeal to the Prosecutor General of the Russian Federation calling for the review of the issue.

A vast number of claims by Russian citizens living in Crimea contained requests to demand various documents (or their duplicates) from the Ukrainian side: pensioner’s ID cards, employment cards, birth certificates, etc. Continued collaboration of the High Commissioner for Human Rights in the Russian Federation with the Commissioner of the Verkhovna Rada of Ukraine helps address the above-mentioned and many other challenges faced by Ukrainian citizens residing in Crimea for various reasons.

Legal and Administrative Barriers

Objective difficulties of the transition period throughout the year 2014 were mainly caused by the changes in the system of state governance and the need to overcome differences in legislation and law enforcement practices of Russia and Ukraine.

Some of the municipal entities of Sebastopol failed to timely adopt charters, approve budgets, assign heads of municipal authorities and approve their staff schedules and structures, as well as to recruit municipal employees.

There still remains a number of legal and law enforcement “gray areas” which do not account for the traditionally high level of corruption and also provide a favorable environment for systemic corruption schemes. As a result, mechanisms for the provision of Crimean residents with any public and municipal service of vital importance are much criticized. While recognizing great efforts applied by the Federal Migration Service of Russia which has taken unprecedented measures to grant the Russian citizenship and issue the Russian passports to the vast majority of Crimean citizens in record time, it should be noted that enormous queues and crowds of people in parlours of public institutions throughout 2014 were often ungrounded.

A similar situation occurred at courts of general jurisdiction, providing additional grounds for abuses. Work of cassation courts on civil and criminal cases still lacks efficiency, which hampers citizens’ access to justice.

The fact that a number of Crimean judges failed to pass the competency confirmation procedure needed to acquire the status of a federal judge of the Russian Federation, adds up to the operational difficulties of the Crimean judiciary. This means that they have not obtained the right to retire with lifelong allowances and are only entitled to pension payments and social benefits on common grounds. But it should be noted that some of them have served as judges for their whole life, therefore it is essential to avoid the deterioration of their social and financial situation due to the change of the jurisdiction of Crimea.

Following the receipt of appeals from eighty-two former judges of the Republic of Crimea, the High Commissioner presented to the Supreme Court of the Russian Federation her proposals concerning the need to develop a legal act regulating the procedure of granting lifelong allowances or special pension payments to former judges of a foreign state who have obtained the Russian citizenship and live permanently in the Russian territory. A relevant Draft Federal Law “On Additional Social Safeguards...
Changes in the system of state governance and the need to overcome differences in the legislation and law enforcement practices of Russia and Ukraine are only one difficulty of the transition period.

Crimea has “inherited” a tangle of longstanding chronic diseases, including the unsatisfactory condition of the correction system, land self-acquisition, unauthorized construction works, redesign of buildings, and many other equally complicated collisions. Violations of social and economic rights such as housing and labour rights and the right to social benefits continue to raise concern of the population.

The most urgent problems are these intentionally designed outside the Crimean territory: they concern ensuring transport, energy security and environmental safety of the region.

There are other problems. The most difficult among them are issues of providing documentary confirmation of rights, including the real estate titles and the land titles in particular; reregistration procedures for real estate, vehicles, driver’s licenses, economic entities (legal entities), as well as the procedure of issuing licenses for specialized activities have become extremely complicated. The process of settling land disputes opened under the Ukrainian jurisdiction but uncompleted, lacks uniformity; it is very difficult to prove the basis for the emergence of land titles. The number of cases involving the redistribution of property strongly reminding of forcible seizure of businesses and real property raise concern.

The lengthy procedure for the reregistration of business entities of all organizational and legal types, and the resulting failure to obtain a license for specialized activities directly damage the economic development of Crimea. According to the Department of the Federal Tax Service of the Republic of Crimea, only 12,752 out of 52,885 legal entities which had been registered before March 2014, succeeded to complete their reregistration by the end of 2014. Queues at tax offices formed by entrepreneurs wishing to register their businesses and pay taxes are impressive, and the budget of Crimea suffers considerable tax losses.

The process of registration (reregistration) for non-profit organizations, including human rights, religious organizations and ethnic and cultural associations and autonomous, shows the same unacceptably slow pace. No more than 500 organizations out of ten thousand officially registered in 2013 have been registered so far.

Meanwhile civil society associations could play a more important role in this context, which could help avoid a number of mistakes and misconduct of the newly established authorities of the Crimean Federal District who had to adopt legal acts at a “blazing fast speed.” It is important to avoid this kind of practice in future, since it leads to the misunderstanding of measures taken by the authorities and causes well-grounded resentment of the population due to the fact that decisions of vital importance to society are taken without an inclusive public or expert discussion.

For instance, the “clumsy” process of reorganizing higher educational institutions in order to establish the Crimean Federal University initiated in 2014, immediately sparked protests and rallies of the staff and students of the Crimean State Medical University named after S. I. Georgievskiy and their collective appeals to the High Commissioner (a response containing a detailed description of actions taken was sent to the claimants on October 22, 2014).

Mistakes were made in the process of bringing companies and organizations under the jurisdiction of the Russian Federation. In late 2014 the then incomplete government of Sebastopol launched the liquidation

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219. Document No. 7466676 in the automated system of registration of the legislative activity of the State Duma

220. It was reported that by Decree No. 1465-p of the Government of the Russian Federation of August 4, 2014, a state autonomous institution of higher education, “The Crimean Federal University Named After V.I. Vernadskiy” would be established on the basis of seven higher educational institutions and seven scientific organizations. The list of higher educational institutions subject to merger was presented by the Council of Ministers of the Republic of Crimea. The University will be established within the public “Development of Education” Programme for 2013-2020 approved by Resolution No.295 of the Government of the Russian Federation of April 15, 2014. The decisions taken will contribute to the social and economic development of the Crimean Federal District by arranging training services and scientific research activities at the Federal University.
process of public enterprises and the establishment of new legal entities instead of reregistering statutory documents. It should be noted that employees engaged in the areas of education, culture, public healthcare and other public-budget areas were forced to file in resignations with the reasoning “upon agreement of the parties” in spite of the absence, de jure and de facto, of the other party. The High Commissioner addressed the Prosecutor of the city of Sebastopol concerning the need for Prosecutor’s response measures to cut short the employer’s misconduct in dismissal procedures.

The High Commissioner sent several requests to the Government of the Russian Federation asking assistance in view of the receipt of complaints concerning the non-payment of salary arrears.

A number of appeals received by the High Commissioner concerned the violation of the right to housing. These problems are in most cases chronic and inherent from long before; they include keeping records of those in need of housing and providing population with social housing under contracts on social rent; moving residents from slum or failing housing stocks; violations of urban planning and land planning legislation by governmental authorities, legal entities and physical persons; eviction from former publicly-owned dwellings conveyed to private enterprises, etc.

Appeals received by the High Commissioner emphasized the need to extend the period for the free privatization of dwellings. On December 25, 2014, the High Commissioner sent relevant appeals to the Government of the Russian Federation. Later she was informed that the Ministry of Construction, Housing and Utilities of the Russian Federation in cooperation with the Ministry of Crimean Affairs, commissioned by the Deputy Chairman of the Government of the Russian Federation, had made a report on the issue. It said that according to the Ministry of Construction, the extension of the privatization period for the residents of the Crimean Federal District was inappropriate, since it jeopardized the equality of rights of citizens of the Russian Federation. The Ministry of Crimean Affairs, on the contrary, expressed the view that the privatization period for citizens residing in the Crimean Federal District should be extended. This opinion which coincides with the view of the High Commissioner was reflected in a federal law which extends the total period of privatization for another year.

Unfortunately, random housing construction works continue in the city of Sebastopol, including infill construction, construction in the coastal area, on the protected premises of the National Preserve of Tauric Chersonesos and in other preserved areas.

The High Commissioner also claims that any deterioration of the living conditions of disabled people is unacceptable. The analysis of the complaints received shows problems that occurred when providing social protection to disabled children (there was no recalculation of benefits, allowances and other social payments). Amounts of money paid out were insufficient even to buy medicines.

With a view to finding a solution, a number of proposals was sent to the Ministry of Labour and Social Protection of the Russian Federation. According to the response received on July 18, 2014, the Ministry of Labour developed the necessary draft instruments, adopted regional laws to ensure social support and protection of social rights of disabled children living in the territory of the Republic of Crimea and the city of Sebastopol.

The High Commissioner also sent a letter to the Deputy Chairman of the Government of the Russian Federation emphasizing the fact that differences between the systems of legal regulation of the labor activity of disabled persons in Ukraine and in Russia may create preconditions for the dismissal of disabled persons and calling for urgent solution to the issue.

221. Since in most cases new legal entities had not been established, staff schedules for the newly-established legal entities did not exist.
Civil and Political Rights

The High Commissioner receives complaints concerning violations of the rights to freedom of speech, freedom of assembly, as well as complaints concerning cases of detention of journalists at mass public events, including in the course of the rally in commemoration of the 70th anniversary of the deportation of Crimean Tatars (on May 18, 2014).

In December 2014, the Federal Service for Supervision of Communications, Information Technology and Mass Media announced a tender for the right to broadcast at certain frequencies in the territory of the Republic of Crimea and the city of Sebastopol. In this regard a number of directors of Crimean television and radio broadcasting companies addressed the High Commissioner asking her to help call off the meeting of the Federal Television and Radio Broadcasting Tender Commission scheduled for February 25, 2015. They reasoned that the timeframe for the presentation of tender documents and tender conditions proved technically unachievable for regional companies. The High Commissioner sent messages to the Deputy Chairman of the Government of the Russian Federation and the Minister of Telecom and Mass Communications of the Russian Federation focusing on the need to preserve television and radio broadcasters of Crimea and Sebastopol and proposing to put off the meeting date of the Commission. Unfortunately, the Ministry of Communications failed to accept the reason for cancelling the decision and putting off the tender procedure. The Ministry did not even consider it appropriate to arrange any process of consultations, intercommunication and detailed explanation or provide all candidates with equal possibilities for participation in the tender. A number of mass media in the peninsula received warnings and were checked for possible involvement in “extremist” activities (for instance, the Crimean Tatar Channel ATR has discontinued broadcasting due to the absence of registration).

It is important to emphasize that law enforcement officers driven by their call of duty should not neglect the delicacy of political issues in the area of interethnic and interfaith relations. Such matters call for a well-balanced approach that rules out any arbitrary, excessively broad interpretation of the notion of “extremism”.

All the issues listed above and invoked in complaints received by the High Commissioner, as well as the issue of clarification of the legal status and functions of the so-called “Crimean self-defense” units were discussed at the meeting between the High Commissioner and the administration of the Republic of Crimea.

A significant number of complaints concerned violations in criminal proceedings; among the complaints of Crimean residents, 68 were received from local penitentiary institutions.

In spite of the fact that detention conditions have improved recently, including in terms of dietary and health service provision, issues concerning the enforcement of detainees’ rights remain urgent. The fact that penitentiary institutions have not been brought up to universal norms of international law since the dissolution of the Soviet Union, largely accounts for this state of affairs.

Equipment is worn out, buildings, sewage and water supply systems, electricity are in in advanced state of disrepair; there are no ventilation systems. Detainees were kept half-starved due to the lack of food and forced to live in inhumane and cruel conditions because of overincarceration. According to the Commissioner for Human Rights in the Republic of Crimea, none of the temporary detention facilities or detainee holding rooms at courts is up to international standards and regulations.

Restoration of Rights of the Crimean Tatar People and Inter-Ethnic Relations

Traditionally, much attention is focused on the problems of Crimean Tatars who became victims of deportation in May 1944. In the recent 23 years, Ukraine has not adopted any legislation aimed at restoring
the rights of the Crimean Tatar people or creating the fundamental conditions for its revival and preservation on its native land. Furthermore, UNESCO admitted that the Crimean Tatar language became endangered.

Facts of violations of Crimean Tatars’ rights by Kiev authorities have been regularly reflected in reports of the leading international human rights organizations and official documents of foreign offices in Western countries. For instance, the Report on Human Rights Practices in Ukraine in 2013 made by the US Department of State quotes former Head of the Majlis of the Crimean Tatar People Mustafa Dzhemilev stating that Ukrainian authorities implemented policies aimed at replacing Crimean Tatar employees in government agencies with individuals of other nationalities. For instance, during the reported period, Crimean Tatars who account for 11 per cent of the population of the peninsula held only three per cent of senior posts in local government bodies. They held just seven seats in the 100-member Parliament of Crimea. Only one deputy represented Crimean Tatars in the Verkhovna Rada of Ukraine.

Article 10 of the Constitution of the Republic of Crimea adopted by the State Council of the Republic of Crimea on April 11, 2014, recognizes the Crimean Tatar language as one of the three state languages of the Republic of Crimea together with Russian and Ukrainian.

In April 2014, the High Commissioner sent a number of appeals on the need to adopt regional legislation on measures of social support for all rehabilitees and people recognized as victims of political repression in the Republic of Crimea to the First Deputy of the Head of the Presidential Administration of the Russian Federation, the Chairman of the Legislative Assembly of the city of Sebastopol, and the Chairman of the State Council of the Republic of Crimea. The abovementioned initiative was backed by the Minister of Regional Development of the Russian Federation. The Chairman of the Legislative Assembly of Sebastopol followed the High Commissioner’s message to the Government of Sebastopol for consideration.


In 2014, the Muslim holidays of Eid Al-Adha and Eid al-Fitr were declared official holidays in the Republic of Crimea. Comprehensive measures to preserve and develop a network of classes and schools instructing in native languages, Ukrainian and Crimean Tatar, are being implemented. Authorization was granted to build a central mosque in the city of Simferopol. The Federal Targeted Programme on the Social and Economic Development of the Republic of Crimea and the City of Sebastopol until 2020 has been adopted. It provides for the allocation of more than 10 million rubles within five years for activities aimed at the ethnic, cultural, and spiritual revival of the Armenian, Bulgarian, Greek, Crimean Tatar and German peoples as well as at the improvement of the social infrastructure of the Republic of Crimea and the city of Sebastopol.

The Crimean Tatar Medjlis leaders, however, rejected nearly any possibility of cooperation with the new Crimean authorities. Later on, Medjlis leaders Mustafa Dzhemilev and Refat Chubarov were banned from entering the Russian territory for five years.

The High Commissioner received repeated messages from the Commissioner for Human Rights of the Verkhovna Rada in Ukraine; relevant enquiries were sent by the High Commissioner to competent government authorities, including the Ukrainian government and the Russian authorities.

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227. The All-Crimean Population Census was held in the Republic of Crimea and the city of Sebastopol in October 14 through 25, 2014. It stated that nearly 2.3 million people resided in the peninsula. Crimean Tatars are the third largest ethnic group (232.3 thousand people accounting for 10.6 per cent of the population).

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authorities. Responses received from the Federal Border Guard Service of the Russian Federation informed that the decision on the undesirability of stay of M. Dzhemilev and R. Chubarov in the Russian Federation had been taken under Article 27 of Federal Law “On the Procedure of Exit from the Russian Federation and Entry to the Russian Federation” in compliance with the norms of international law.

The issue of disappearances and kidnappings among Crimean residents is as relevant for Crimea as for any other Russian region: according to the Ministry of Internal Affairs of the Russian Federation, 800 people are officially recognized missing in the Republic of Crimea; only 75 of these missing persons cases are potential criminal cases. Out of the total number of missing person cases, 18 cases deal with Crimean Tatar individuals. Since the transition of Crimea under Russian jurisdiction, 13 Crimean Tatars, 24 Ukrainians, 199 Russians have been recognized missing. The High Commissioner received one complaint concerning missing residents.

Throughout the reported period the authorities of the Russian Federation implemented a number of comprehensive priority measures, adopting regulations on pension coverage, labour relationships, social protection of population (on unemployment payments, social safety nets, etc.). Old-age pension amounts doubled and salaries of public-budget institutions more than doubled. A system of compulsory medical insurance is being put in place; emergency financial and logistical assistance is rendered to educational and public health institutions. Necessary resources have been allocated to address the problem of condemned buildings, water, electric power and gas supply systems.

All public opinion surveys, including those carried out by European and American public opinion research centres, show that the vast majority of Crimean residents continue to believe that they took the right decision the year before to reunite with Russia.

In spite of all the challenges from outside, in spite of all the internal difficulties of the transition period, Crimean residents apply paramount efforts to revive and develop the peninsula, in strong belief in success and in hope for justice. In this context, abuses by officials at different levels of the conscientiousness and patience of people, their understanding and readiness to go through the difficulties of the “transition period” are unacceptable.

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233. There are no international instruments protecting the right of a foreign national (M.Dzhemilev is a Ukrainian national) to be admitted to the territory of a state or reside in that territory. Neither the Convention on the Protection of Human Rights and Fundamental Freedoms nor the UN Declaration on the Rights of Indigenous Peoples contains such provisions. The execution by the state of its sovereign control of immigration is not regarded as a violation of the prohibition to discrimination against indigenous peoples, particularly given that restrictions on M.Dzhemilev’s entry are related to his social activities, not his ethnic origin.

PART III

PRIORITIES AND RECOMMENDATIONS ON ENSURING SUSTAINABLE DEVELOPMENT IN THE AREA OF HUMAN RIGHTS
PART III: Priorities and Recommendations on Ensuring Sustainable Development in the Area of Human Rights

The analysis of complaints and appeals received by the Office of the High Commissioner suggests that the problems underlying violations of human rights are of mental nature:

- low level of legal awareness both in public and government environments;
- enduring syndrome of the “presumption of guilt” of citizens with regard to the state;
- slow renunciation by the judicial community of the obsolete accusation-oriented professional psychological patterns;
- throwbacks to repressive consciousness affecting the character of the whole law enforcement system;
- pressure of bureaucratic barriers established by government officers driven, first and foremost, by lucrative motives and acting in full contempt of the human dignity of their compatriots;
- undervalued self-esteem of citizens, who tolerate unpunished and unrestricted misconduct against them and their loved ones;
- absence of the notion of direct correlation between law and responsibility in citizens’ perception and in public conscience;

Human rights in Russia are also violated:

- due to corruption;
- due to the overall low level of legal culture;
- through the fault of unscrupulous producers;
- due to the unsatisfactory quality of services provided in many life-sustaining areas;
- due to the absence of the necessary minimum of common federal social standards;
- due to the lack of proper regulation of labour relationships between different subjects of law.

Although the Government of the Russian Federation is implementing a set of anti-crisis measures, the protection of various types of constitutional rights remains unbalanced.

Recommendations to Government Authorities

Taking into consideration the issues of the protection and restoration of human rights addressed in Part II of the Report, subjects with the right to legislative initiative are invited to consider the submission of draft federal laws aimed at amending:

- the Code of Administrative Offences of the Russian Federation with a view to specifying and ensuring the adversary nature of the process when hearing the cases of administrative offences;
- the Penal Code of the Russian Federation in terms of proper documentation of labour relationships between employers (the administration) and persons sentenced to imprisonment, procedure and terms of the implementation of their labour rights;
- legislation of the Russian Federation on the mass media with a view to providing journalists working in high-risk zones with additional guarantees in terms of human rights protection as well as additional life and health insurance mechanisms when working in extreme conditions.
- legislation on liability for damages in terms of debt enforcement in case of execution of levy upon the sole source of income, stipulating the amount of money upon which the levy of enforcement cannot be executed;
The Government of the Russian Federation is invited to consider entrusting relevant executive authorities with the task to:

- implement a package of measures to provide the enforcement of Article 38 of Law of the Russian Federation No. 3185–1 of July 2, 1992 “On Psychiatric Assistance and Guarantees of the Citizens’ Rights in Its Provision” regarding the establishment of a service independent of executive authorities in the healthcare system and designed to protect the rights of patients in in-patient psychiatric institutions;
- put in place a mechanism aimed at implementing a universally recognized international principle of public-budget support for persons affected by offences and abusive exercise of authority;
- develop standards of medical care services for citizens with rare (orphan) diseases;
- improve the law enforcement practice of Federal Law No. 3-FZ of January 1, 1998, “On Narcotic Drugs and Psychotropic Substances” with a view to developing additional measures aimed at facilitating the provision of incurable patients with drug-containing anesthetics;
- identify a set of measures aimed at establishing and maintaining the temporary housing stock to ensure the implementation of the housing rights of citizens deprived of dwelling due to unforeseen emergency circumstances;
- develop and implement conciliation procedures to settle conflicts between good-faith acquirers of land plots and cultural heritage preservation activists.

The Justice Ministry of the Russian Federation is invited to:

- intensify efforts to improve the legal status of disabled persons in custody;
- identify the list of areas of political activities with a view to improving the mechanism of putting non-profitable organizations on the list of non-profit organization acting as foreign agents; examine requirements for reports submitted by non-profit organizations in order to ensure a more efficient regulation of their activities.

The Ministry of Labour and Social Protection of the Russian Federation is invited to:

- continue, in cooperation with the High Commissioner, efforts to improve the medical and social expertise mechanism, monitoring the application of classifications and criteria approved by Order No. 664 of the Ministry of Labour and Social Protection of the Russian Federation of 29 September 29, 2014, “On Classifications and Criteria Used in the Implementation of Medical and Social Expertise of Citizens by Federal Public Institutions of Medical and Social Expertise”;
- bring the mechanism of professional training and development of Russian citizens in line with the current demand in the labour market;
- take measures aimed at the timely and proper provision of disabled persons with rehabilitation equipment;

The Ministry of Education and Science of the Russian Federation is invited to:

- develop a system of measures to facilitate access to pre-school education for children under three years, reduce the shortage of places in pre-school institutions;
- take measures to develop the network of educational institutions (both public and private) for children of all ages.

The High Commissioner addresses the Supreme Court of the Russian Federation requesting it to carry out an additional analysis and synthesis of practices in consideration by courts of general jurisdiction of:

- early release cases;
- petitions asking the recognition of legal incompetence and restoration of legal competence;
- land legislation in the settlement of disputes concerning the rights to land plots with undefined property lines, and removal of land plots from cadastral records.
Heads of legislative (representative) and executive authorities in the constituent entities of the Russian Federation, in pursuance of Federal Law No. 76-FZ of April 6, 2015 “On Introducing Amendments to Certain Legislative Acts of the Russian Federation with a view to Improving the Activities of Commissioners for Human Rights” are invited to take proper measures in order to ensure the independence of activities of regional commissioners for human rights.

Priorities and Vision

Summarizing the above, the High Commissioner is planning to:

- develop programmes with a view to raising legal awareness;
- improve the procedures of reception of citizens and handling complaints and appeals by the Office of the High Commissioner;
- pursue efforts aimed at establishing an integrated national public system of protection and redress of human rights, contributing to the development and reinforcement of the status of Regional Commissioners for Human Rights in all the constituent entities of the Russian Federation.

It seems appropriate to establish an integrated human rights monitoring mechanism that would provide an objective assessment independent of the pressure of the international environment and political “wisdom”.

This would make it possible to sum up legal and analytical information:

- on the state of federal and regional legislation on all human and civil rights and freedoms taking into account various criteria for their classification, as well as expert assessments and proposals concerning its improvements;
- on law enforcement practices, including judicial practices, the practice of non-observance of guaranteed human and civil rights, freedoms and legal interests;
- on international instruments and decisions by the judiciary indicating the need to amend the legislation of the Russian Federation;
- on the nature and number of appeals of individuals and their associations received by public authorities;
- on human rights violations’ information received from the mass media, watch-dog activists, and other civil society institutions;
- on sociological and statistical surveys in the area of human rights;

The establishment of an objective mechanism for assessing the situation with human rights will help address the issue of safeguarding public protection of civil rights and freedoms.

Human Rights are no luxury but a means towards building a responsible civil society, and an adequate response to contemporary challenges.

Despite the existing difficulties in foreign policy and economy, it seems wise not to economize on citizens; on the contrary, investments into human rights, culture, education and healthcare are needed to build up human capacities that are both the key resource and source for the development in Russia. The priority of observance of human rights under any circumstances and in any environment may provide a solid basis needed to ensure the sustainable development of the country and achieve a balance of interests of individual, society and state.
Office of the High Commissioner for Human Rights in the Russian Federation

Moscow, 2015