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Tatjana MERZLJAKOVA

HUMAN RIGHTS COMMISSIONER OF THE REGION SVERDLOVSK

## **ANNUAL REPORT FOR THE YEAR 2003**

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**HUMAN RIGHTS COMMISSIONER  
OF THE  
REGION SVERDLOVSK**

**ANNUAL REPORT 2003**

**Human Rights Commissioner:**

**Tatjana MERZLJAKOVA**

## INTRODUCTION

The annual report on activities of Human Rights Commissioner of Sverdlovsk Region was made according to the 14<sup>th</sup> article of the regional law "concerning the Human Rights Commissioner" and is being sent to the Legislative Assembly of Sverdlovsk Region, Governor of Sverdlovsk Region, Prime Minister of Sverdlovsk Region, Human Rights Commissioner of Sverdlovsk Region and, in the course of exchange of information, to the Human Rights Commissioners in the regions of Russian Federation.

The annual report of Human Rights Commissioner of Sverdlovsk Region, member of the European Ombudsman Institute, will be sent to the funds of the Presidium of the Institute (Innsbruck, Austria) on its initiative.

The report is based on studying of information on the state of civic rights and liberties in the Region; summarizing of the results of administrated citizens' complaints and applications; material collected by the Commissioner and staffers, during the out receptions of citizens; visiting the educational institutions, health authorities, social protection services, penitentiary services, military units. There were used materials of conferences, seminars and round tables held or participated by the Commissioner, as well as those offered by state institutions and nongovernmental Human Rights organizations, mass media reports.

The report contains general evaluations, conclusions and recommendations, related to providing of human rights and liberties in the Sverdlovsk Region.

## A LONG ORDEAL

A half of the mail the Commissioner receives is not about insuperable disasters: the citizens of the Region ask the Commissioner to help them to become heard by the functionaries. In all other cases people are ready to better their lives by themselves. They ask even not for help but for removing of obstacles caused by numerous statutory acts.

An application by a pensioner, a former teacher of labour in a college of Irbit Mr. G. states for the following: since March 2002 he has been visiting instances, asking for handing over a land to build a house. His son is on military service, and the father wanted to help him in building his house. During two years the committee of property - department of architecture -land committee - technical inventory bureau are sending him round among them. The Commissioner asked Mr. F. Naumov to examine the situation, and recommended the officials responsible for the execution of documents to take the measures required to solve the question as soon as possible.

The reply from the district administration:

"The administration of municipal formation 'District of Irbit' informs that... the site for building of a dwelling... cannot be apportioned because it does not belong to the town".

The Commissioner asked again for helping the man but with no positive result. The administration of the municipal formation "District of Irbit" informed of a work done to make decision on the question:

- "1. The land was examined by the chief architect of the District.
2. Engineering services are on the land used by Mr. G.; therefore the chief architect made a request to the MUE housing and communal services of the municipal formation 'District of Irbit' and [Comenergo] of the Irbit District. These institutions have laid down conditions (01 June 2003) to allow the site can be given for individual house building.
3. As the land is located mostly beyond the borders of the town, and the actual area is 1000 metres larger of the mistakenly given before by head of administration of the Pioneer settlement council for dwelling building (#46, 17 November 1994), and the object is not under construction, the chief architect of the District made a request to the Ministry of Architecture and housing and communal services of the Sverdlovsk Region.

In the letter of 09 August 2003 the Ministry gave recommendations on the solving of the question, namely:

1. To oblige the administration of the Pioneer settlement to perform a 1:50 scale survey of the actually occupied land.
2. To oblige Mr. G. to order a plan of borders.

3. To oblige Mr. G. to order setting boundaries, forming a site of two parts, one of which could be given to Mr. G. free of charge, and the other one could be bought back by Mr. G. according to the Temporary statute on the order of requisitioning and giving of ground areas, confirmed by the Minor Council of the Council of People's Deputies of Sverdlovsk Region of 20 May 1992 #122/b and the 20<sup>th</sup> article of the Land Code of Russian Federation, in force since 2001.

The Council of the Pioneer Settlement can perform the survey according to the first item of this list, having the planned financing.

Therefore, the land in its current state cannot be handed over into property of Mr. G., and he was informed of this. Mr. G. had familiarized personally with all the materials."

Judging by the response, the former teacher would scarcely ever build the house – and all this is based on the law.

An Alapaevsk citizen Ms. B. applied to the Ombudsman in person. Her son had decided to move to his brother at Krasnoturyinsk. Everything is going well there: there is a job, and there are people who would like to sell a house. On the contrary, in Alapaevsk all is going bad: the factory, his and his wife's place of work, stands idle; moreover, they are both in debts. But the worst is that they could not sell the house during summer and autumn: could not draw up the documents – some certificates had been getting out of date, some requirements appeared again.

Another appeal is from Mr. Z., a visually handicapped person, labour veteran from Ekaterinburg. He buried his wife and started privatizing her share in the flat. It's not easy even for a healthy person. Mr. Z. said that his daughter, a handicapped person from childhood. Until now he was trying to overcome the hard-hearted and formal attitude of officials and lack of money.

The Ombudsman immediately sent his representative with Mr. Z. to the technical inventory bureau of Ekaterinburg where he was given the necessary documents. The 2 December the Ombudsman asked President of Notary's Chamber of Sverdlovsk Region Mr. V. Yarkov to provide help for Mr. Z. in contacting the notary. The documents were drawn up very quickly: the 30 December Mr. Z. informed the Ombudsman that he came into inheritance of the living quarters.

Unfortunately, there are many such people who need to validate the papers, and there are even more institutes to be visited. People ask why the papers and services are in such quantities. And there are also many questions on the technical inventory bureau prices; they are too high for a countryman.

The citizens of a civilized country would scarcely endure the official circumlocution that Russians suffer, wasting days, months and years. Notwithstanding all the changes in the country, the paper shuffling bureaucratic machine does not cede. If you start studying the case, you find out that they act according to the law. The Office of Public Prosecutor and the courts do not take an interest of them because the administrations' actions are valid from the juridical point of view.

Ms. S. complained to the Ombudsman about abandonment of her petitions by the Administration of Ekaterinburg. After the examination, taken after the Ombudsman's appeal by the Office of Public Prosecutor of Lenin District of Ekaterinburg, it was established that the six petitions of Ms. S. were shelved instead of being considered in the prescribed period. This means that the administration ignored the law.

Unfortunately, neither mass media nor state structures had drawn attention to the important decree of Russian president V. Putin "Concerning approval of general principles of official behaviour of state employee" of 12 August 2002.

The President's Decree says: "State serviceman, considering all his state and civil responsibility, should ... act, according with the fact, that admission, loyalty and protection of human rights define the main purpose and functions of government and state officials".

Nowadays, as never before, the President of Russian Federation has indisputable authority over government personnel. But are portraits of Mr. Putin and aspiration to be like Putin just a little demonstration of respect? Vladimir Vladimirovich Putin pays much attention to the question of human rights protection and he personally has to rectify the situation, missed by his subordinates. Such state of affairs should turn state and local authorities to the question of human rights. It is necessary not only because of international documents, signed by Russian Federation and because of life, but also because the President's Decree insists on it.

To begin with, the Government should restructure numerous registration offices. We have an example of city Kazan, where all these services subordinate to one and the same organization. We should take this experience into consideration in order not to allow officials humiliate human rights. Moscow mayor Luzhkov introduced the principle of "one window" for people who register their businesses in Moscow.



But it is still very difficult to find necessary documents in Moscow. That's why people who want to start their own business suppose that it is all made just to let private bureaus prosper and tap people. There are a lot of them working side by side with state registration offices, including passport and visa issuing service, and nobody is going to close them down.

Speaking about our region it was done a lot last year. But still the way of communication between people and numerous large and small bureaus is the same. These bureaus put brakes on the way of documents circulation. The Ombudsman finds it necessary to reform this state machinery in order not to make people wait, standing in queues and losing their personal dignity.

To establish such close relations and to form the service helping people seems to be a simple task, but not all officials can do it correctly. This is the main point in the report of the Ombudsman.

## **THE RIGHT TO A FULL LIFE**

According to the article 7 of the constitution of the Russian Federation the state should create such conditions that secure worthy life and free development of the person.

Recently, there is a steady growth in the economy of Sverdlovsk area that has a positive influence on the people's standard of life. Monetary incomes of the people have been growth by 19 % during January-October 2003. The average size of the nominal charged wages has made about 6000 roubles that tops the level of 2002 by 24 %. The real wages have grown on 8,4 %.

At the same time, generalization of the results of the consideration of the applications (which have acted to address of the Ombudsman confirms the data of sociological researches. According to this data, the majority of citizens continue to consider that the most important are just social and economic rights (the right on social protection, the right to work, the right of education, health security, the right to possess and dispose of their property) and the infringement of these rights is perceived most painfully.

During 2003 the Ombudsman has received 3167 (in 2002 – 3200) written applications and references of citizens on the question of infringement of their rights and freedom. These applications have been received from almost all municipal formations of Sverdlovsk area (69 from 72, except s. Verchnee Dubrovo, Closed Autonomous Territorial Body (ZATO) s. Svobodni, ZATO s. Uralski). The majority of applications has been received from Ekaterinburg – 42 %, Nizhni Tagil – 8 %, Kamensk-Uralski – 5 %. During the meetings of the Ombudsman with the inhabitants have been in addition considered 8343 verbal applications and the applications sounded by phone.

Insignificant reduction has taken place first of all due to increase of the number of citizens, received by the Ombudsman and his staff both in Ekaterinburg and during the exit receptions of the citizens concerning protection of their rights in the municipal formations and in the administrative centers of Sverdlovsk area.

In Ekaterinburg has been received 3288 (in 2002 – 900) (including the exit receptions of citizens in the regional psychoneurologic hospital of the participants of wars – twice, s. USRIA (УНИИСХ) – twice – 95).

From them were accepted:

- by the Ombudsman – 1112 person;
- by his staff – 2176 person.

22 exit receptions have taken place, including in Alapaevsk, Irbit, Krasnoufimsk, Kamensk-Uralski, Krasnouralsk, Lesnoi, Polevskoi, Rezh, Nizhni Tagil, Serov, Alapaevski, Krasnoufimski, Slobodo-Turinski, Tavdinski, Talitski areas, s. Levicha (Kirovograd), Verchoturki uyezd, where have been received 758 person. From them 679 person (in 2002 – 500) have been received by the Ombudsman. In all have been were accepted 3945 citizens on the questions of the protection of their rights. From them 1696 person have been received by the Ombudsman.

A rather high level of complaints of the citizens on the violations of their social and economic rights testifies that there are still a lot of problems in this sphere, that the changes to improve the living conditions of the citizens are taking place not so rapidly as we would like to. In general the people's applications contain problems on the privileges adopted for war and labour veterans, invalids, participants of the liquidations of consequences of radiation catastrophies, nonexecution of judicial decisions having come into force, on imperfection of our legislation, regulating the problems of social protection of veterans and invalids, on bankruptcy of business (enterprises) a noticeable part of the Ombudsman's mail consists of the complaints of the citizens on the refusals to realize their social rights, which seem to be guaranteed by the legislation of the Russian Federation.

Such are the complaints of Missis X (citizen X) on the refusal to make up an index for insurance payments in accordance with the Federal Law "On the compulsory social insurance in case of accidents in

factories and professional diseases" (application № 06-15/3137), the complaints of Missis S (citizen S) (application № 06-15/1231) on the refusal to ensure guaranties adopted by the Law of the Russian Federation "On the forced migrants", of Mister P (citizen P) on the refusal to ensure privileges provided by the Law "On the social protection of the citizens exposed to radiation on account of the catastrophe at the Chernobyl Atomic Electric Power Station" (application № 06-15/2141) and of a number of other citizens of Sverdlovsk.

In all above mentioned cases the refusal of taking some measures of social support is caused by their suspension in legal course, the practice of suspending the number of law deeds of social reference is growing year after year.

Thus, the 2004 budget is presented as socially oriented, but the Federal Law of the Russian Federation "On the Federal Budget of 2004" supposes a partial suspension of the operations of lots of social laws, including

«On social protection the inhabitants, who were exposed by the radiation influence from the catastrophe on the Chernobyl Atomic Station» (concerning top-priority rendering to the disabled people, exposed by Chas's radiation influence, the right of free using a vehicle (the existence of appropriate medical indications is required), the right of single getting a loan with 0 % per year on acquisition or building a habitation, village-house, on moderation a garden section, the right or top-priority securing by necessary building materials, the right of compulsory free state person insurance from the risk of radiation damage and so on ...

«On additional guarantees and compensations to the military men, who enlist now on the territory of Tran Caucasian, Baltic countries, and the Republic of Tajikistan and who work on the time of extraordinary situations and on hostilities)) (concerning a top-priority rendering a permit to a sanatoria or about currency compensation, which is equal to the cost of permit (the existence of appropriate medical indications is required))),

«On rehabilitation the inhabitants, who were suffered by political reprisal)) (concerning the rendering them a loan with 0% per year for building the habitation),  
«On education)) (concerning government's liabilities of annual securation the case sums to the education needs at amount no less than 10 % of national revenue an the establishment the minimum level of the pedagogical worker's salary at amount more than the level of middle salary in Russian Federation),

«The basic parts of the cultural government in Russian Federation)) (concerning government's quarantines for sending no less than 2 % of the cash sums from the republican budget in Russian Federation to the culture's reserve and development),

«On forced immigrants)) (concerning the rendering the long-term reflexive loan with 0% per year for building (acquisition) the habitation to the forced immigrant' family),

«On veterans)) (concerning the rights of veterans for single getting the privilege loans for the acquisition (building) apartments, flats, houses, houses in a village moderation houses in a village from credit organizations),

- 'On compensatory payments on nutrition of students, studing in state, municipal institutions of general education, and in institutions of primary and secondary vocational training';

- 'On servicemen status' (concerning amount of monetary compensatory payment instead of ration; and also regarding this payment at the request of the military men, serving in the Army under the contract; and concerning amount of monetary compensatory payment for personal states at the expense of Federal budget);

- 'On long-distance passage on preferable terms provided for some categories of students, studying in state and municipal institutions of general education (concerning conceding a right on the 50-percent discount from the cost of round trip within the territory of the Russian Federation for students, studying full-time in state and municipal institutions of general education and primary vocational training, and for those, who live in families, whose income per-capita is lower than the size of the living wage established in the Russian Federation).

In opinion of the Ombudsman suspension of functioning of some social-oriented norms of the Federal laws, is inadmissible and it undermines trust of the population toward the reforms and by that to authority, especially of its most unprotected categories.

It should be noted to Sverdlovsk Region legislators credit that, on the territory of Sverdlovsk Region such phenomenon as suspension of functioning of social laws is unknown.

In 2003 temporarily functioning of only two such laws was halted. They are – ‘On labour laws protection of citizens in territory of Sverdlovsk Region’ and ‘On state youth policy in Sverdlovsk Region’. It was done to bring them into the line with Federal legislation, first of all with the Labour code of the Russian Federation. We can be sure that the most valuable parts of these laws will be kept after completion.

The recent Labor Code of the Russian Federation has changed the status of both employers and employees a lot. However, it hasn't really affected the number of complaints about labor rights offense. Appeals to the Ombudsman show that the problem of salary delays which used to be the pressing question became less serious in 2003.

The problem of salary payments and social payments in bankrupt enterprises stimulates even greater anxiety. According to the Federal law “About bankruptcy”, creditors' claims are considered to be cleared off if the debtor has no property enough to comply the claims.

Practically, this means that the state is not responsible for debts of bankrupt enterprises even if the person has a court order dealing with salaries penalty.

Thus, one of the forthcoming constitutional principles assigned to Article 37 of the RF Constitution is being violated. It goes about a ban on forced labor, for salary delays or paying off not the whole sum of money is placed on the same footing as forced labor.

Those people who lost their salary because of property-deficiency enterprise bankruptcy do not fall under social protection. They not only experience great stress having lost the job but also have no opportunity to receive the money they've earned to alleviate the misfortune. By the way, those working for private, municipal and public company are equally affected.

On March 30, 2002 Alapaevsk municipal court delivered a judgment to Mr.M.'s action who lives in the worker's settlement of Verkhnjaya Sinyachikha. It was decided to make closed joint-stock company “DSP-Factory 250” answer for Mr.M.'s mutilation which he acquired while carrying out his duties and pay out 50 035 roubles 51 kopecks. Some time later closed joint-stock company “DSP-Factory 250” was declared bankrupt by the region arbitration court. Bankruptcy proceedings were started. Mr.M. got less then a half of the sum he was supposed to receive out of the bankrupt's assets. The rest money wasn't paid to him because of bankrupt's assets deficiency. Being fairly sure that his rights were broken Mr.M. applied to all the organizations he only could. (office of public prosecutor, etc).

The fund of social insurance, service of judicial police officers, Main management of the Ministry of Justice of the Russian Federation on Sverdlovsk region, department of work of the Ministry of Economics and Work of region, territorial organ of federal service of Russia on financial improvement and bankruptcy and others. The sense of all received answers was reduced to a statement of corresponding norm of the Federal law “About an inconsistency (bankruptcy)” - the requirements of the creditors which have been not satisfied owing to insufficiency of property of the debtor, are considered extinguished (the reference № 06-15/214).

In a similar situation there were former workers of Open Company “Ural Bearing factory”, the debts before which under the salary at the moment of the reference (February 2003) made 2 million 300 thousand roubles, workers of Open Society “Turin match factory” and many others.

Not perfection of the legislation on bankruptcy obviously in this part. The legislative decision of a question on payment of wages is necessary for workers of the gone bankrupt enterprises. Speaking about world experience, allocate two basic ways of protection of material interests of working enterprises - bankrupts: a priority of requirements of workers on a payment before requirements of other creditors (system of privileges) and creation of guarantee insurance funds.

The satisfaction of requirements under the salary is possible due to reserve fund payments and other social payments created according to the legislation of the state. With a view of maintenance of payment of wages due to workers, and also stipulated by the legislation, collective and working contracts guarantee and compensational payments in case of an economic inconsistency (bankruptcy) of the employer, liquidation of the organization, the termination of activity of the individual businessman and in other cases stipulated by the legislation creation of a reserve wage fund would be expedient.

In connection with an acuteness of a problem the Ombudsman is going to address in the near future to subjects of the legislative initiative with the offer to make ripened changes to the legislation and, first of all, in the Federal law “About an inconsistency (bankruptcy)”.

Proceeding from a priority of the rights of the hired employer above interests, the Ombudsman took all possible measures to protection of the rights of workers in the pre-judicial order, and if necessary - at a stage of proceeding, including by rendering assistance in drawing up of statements of claim, cassation and supervising complaints, representations in court.

So, in March to the Ombudsman have addressed the inhabitant of city of Sredneuralsk K. with the complaint to a wrongful dismissal from work in Open Society " Motor transport " (the reference № 06-15/641). Preliminary studying of circumstances of an affair has confirmed validity of the complaint, however, taking into account, that pre-judicial settlement of working dispute in the circumstances was unreal and moreover, could lead to the passing of the term, established lawful for the reference in court, assistance in preparation of the statement of claim has been rendered to citizen K. From 26.03.03. requirements of K. to Open Society " Motor transport " have been satisfied with decision Verhne-Pyshminskogo City Court in full, including average earnings during the compelled prorumble and indemnification of moral harm is collected.

In sphere of protection of the working rights of citizens the Ombudsman gives special value to interaction from the state inspection of work in Sverdlovsk region (head by A.I.Startsev). It is a lot of examples of such interaction.

In June to address of the Ombudsman the reference of city dweller Talitsy, miner Zh. with the complaint to infringement of the working rights has acted on the part of the management of Open Company " Эсмиральд " the reference № 06-15/1166). From words of the applicant, the employer supposed delays of wages, did not make deductions in the Pension fund, at the enterprise were absent elementary household a condition. By results of the check which have been carried out by the state inspection of work at the request of the Ombudsman, director of Open Company " Эсмиральд " Starodub instructions about elimination of the revealed infringements of the working legislation are given, it is involved in the administrative responsibility as the penalty.

As a whole it is possible to note, that infringements of the working rights, including illegal dismissals, are more distributed in the small private organizations where employers try to not make out at all working contracts or do it formally. In these cases workers, even being confident illegality of the dismissal, do not address for protection of the rights.

Nevertheless, similar examples meet even in bodies of public service.

In conditions of constant perfection of bodies of the government - creation, reorganization, reduction etc., it is important, that all process occurred within the framework of the current legislation, observance of rights of citizens.

To the Ombudsman of steel the facts of infringements of the current legislation of the Russian Federation for a management of the State committee of the Russian Federation under the control of a revolution of narcotics and psychotropic substances on Sverdlovsk area in relation to a number of employees of Management of Federal Service of Tax Policy the Russian Federation on Sverdlovsk region are known in connection with its abolition. It first of all the women who are taking place in holidays on pregnancy and sorts and in holidays on a care of the child.

Abolishing Federal service of tax police of the Russian Federation and creating the State committee of the Russian Federation on the control of a revolution of narcotics and psychotropic substances, the President of the Russian Federation the Decree from 11, March 2003 guaranteed protection of constitutional laws of employees of reorganized services. According to item 5 of the Decree it was offered to heads of the appropriate federal enforcement authorities to provide transition according to the legislation of the Russian Federation of the persons dismissed from service in bodies of tax police on service in bodies under the control of a revolution of narcotics and psychotropic substances and in law-enforcement bodies of the Russian Federation.

However the Russian Federation on Sverdlovsk region (chief V.M.Dementyev) was broken by actions of a manual of Management of Federal Service of Tax Policy not only the Decree of the President of the Russian Federation. Rough infringements of some articles of Regulations about service in bodies of tax police of the Russian Federation, including 2, 3, 41, by item "f" an item 45, an item 51 are admitted. The item 73, 77, 261 of Labour codes of the Russian Federation are ignored. The accepted decision on dismissal of the women who are taking place in holidays on pregnancy and sorts, on a care of the child before achievement of age of three years of item 2 of an item 11 International Conventions of the United Nations on liquidation of all forms of discrimination by it has roughly broken concerning women owing to marriage and motherhood.

As a whole on Management all of them were in a similar way dismissed about ten women, under the available information, professionally prepared, highly skilled, crucial employees who are not having collecting and remarks during service. However anybody from them according to an item 54 Federal laws from June, 30, 2003 not only have not asked about desire to continue service in Committee, officials of Management at all have not found an opportunity with them to meet.

Some other gross violations of human rights and dignity were made during the dismissal: deliberate distortion of information about reasons of dismissal in the work records, this work records were given out untimely, employees didn't get their wages in three months after they had been dismissed.

Managers of State Drugs Control and Ural federal okrug took into consideration the recommendations of the Ombudsman. Women who had took maternity leaves and wanted to work in the organs of State Drugs Control were taken on the staff.

Since 1 January 2002 new program of pension insurance has been started to realize by Russian government. This program in contradistinction to previous system includes insurance and accumulation parts of labour and professional pension.

New pension system is based on individual registration. It draws the whole adult population, directs mechanism of forming funds for pension insurance and rules of accumulation pensions for different age groups. Federal laws which were adopted in 2001-2003 establish the main conditions for awarding and payment of pension. These laws are: «On mandatory pension insurance in the Russian Federation», «On work pension in the Russian Federation», «On Investment for financing of the funded part of labour pensions in the Russian Federation», «On Amendments to the Federal Law «On Non-state Pension fund».

The analysis of many citizen's complains on realization of pension reform shows important lacks in organizational and legal aspects of reform. Among the most typical and sharpest problems for our citizens we can pick out some questions connected with the main chronic lack of the pension reform: low level of pension ensuring, non - payment of insurance dues on mandatory pension insurance by the insurers.

The problem of non - payment of insurance dues to State Pension Fund by the employer touches not only workers of Small and Average Business but also labourers of Big Companies in different branches of industry. This problem is caused by lacks of new Pension laws and non-fulfilment of the duties by the insurers and tax services.

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«On veterans)) (concerning the rights of veterans for single getting the privilege loans for the acquisition (building) apartments, flats, houses, houses in a village moderation houses in a village from credit organizations),

September 10, 2003 court of Leninski district bore the solution, according to which the duty to yield of deduction of obligatory insurance payments for Mrs. G. to Pension Fund of Russian Federation was assigned to an Organization with the Restricted Responsibility PKF "DOCK" . The executive list was guided for execution to section of judicial service of Leninski district.

The responsibility for non-payment of insurance payments is assigned to the employer, but the worker becomes a victim. To learn, whether the employer submits the information about workers or not, is possible by addressing to Pension fund. This rule is anchored with 14 clause of Federal law "About individual account in a system of obligatory pension insurance" from 1.04.1996 - "... each insured person has the right to receive the information about content of his individual facial bill, free-of-charge once a year in bodies of Pension fund of Russian Federation on a residence or job (to address in Pension fund for reception of the information on the content of his facial bill)... ". The tendency of transformation of this right into a duty, however, is disturbing. The references to the citizens, radiating from the separate government officials, to carry out the check of transfer of insurance payments in the budget of Pension fund by themselves and to protect the pension rights in judicial order, look at times as mockery. And if it was possible for Mrs. G. with the help of the Ombudsman in this case, as well as in series of similar cases, to defend her rights, this problem will arise again and again to thousands of pensioners, while the state will not set up reliable legal shadows, excluding appearance of similar situations and necessity of the addressing to the court. The right on state pension should be supported by guarantees of the state.

The particular part of pension questions the Ombudsman managed to solve in the operative order in interaction with branch of Pension fund of Russian Federation in Sverdlovsk region. So, the treatment of the city dweller of Verhni Tagil Mr. SH. on the question of appointment of pension on favourable terms was arrived to the address of the Ombudsman (treatment № 06-15/2275).

As it was seen from the treatment and enclosed documents, the treatment was about inserting of a period of job of the applicant since 7.02.1975 till 4.01.1979 on an occupation of benzine-cutter to the special experience. According to the list №2 of productions, occupations, posts and exponents with harmful and serious working conditions, the employment in which gives a right to an old-age pension (on old age) on favourable terms, predicated by the decision of ministerial Council of the USSR from August 22, 1956 № 1173, benzine-cutter, alongside with oxygen-cutter used the right on pension on favourable terms. In the List № 2, predicated by the decision of a Study of the Ministers of the USSR from January 26, 1991 № 10, the occupation of benzine-cutter is missed. At first, Mr. SH. got a refuse in appointment of pension on favourable terms. After the treatment of the Ombudsman to the Manager of branch of pension fund of Russian Federation in Sverdlovsk region the pension matter of Mr. SH. was reconsidered, the prescheduled labour pension was nominated to him.

The question about appointment of prescheduled labour pension to Mrs. G., who at first had got a refuse, was also solved positively after intervention of the Ombudsman (treatment № 06-16/1113).

As a rule, in the urgent order the Ombudsman solved the complaints of the most socially vulnerable groups of the population - invalids, minors, and aged people.

The city dweller of Ekaterinburg, invalid of the 3d group since childhood, Mr. I. addressed to the Ombudsman with the request to assist in the device of life (treatment № 06-15/2018). As it was found out, as a result of difficult relations with mother, the young man as a matter of fact had remained without habitation, without a registration and documents, and in this connection was deprived of the opportunity to pass examination in МСЭК, and also to get a course of treatment. The applicant required complex psychological and social support, including the help on veneering the documents, and legal service. Such help at first was rendered to him by the Commissioner, and then, at the request of the Commissioner, by the committee on social politics of administration of Ordzhonikidzevski district and Ordzhonikidzevski Regional guidance of interior affairs. The experts of the committee in the operative order yielded a survey of requirements of life of the applicant, helped in reception of the passport, put on the account in the municipal establishment " Center of social service to the population of Ordzhonikidzevski district ", where he got the coupons on daily hot feed, clothes and footwear, solved the problem with a time residence up to the resolution of housing problems with the mother.

The treatment of Mrs. S., living in a village Kochnevski of Beloyarsk district with the complaint on infringement of her rights, guaranteed by the Federal law " About padding guarantees on social protection of the children - orphans and children, who have stayed without parents care, " (treatment № 06-15/2550) arrived at the Ombudsman. As it has been found out, Mrs. S. was really the orphan.

During her stay at the social establishment for children M. Sch. was moved into the dwelling-house which legally belonged to her and he was given the warrant for living accommodation. Because of this fact M.Sch. had to live in a hut when she had left the children's home. Owing to the actions of the Ombudsman the rights of M.Sch. were restored. Nowadays she lives in her personal dwelling-house.



A significant number of appeals to address to the Ombudsman are consecrated to the problems of realization of discounts, guaranties and compensations according to the legislation. When they appeal to the Ombudsman, they hope to receive social discounts, which could let them partially compensate material difficulties.

M.M. was refused to give discounts for the cost for public utilities (appeal № 06-16\609). The checking established that the family of M.M living in the house of the Association of proprietors of dwelling-houses «Shvarza street 6, 2» had an invalid child. According to the clause № 17 of the federal law «On social security of invalids in the Russian Federation» the discount of 50 per cent and more of payment for public utilities must be given to the families with invalid children. This discount doesn't depend on the type of the dwelling-house. Taking into consideration the fact that the standards of law acts directly in all the territory of the Russian Federation the effect of this law wasn't completely or partially suspended. They recommended to the president of the Association of proprietors of dwelling-houses to take all due measures to eliminate all the defects of the legislation in force. As a result the rights of M.M. were restored. Nowadays M. M. pays half of the total value of the cost for public utilities.

The housing problem continues to be one of the most important social concern in the region especially for the group of people who has the right to get dwelling-houses out of turn or in the first place such as veterans of the World war II, invalids of Chernobyl, veterans of subunit of special risks, orphan children, children who are out of parent's charge. There are over 10000 representatives of such groups of people just in Ekaterinburg. The most part of these people won't be able to solve the problem without any real support and affective help from the authority.

During the reception in Tavda, the Ombudsman had received an application from M.G. an invalid of the World war II of the first grade. M.G. and his wife an invalid of the second grade live in a house with bad house amenities built in 1932. According to the checking this house is a hut. The building is damp with water in the cellar where it smells rot. After the conversation with the married couple G. it was found out that after war they worked all the life at an approved school №-299 where they were registered to get a dwelling-house with all proper amenities. According to the married couple G. they didn't appeal to the administration of the district because they hoped to receive a flat with help of their employers. After the appeals of the Ombudsman to the head of the municipal association «Tavda's district» M.G. was registered for improving of living condition out of turn as he was an invalid of the Second World war of the first grade.

Speaking about the married couple G. there is a real hope that their problem will be solved soon but as for the people damaged by radiation their perspectives to get any living-space are not so optimistic.

After checking of the application of M. K. (appeal № 06-15/1238) it is established that the M.K. belongs to the category of people damaged by the disaster at «Mayak» and she has the right to have discounts and compensations for this category of people indicated in the cause 13 of the law of the Russian Federation «About the social security of people damaged by the radiation after the catastrophe at the nuclear power station in Chernobyl». This group of people also has the right to be provided out of turn with a comfortable living-space of state and municipal available housing. In spite of this fact from 1986 M.K. lives in a hostel with three children, one child is an invalid of the second grade, and with two grandchildren.

According to the statistic to the beginning of 2003 1237 people damaged by radiation including 295 families having the right to be provided with living conditions during three months (invalid of Chernobyl, veterans of subunit of special risks) and 36 families have the right to be provided with living conditions out of turn (people moved from the zone of radioactive contamination as a result of the catastrophe at the nuclear power station in Chernobyl) are registered in the list of candidates for improving their living conditions at the administration of cities. Those who are registered at the beginning have been waiting the realization of their rights for more than 10 years.

The Federal Government according to the program of «The security of living conditions of the participants of the liquidation of the consequences of radiation crashes and catastrophe» included in the federal special-purposed program «Dwelling-house» plans to apply centralized methods to provide the people damaged by the radiation of the catastrophe at the nuclear power station in Chernobyl and veterans of subunit of special risks with living conditions.

The current approach to the distribution of the means of the federal budget of Russia's Disasters Ministry program by state's customer is proportional to general quantity of the customers of the subjects of Russian Federation and lets to improve living conditions no more than 3 % of people out queue.

The Government of the Region repeatedly appealed to the Disasters Ministry with the request to take a decision about proportionally distribution of means to the quantity of customers who have a right to

receive housing without any queue in order to realize federal law, but the request was left without an answer.

At the expense of the federal budget, which were received by the region in 2000-2002 were built 41 flats for these categories of citizens.

Housing provision of citizens which were exposed with radiation in 1957 after the accident on the submarine "Mayak" is carrying out with the program "Getting over the consequences of submarine's "Mayak" accident of the federal program "Getting over the consequences of radiation accidents for the period up to 2010". It's foreseen to provide all the people in the queue with housing by 2010.

People who have an experience of formal treatment apply to the Ombudsman. Sometimes such an apply can be dramatically to solve their problems. The evidence of it is a story which happened with Mrs.N who applied to Representative with a request to suspend sentence of installation in the flat her ex-husband Mr.G. ( the apply № 06-16/1755).

In a course of checking the application of Mrs.N it was established that her ex-husband Mr.G is alcohol abused and for 4 times had been curing in the hospital with diagnosis "chronic alcoholism", he was repeatedly applied with official penalty because of hooliganism. Besides it a verdict of the world judge of the judicial site № 1 October's district of Yekaterinburg from May 29, 2002 that Mr.G was pleaded guilty in committing the crime stipulated by clause 166 CC of RF (drawing beats to ex-wife Mrs.N ) the punishment as detentive works had been appointed. Verdict of the same court from May, 20, 2002 condemned Mr.G an 1 year's detentive works stipulated by clause 157 part 1 CC RF ( malicious evasion from payment of means for keeping of children . That year, 8 July criminal case on a charge of the clause 116 CC RF ( drawing beats to daughter) has been brought in action in concern with Mr.G.

All these scandalous facts were known at the moment of examination the case of action by Mr.G in the October's District Court, but the facts weren't taken into account by the court, because of counter claim of Mrs.N on the basis of clause 98 HC (Housing Code ) RUFSR (eviction without granting other premises ) wasn't accepted by court because of trial order.

Obviously, that under similar circumstances real installation of Mr.G in the flat of ex-wife who was taken place in investigation has caused the proved alarm first of all for destiny of her minor children. By the moment of the apply of Mrs.N to the Ombudsman there was an abnormal situation contradicting to common sense when executive trial concerning collecting from Mr.G debts under the alimony service of bailiff police officers of Pervouralsk has been ended in view of unknowing places of residing of Mr.G and at the same time the October division of bailiff undertook active actions on installation of Mr.G in the flat of Mrs.N.

Research of circumstances of the case has allowed to come to the conclusion , that Mrs.N has all basis for taking the matter to court with the claim for eviction of Mrs.G without granting other premises by way of clause 98 HC RUFSR. Necessary explanations have been given to Mrs.N and the measures necessary for protection of her rights and interests protected by the law are specified, including assistance in preparation and a direction of the statement of claim in court is in an extra hurry rendered.

Unfortunately, on July, 11, 2003 the bailiff- executor in absence of Mrs. N under compulsion makes installation of Mr.G by opening the flat, and itself Mrs.N involved in the administrative responsibility for counteraction to actions of bailiff's executor.

The further development of events has confirmed that installation of Mr.G, though it was caused by circumstances of formal character, however to an essence roughly broke rights of Mrs.N and minor children living with her. Common sense and validity triumphed, eventually, in August, 2003 the Kirov federal regional court of Ekaterinburg had been bore the decision on eviction of Mr.G without granting premises.

The problem of inviolability of private life and, in particular, personal data is met seldom in the practice of the Ombudsman. That's why much attention is devoted to the appeals of citizens on the question.

The Ombudsman received a number of verbal appeals on the question of so called "land certificates", that were spread by Russian party of pensioners among residents of the region. Some legal aspects of the action lead to doubts about its correspondence to the legislation that is currently in force, that regulates rights and freedoms of citizens.

The 23 article of the Constitution of the Russian Federation proclaims the right of every person for inviolability of private life, personal and family secrecy. Collection, keeping, usage and spreading of information about private life of a person without his consent aren't allowed in accordance with the 1<sup>st</sup> part of 24 article of the Constitution of the Russian Federation. The information about citizens (personal



data), i. e. about facts, events and circumstances a citizen's life is confidential in accordance with the federal law "About information, informatization and protection of information".

The information that had been typed in the forms of the "land certificates" pertains to personal data: surname, name, patronymic, date of birth and place of residence of those people who got the certificates. In accordance with the evidences of eye-witnesses thousands of the forms of such nominal documents were kept at the official premises of the organization. Unlimited circle of people had access to the documents. The presence at the organization's disposal of personal data concerning a huge number of citizens was a basis for assumption about illegal access to the confidential computer information and its copying, that is also prohibited by law.

In view of this fact the Ombudsman appealed to public prosecutor of Sverdlovskaya oblast with request to make a verification of the circumstances to supervise the observance of rights and freedoms of man and citizen. In accordance with the results of the verification the regional department manager of the organization was given a warning that the violation of the demands of the Constitution of the Russian Federation and the federal law "On information, informatization and protection of information" is inadmissible.

The number of examples of effective cooperation of the Ombudsman with his colleagues from other countries is increasing every year. The cooperation makes possible to avoid the official-bureaucratic obstacles and indifference of officials during solving the vital problems of citizens. Many examples can be given.

Mrs. N., former physician, dweller of Krastoturynsk appealed to the Ombudsman with a request to help her to get a certificate about wage from the Republic of Kazakhstan, where she had worked at a regional hospital (request # 05-15/2435). The certificate was necessary to recount pension. All efforts of Mrs. N to get the required certificate on her own had no results.

The so required certificate was sent after an appeal to the Ombudsman of the Republic of Kazakhstan and the regional department of Pension fond recounted the pension of Mrs. N in favor of increasing.

Mrs. G and her under age daughter, who came from Ukraine for permanent residence found themselves in even more complex situation. Mrs. G. changed her surname after she had got married in Ekaterinburg. In accordance with the joint request of Mr. and Mrs. G the Body of Trusteeship and Guardianship gave its consent for the change of the child's surname. After that the documents, including the original of the birth certificate, were sent to the place of the birth registration of the child in Samborskiy region, Lvovskaya oblast of Ukraine to make changes in the writing about the birth and official registration of a new certificate.

The answer from Ukraine didn't come in spite of repeated requests of Mr. and Mrs. G up to the request to the Ombudsman in January, 2003 (request #06-15/197). The child didn't have the main document to prove his identity, which was negative for the state of the family. It was difficult to get child allowance, medical assistance and so on.

With a view to render family G. Ombudsman's assistance of Sverdlovskaya oblast sent to his Ukrainian colleague, the Ombudsman of the Supreme Rada of Ukraine N. I. Karpacheva, an appeal with request to investigate the causes of the long non-execution of the G.'s request and to take measures to solve the situation.

In the report we cannot but thank Mr. Roman Valentuyakevichus, the Head of SEIM's organization of Lithuanian Republic. Almost 10 years after his return from the Baltic states to Sverdlovsk region, Mr. M. appealed to different Russian and Lithuanian state institutions. He asked for help in getting back his investment from one of the Vilnius banks. As the last resort he appealed to the Ombudsman of Sverdlovsk region to get some cooperation. And only after the Ombudsman's appeal to the Lithuanian colleague, Mr. M. received all the necessary explanations from Lithuania together with the opportunity to get his money back.

In 2003 the Ombudsman received many appeals from citizens. This was caused by mass violation of the right on property, after entering in power 3d part of Civic code and some ununique interpretation and application of 1128 article of GK RF. People who have just suffered a life tragedy had to face additional moral sufferings.

The bank's position was the following: in case of death of a citizen-investor after the 01.03.2002, the investment should be included in heredity stuff and a special license should be given out, for the heredity to be legitimate. The Notary had a different view: in case a heredity will was issued before the

above mentioned date, then the rules of GK RF, 1964 should come into force, irrespectively the date of death of a citizen-investor.

In this connection in the oblast all the notary actions concerning investments left in one's will in case of death before 01.03.2002, and registration of claims for legacy were suspended. In its turn the RF Central Savings bank (president, chairman of the board A.I.Kazmin) objected to paying off the money left to the citizens in case of their relatives' death, without notary's registration. These contradictions between notary and the RF bank lasted more than 1 year. Initiated by the parties the legal prosecutions made the courts loaded down with work.

The Ombudsman who supported the position of the Notary Oblast Chamber had to apply twice to the Chairman of the government of Russian Federation Kasyanov and to the chairman of the Legislation Committee of the State Duma of the Federal Assembly of Russian Federation Krashenninnikov with some concrete proposals for settling the problem. A number of meetings with the direction of the Notary Chamber of Sverdlovskaya oblast and the Ural's branch of the Savings Bank of the Russian Federation (chairman of the board Cherkashin V.A.) was arranged.

Frankly speaking, neither the Ministry of Jurisdiction (M.K.Kislitsin), nor the Highest Court of the Russian Federation (V.M. Zhuikov) clarified the variant reading of the article 1128 of the GK of the Russian Federation or spoke in support of the left wills of the Savings bank of the Russian Federation in their reply to the application of the Ombudsman, concerning the question of getting the bequeathed deposits. In contrast to the Notary and some judges the Savings bank kept apart from its depositors and on 01.03.2003 used deliberately the capital of the dead depositors with its own purposes, breaking their last will.

After the signment of the federal law on inserting the addition to the Federal Law on running the 3d part of the Civil code of the Russian Federation on the 11.11.2003 and its publishment on the 18.11.2003 in "Rossiyskaya Gazeta", for thousands of citizens the problem of badly-thought-out legislative decision has been solved.

We consider it to be the result of a serious approach of P.V. Krashenninnikov who had graduated from the Urals Academy of Law, to the apply of the Ombudsman of Sverdlovsk Oblast.

The Ombudsman put under constant control the situation with liabilities settlement of insurance policies, signed by CAO "Rosgosstrakh-Sverdlovsk". With joint efforts of Rosgosstrakh, Sverdlovsk oblast government, external manager of CAO "Rosgosstrakh-Sverdlovsk", and with participation of the Ombudsman the mechanism of step by step settling indebtedness before the insurers was carried out.

During the procedure of settling indebtedness an agreement on concession of the right to claim, in accordance with which creditor CAO "Rosgosstrakh-Sverdlovsk" cedes, and Rosgosstrakh department of Sverdlovsk oblast accepts the right to claim CAO "Rosgosstrakh-Sverdlovsk" by insurance policy. As an exception Rosgosstrakh Department of Sverdlovsk oblast liquidates indebtedness with financial instruments. In this way liquidation of indebtedness of approximately 1/3 of creditors is guaranteed. In 5 municipal establishments: Artinsky, Achitsky, Slobodo-Turinsky, Tugulymsky and Krasnoufimsky regions indebtedness to the creditors is amortized as well. And the goal is set to pay off all the debts in every single rural area.

However, by the end of 2003 the indebtedness before 50,000 people with the total amount of only insurance installments of 126 ml. rubles has not been paid off. There were 14,000 financial recovery executive documents for the Limited company "Rosgosstrakh-Sverdlovsk" delivered to the Bailif Service. Non-payment influenced directly the level of social tension in the region, trust in authority and insurance company "Rosgosstrakh". It is a systematic violation of constitutional human rights to private property.

The Ombudsman deems that nowadays it is a time for the Limited company "Rosgosstrakh" to commence a new dialogue with the local government and coordinate a new investment program for the development of the insurance. The regional insurance area being in a drastically new socioeconomic conditions, as an advanced investment program, would enable the insurance company "Rosgosstrakh" to provide an initial credit for 40-50 ml. rubles in order to pay off the indebtedness to those clients who are extremely in need. They will be paid not more than 3-4 thousand rubles. These people will be, first of all, soldiers, disabled, aged people. A special attention should be paid to such clients of the company as victims of a fire, death of relatives, etc ...

## THE RIGHT TO HOME

The right of every man to have a home is natural and non-estrangible. People are attached to this right under the Constitution of the Russian Federation which reads that this right is recognized as an international standard of human rights.

It is a home that lets people afford a family, bring up children, cherish family traditions and just leave a normal human life. In a developed democratic society the right to have a home is secured by the state.

During 2003, as well as the previous one, we were undergoing a pulling down of houses in the central part of Ekaterinbourg. In any democratic state in the similar situation another housing is provided. As well as all these details are to be agreed directly with the people living in these residential buildings and other corresponding circumstances are to be discussed.

Uncontrolled moving out of the residential buildings in the centre of Ekaterinbourg has become something usual and systematic, organized by the Ekaterinbourg Municipal Administration with Mr. A.M. Chernezkij in chief.

The evidence of constitutional rights and freedoms violation can be the appeal (appeal № 06-15/2900) of Ms. P to the Ombudsman.

According to the words of Ms. P., she lived with two minor children in the residential building on the following address - 31, Tretij Internacional St. "DDT - Samara" Ltd. pulled down this residential building on the basis of the Yekaterinbourg Municipal Administration enactment of August, 21 of the year 2003 named "About the approval recieved by "DDT - Samara" to preliminary placement of automobile company on the address of Bebelya St. - Halturina St. - Finskih Kommunarov St. - Tretij Internacional St."

The document obliged "DDT - Samara" Ltd (R.M.Hakimov, I.I.Subangulov) to move out the residents and pull down the residential buildings during three months from the enactment issue date. On the basis of the Dwelling Code, article № 137 property-owners of pulled down buildings are to be provided with a new housing. However, "DDT - Samara" Ltd. did not assume it to be necessary. Moreover, the Ekaterinbourg Municipal Administration acted absolutely indifferently in this situation.

According to the words of Ms.P., after the residential building pulled down she addressed to the Municipal Chief first deputy V.N. Smirnov and had to experience his improper treatment.

Presently Ms.P brought an action to the district Leninskij federal court against the Ekaterinbourg administration and "DDT - Samara" Ltd. with the claims to provide her with housing instead of the one being pulled down. 12 December, 2003 there was held a hearing of the case. The Ekaterinbourg administration was notified properly about this - the summons was delivered and handled, getting the signature on. Nevertheless, an Administration representative did not appear before the court.

To get her claims carried out and to defend her own rights and the ones of her minor children, Ms. P appealed to the district Leninskij federal court with request to seizure the "DDT - Samara" Ltd assets.

1 December, 2003 the court decided to seizure the cars of "DDT - Samara" Ltd., cost 2 155 590 rubles.

Taking into consideration complication of the situation, acting in widow favour, who is bringing up two minor children, the human rights authority addressed a letter to the Yekaterinbourg senior bailiff V.V.Pershin. The letter contains the request to take necessary measures immediately for seizing the cars, which are the "DDT - Samara" Ltd property. V.V.Pershin performed his duties properly, the property seizure was carried out.

18 December the human rights authority recieved another appeal from Ms. P. (appeal № 06-15/3450). In this appeal Ms.P. informed the authority of the Ekaterinbourg district Leninskij public prosecution administration pressure on the executing bailiff M.M. Yusopov. The public prosecution administration

officers did not investigate the case of Ms.P constitutional rights tough violation. 16 December, 2003 at the preliminary hearing of the case in the district Leninskij federal court the "DDT - Samara" Ltd. legal expert agreed that the residential building was a private property and was pulled down by "DDT - Samara" Ltd. It seemed to necessitate no more evidence to prove the right to housing.

After the scandalous case of the Krylov family house being pulled down in 2002 nobody believed that it would repeat in Ekaterinbourg. Unfortunately, this year in the same situation the K. family found themselves (appeals № 06-15/1597, 06-16/859). The Republic Tatarstan permanent representative R.Z. Bikbov addressed to the human rights authority with request to defend their right to housing.

However, the case went on as it usually does: municipal chief enactment, house being pulled down by the construction corporation "Mayak", offer of housing in the settlements Kolzovo, Gornij Tshit, Shabrovskij, Shuvakish, residents legal disagreement, compelled appeal to the court.

The family K. lived in the apartment that was situated at the Sheikmana St. in the centre of Ekaterinbourg. There was a warrant to their right to live in there and this warrant was not recognized invalid during a legal procedure.

7 July, 2003 the human rights authority addressed to the Ekaterinburg municipal chief with the request to provide with control execution of his enactments, interfere in the situation and take necessary measures to provide the family K. with housing on the basis of the legislation.

The K. family lived in the apartment situated in Sheikman St. in the centre of Ekaterinburg. There was a warrant to their right to live in there and this warrant was not recognized invalid during a legal procedure.

7 July, 2003 the Ombudsman addressed to the Ekaterinburg municipal chief with the request to provide with control execution of his enactments, interfere in the situation and take necessary measures to provide the K. Family with housing on the basis of the legislation.

However, there was no reaction from the side of Ekaterinburg Administration.

For the next time man had to deal with a private commercial structure in the absence of control for the enactment fulfillment by Ekaterinburg Administration.

Family B., which also occupied a flat in the center of Ekaterinburg, but on the Raditscheva Street, found itself in a difficult situation (Appeal № 06-15/2617).

The family turned for the help to the Ombudsman having already Federal Court's of Oktyabrsk region of Ekaterinburg resolution from 16.07.2003. It was written there: "....At the court sitting the "Corporation TMO Mayak" Ltd representative (president V.A. Konkov) acknowledged "Corporation TMO Mayak" Ltd', Ekaterinburg Administration's responsibility.... to put at family's B. disposal a separate accommodation with the total space of not less than 45 sq. m. and living space of 24 sq. m. with all modern conveniences within the bounds of the city of Ekaterinburg. A defendant is to put living spaces at disposal by handing over them from "Corporation TMO Mayak" Ltd' to Ekaterinburg Administration, which will than hand them over to plaintiff under the conditions of social rent agreement".

However, the practice showed that the presence of court's resolution didn't mean that it would be accomplished in a right way. In particular, in the case of putting at the family' B. disposal a separate accommodation with all modern conveniences within the bounds of the city of Ekaterinburg the question was risen about right understanding and interpretation of two different things: "within the bounds of the city (locality)" and "municipal formation".

S.V. Kuleshov, a bailiff-officer from the Oktyabrsk region bailiff's department, referring to the letter from the "Center of preperation of permission documentation for building" № 21.1-07/2182 from 5.11.2003 considers, that Kolzovo settlement lies within the bounds of the city of Jekaterinburg.

The Ombudsman directed a letter to the senior bailiff of the Oktyabrsk region department – R.V. German. It was stated there, that in accordance with the Regulations of municipal formation "the City of Ekaterinburg", taking into account last alterations of 8.04.2003, a municipal formation consists of a rather big amount of localities, a list of which is consolidated in Paragraph 3 Article 2 of the Regulations. Kolzovo, for example, is considered to be a separate locality within the municipal formation "the City of Ekaterinburg".

Besides, Municipal Organisation Register, asserted by the Edict of the Governor of Sverdlovsk region on 10.11.1996 fully justify the insolvent position of the lawman. Thus, Kolcovo is a part of the Municipal Education "Yekaterinburg city", but Yekaterinburg and Kolcovo present two different localities.

In order to avoid the uncertainty in understanding of these two definitions, Human Rights Authority, having consulted with the La Court of Sverdlovsk region, is preparing now a request to get an official interpretation of the article 15 in the Charter of Sverdlovsk region concerning the borders of Yekaterinburg as a locality and municipal organization.

Yekaterinburg is not the only city which faces problems with the Constitutional housing Right, but, as an example, in municipal organization "Berezhovskii city" (head V.I. Perepelkin) such problems are easily being solved. In accordance with the Authority manipulation, full and objective control is constantly being done, due to which citizens are efficiently restituted.

So, Ms.S. a single mother with two small children applied to the Authority. Her mother died more than 10 years ago. Ms.S. came into grandmother's house in Berezhovskii, but it is ruinous and untenable (81 deterioration). Being in a difficult situation, Ms.S moved the apartment that had been uninhabitable last 5 years, without any permission. But under the judgment of the Federal Court of Berezhovskii, taken on 28 October 2002 Ms. S. and her young children were moved out.

In response to Authority apply, the Head of Berezhovskii Administration in his report of 15.09.2003 informed, that Ms.S. was offered two rooms (19,8 sq.) in the hostel and she agreed to move there.

At the moment Ms.S. is waiting for her turn for housing improvement at the city Administration.

The head of the municipal organization "Karpinsk city" V.M. Shan'gin is taking principal position on the issue of defense of citizens' housing rights.

Ms. S. appealed to the Ombudsman (appeal № 06-15/887). She had been waiting for improvement of living conditions since 1982. While moving into the vacated apartment after the death of the tenant on the strength of warrant of 15. 10 2002, it was appeared that this apartment was occupied by Mr. U. – co-dweller of the dead tenant. It was established that Mr. U. had an apartment of his own in Karpinsk, which was leased and he had debts of payment of public utilities. Municipal institution "The Direction of united customers" sent a claim into Federal Karpinsk Court with the demand of eviction Mr. U. without rights for the dwelling house. In the letter to the Ombudsman the administration of municipal organization "Karpinsk-city" informed that in accordance with the Federal Karpinsk Court verdict of 06. 06. 2003, Mr. U. was deprived the rights for the dwelling house and Ms. S. was given an apartment.

The head of municipal organization "Kamensk-Uralsky city" V. Yakimov responded to the appeal of the Ombudsman and took measures for protection the children's rights for dwelling house (appeal № 06-15/1121).

The head of municipal organization "Nizhny Sergy" A. Yazkov personally worked on the problem of pregnant Mrs. K (appeal № 06-15/432). I. Abramov, the public prosecutor of Nizhny Sergy, instituted criminal proceedings, indicated by the facts of the crime (article 330 part 1 of Criminal Code of Russia).

Mrs. K. appealed to the Ombudsman (appeal № 06-15/2840) with the complaint on actions of the Ekaterinburg Administration of Oktyabrsky district. This appeal is accompanied by a copy of the decision of Federal Court of 25 February 2000, which is responsible for eviction family K. without giving the other dwelling house. Having analyzed these documents the Authority had doubts about the legitimacy of eviction even with the decision of the body of justice. The family K. got the warrant for living accommodation in order, established by law. But the Administration of Oktyabrsky district informed family K. by letter that the warrant "... became invalid in connection with the Court decision and there are no grounds for eviction". The Housing Code of Russia established in article 48, that the warrant for living accommodation could be declared as invalid only by order of the court, but the warrant of family K. wasn't appealed by order of the court. It was a contradictory situation: on one hand – there is a verdict for eviction family K., but on the other hand the family has the legal warrant for living accommodation. It was indicated in the verdict that the Municipal Organization of Ekaterinburg "Vostochnoe" was an independent organization. The Ombudsman made an inquiry at the administration of municipal property of Ekaterinburg in order to check this fact.

Unfortunately the family Z. can't obtain a dwelling house with all proper amenities, even appealed to the Ombudsman in May 2002 (appeal № 05-15/1048). The family Z. got the warrant for living

accommodation by the Administration of Chkalovsky district of Ekaterinburg on the strength of the Council decision of Municipal Organization "Vityaz". It is a 3-room apartment with the space in common 74,20 m<sup>2</sup> (living space 31,10). But these premises aren't adapted for human living. In the letter № 66 of the Administration of Chkalovsky district of Ekaterinburg of 12.02.2002 was indicated that the conversion into the dwelling house was made by the decision of the Head of Ekaterinburg № 536 of 14.07.98. But the agreement of the conversion was incomplete: the main problem, concerning expenditures hasn't been resolved. The Ombudsman appealed to V. Leokumovich, the head of administration of Chkalovsky district, for ensuring the family Z. the right for dwelling house, but without result. The Ombudsman appealed again to the new head of administration E. Shirina. The answer was received but it was just a formal reply – government officials aren't interested in problems of families with under-age children.

The Ombudsman's address to the head of Ekaterinburg with request to take action in order to provide the family Z. with well-appointed accommodation was ignored.

The Ombudsman together with the chief State Sanitary Doctor of Central State Sanitary Inspection (CGSEN) of Chkalovsky region D.A. Bolshakov carried out the inspection on correspondence of accommodation placed at the family Z. disposal to sanitary standards. According to the official conclusion, this accommodation hasn't met any sanitary-epidemic norms referred to dwelling house.

In this situation the Ombudsman would assist family Z. to prepare a statement of claim to the administration of Chkalovsky region and Ekaterinburg concerning provision of a dwelling house meeting sanitary and technical demands for dwelling accommodation.

Unfortunately, there has remained unsolved situation with a residence on Bolshakova St., 97A in Ekaterinburg (Appeal № 05-15/217 and № 05-15/351). The issue on moving out of dwellers is under personal control of the Ombudsman since February, 2002.

During 2003 the organization FGUP "NII Energotsvetmet" (director A.V. Muravyev) intended to force the dwellers to leave the residence. Afterwards, with the Ombudsman's support appeals were sent to the Prosecutor of Sverdlovsk oblast with request to call the representatives of FGUP "NII Energotsvetmet" to the account for illegal use of physical force.

Under the Ombudsman's request the deputy minister of state property management V.V. Maslakov interfered in the situation. According to the summary of the meeting held on September 29, at the Ministry of state property management, FGUP "NII Energotsvetmet" was offered to urgently prepare documents on transfer of the dwelling fund on Bolshakova St., 97A to municipal property, and refusal to move the dwellers out of this residence. Agreement on transfer the object to municipal property from Ministry of industry, science and technologies of the Russian Federation was given.

Mrs. S., who lives with the family including a 6-month child in the hostel on Frezerovschikov St., has referred to the Ombudsman on private consultation (Appeal № 06-15/2184).

Their apartment has been isolated yet half of a year from all communal facilities, because Mrs. S. didn't pay off the debt of Mrs. Ch. for the communal facilities as was conditioned for the widening of the flat. As the executive director of the hostel "Uralelectrotyazhmash" M.V. Kozina, and not the judge has ordered the water delivery, power supply and the sewerage were turned off. They also threaten that the heating will be cut off, too. Mrs. S. explained that she tried twice to pay off the debt, but it was not accepted. Ombudsman's representative with Mrs. S. addressed the director of "Stroytekhexploatatsiya" M.A. Galaganov with the request to accept the debt of Mrs. S. but got refused and, moreover, with rudeness.

As common sense and the working legislation show Kozina administers justice and dispenses aggressive punishment with the people whom she didn't like by some reason. The "Uralelectrotyazhmash" director in charge of general problems (P.P. Tugolukov) trying to provide accommodation for the workers was doing his best, but the fact is that Mrs. S. husband occupied a room before the staff's shortening discharge, and Mrs. S. occupied another room. Mrs. S. also experienced problems with getting a certificate about location of residence, needed for a compensation for child's birth and to be delivered to social insurance organization. Kozina refuses to give a certificate, although Mrs. S. and Mr. S. are registered and legally occupy the dwelling.

On the Ombudsman's request to the prosecutor of Ordzhonikidzevsky region to take measures the answer was given that a criminal case on the arbitrary actions on Mrs. L. eviction without court decision was open, and Mrs. S. is recognized as suffered injury. But on December 16 inspector of the prosecutor's office of Ordzhonikidzevsky region closed the case and informed Mrs. S. that she was not recognized as suffered.

Such actions of the organization observing legality and maintenance of human rights evokes some doubts that are rather argumented because there is evident contradiction between the official statements and real actions. In the case of Mrs. S. the Ombudsman has been the only representative of the state organization who considers the hostel manager actions the worst violation of human rights.

In his work the Ombudsman uses the facts when people are given help often because of the careful official attitude to the problems of their fellow countrymen.

Mrs. B. addressed the Ombudsman at the personal meeting with an appeal for assistance to get habitation for her son. Her son, a soldier in the reserve, took part in the Afghan war, was not given a flat in a house built by Aramil administration for the participants of military actions because he was registered in his mother's flat, and his wife with his daughter were registered at the wife's parents (Appeal № 05-15/3199).

After the Ombudsman's appeal the deputy minister in charge of the department of investment policy in capital construction of Ministry of economy and labor of Sverdlovsk oblast V.F. Nosov informed that Mrs. B. son was given a one-room flat built with the help of the regional budget.

Mrs. K. renting a room as well as Mrs. B. addressed the Ombudsman with the appeal to help to get a flat at the personal meeting (Appeal № 06-15/205). She is an invalid from childhood, a single mother bringing up an underage child who is also an invalid from childhood.

Formerly, Mrs. K. Lived in Kazakhstan. Now she works as a turner at the Uralmash plant by the invitation of the plant administration from 15 June, 2000. She was temporary registered in the hostel without a permanent habitation and given 500 rubles a month for lease. But renting habitation is very difficult for the single deaf and mute woman.

After the Ombudsman's request the habitation to Mrs. K. was given by the personnel and social problems director of OAO "Ural plant of tyazhyolovo mashinostroeniya" S.P. Lanski.

During the Ombudsman's activity assessment (basically from the reports) we have to hear from foreign, especially European organizations, recognition of this activity as close to optimum. What prevents from making activities optimum? According to the experts too much attention is paid to communal service problems, and they are not of human rights, but services.

Perhaps in Europe they are services. As for our country they are rights: is it possible to live without heating during Russian winters, without hot water in summers, to pay to no one knows who and why so much, that not only pensioners but also working people lack this sum of money. Certainly, westerner ombudsman doesn't accept a complaint on lift break, but in this country we have to accept this because whenever a person applies no one helps him. There was a case: Ekaterinburg resident (from Belinski St.) complained to the regional governor on the noise in the lift. Is it governor's problem?

We need to increase demand to municipal communal service managers on technical work, but, first of all, on the work with people. I often hear rush advice that if services are under control of a private owner everything might be all right. Unfortunately, I have to admit that complaints on inattention and even aggressive behaviour are part and parcel of servicemen in the private units also.

The Ombudsman intends in the nearest future to prepare a special report in which he will enumerate all the representatives of communal services who violate human rights, show not only laziness but also elementary inattention to people. Unfortunately, these examples are too many for them to be used in the report.

## **PROTECTION OF PATIENTS AND MEDICAL PROFESSIONALS' RIGHTS**

The Constitution of the Russian Federation, part 1 of article 41 acknowledges the right of every man to health protection and medical aid in accordance with the article 25 of the Universal declaration on human rights and article 12 of International pact on economic, social and cultural rights, as well as article 2 of Protocol № 1 of March 20, 1952 by European convention on human rights and basic freedoms protection.

The woman, who had appealed to the Ombudsman, announced that her son (of 1996 birth) had injured his spine & he had been rendered assistance in full volume. However the child was not registered in any hospital & a doctor was not keeping him under observation (Appeal № 06-15/3323).

At the request of the Ombudsman & as an exception the regional Ministry of Health decided to hospitalize the child into the traumatology DGCB (city clinic for children) for the course of health-improvement therapy.

It is important to observe, when the Ombudsman asked the Ministry of Health to help any child, they always found solution of every difficulty. But today this problem has acquired great significance &



solution of such problems as an exception is unacceptable. It is necessary to change this situation completely.

If the parents don't have permanent address, regular work & are not registered in the employment bodies, their children don't have possibility to receive free ambulatory-clinical & permanent medical service. That is why the mother of the eight-month-old baby, who had appealed to the Ombudsman, stated that neither she nor her son could get appropriate medical help without paying, because on the strength of the law she had been refused to receive a OMS policy (Appeal № 06-15/2996).

The Ombudsman appeals to the legislative & executive bodies to consider possibility of giving free special, urgent & permanent medical aid for all children under age of 16 within the regional territory. And he also offers to register such children in clinical department according to their actual place of residence in order that they may receive permanent medical service.

The state has ensured special protection of donors' rights & health. But the action of the paragraph 7, part 1, article 11 of the Russian Federation Law concerning "Donorship of the blood & its components" was stopped despite the Constitutional Court demand, which enacted to settle the question about the order of the expense compensations from budgets, connected with privileges for the persons, who had been rewarded by the badges "Honored donor of Russia", - by legislative means.

According to World Organization of Health, the number of the donors decreases by 10-15 % annually in the world. In Russia during the period from 1985 to 2001 the number of the donors double decreased. And in Sverdlovsk region during the period from 1987 to 2002 the number reduced to a third, precisely from 187326 to 62829.

The number of the donors in Ekaterinburg reduced double during the last 5 years, & forms more than 15 thousands of the persons. As a result, nowadays it is demanded twice as much of the available volume of the blood. The city lost about 30% of those who wish to give the blood, after a drive fare for the honored donors of Russia had been abolished. In 2002 the number of donors reduced by 12% all over the region.

There is an uncertainty in the question of financial expenses according to the article 11 of the Russian Federation law about "Donorship & its components", which are necessary for people, who were rewarded with a bandage "Honored donor of Russia". This certainty prevents donors' realization of the constitutional rights to protect their own health & social welfare & whereby the Russia standards to create both social and legal state are infringing.

According to the response of the Committee on health protection & sport of the State Duma of the Federal Assembly of the Russian Federation (№ 3-4-28/561), that entered the Human rights Ombudsman, - the means for expense compensation to grant privileges have been taken into account in the federal budget project of 2004 year in amount of 1110.5 million roubles according to the article 11 of the RF Law concerning "Donorship of the blood & its components". The order of financing of these expenses had to be appointed by the Government of the RF. But the changes have not taken place yet.

In order to prevent the transition of the problem of providing the donor blood & its components & preparations from economic to medical sphere, when the heart & other operations will be begun to abolish, the Ombudsman appeals to the Sverdlovsk region's Governor, Government & Assembly to take urgent measures in order to change the attitude to the donors, to adopt the regional special-purpose program of "Development of the donor' blood & its components, production of the blood preparations within the Sverdlovsk region", which will allow to provide social, economic, legal, medical measures in order to organize donorship & protect donor rights within the region.

One more problem which has to be rapidly solved is a creation of the rest homes and home clinics for the tuberculous sick persons in this region, according to the opinion of the ombudsman.

Number of the tuberculous patients is dependent on the social and economic conditions of the citizens of this region. The richer the country and its citizens are the smaller is the number of tuberculous cases, and the other way round. It is well known what social and economic conditions of the Russians are. Social and economic situation in Russia is generally known. There is a huge chasm between the rich and poor. Waifs and strays, flotsam and jetsam, unemployed, refugees and emigrant from still poorer regions of the former USSR are favoured ground for growth and spread of tuberculosis.

S. applied (request № 06-15/2384) to the Ombudsman on the reception in the town Alapaevskij for the aid to fix himself up in the residential care home. S. is an invalid of the second group according to the general disease, but he has a diagnosis of pulmonary tuberculosis, that is the contradiction to his residential care home accommodation. Doctors under whose care he had taken a treatment see no reason for his further retention in the hospital. But at the same time the absence of the relatives (his son was



sentenced to 12 years), the pension and accommodation circumstances in the room in barrack foredoom this men to death.

The Human Rights Ombudsman addressed request to the regional Assembly deputies, Ministry of Health, Ministry of social protection, the Treasury Department to take necessary measures for creating the rest house in the region for the tuberculous sick persons who had lost their social connections including those who don't come of retirement age yet.

Because of the growing number of complaints against social medical expert decision in 2003 detailed explanation of the appeal procedure was given to the citizens. In the cases of medical authorities refusal to send the patient for the examination inquiries were sent into Minister of social protection or directly into the medical social expert office. In some cases for example in the regard of B. (request № 06-15/659) a degree of disability to the patient after the medical social expertise was given.

There were several appeals to the Ombudsman for necessity of pension recalculation in connection with a date changing of the invalid occurrence.

Federal law "Employment pension in Russian Federation", came into force since 1.01.02, doesn't provide for the visually handicapped (first degree of disability) the value of the pension on the strength of duration of employment in 10 years for women and 15 years for man. Occurrence of blindness of S. was fixed on 21.12.01, but according to the certificate of the medical social expert office, the date of blindness occurrence fixed as a date of examination, therefore insurance pension on 1.02.02 wasn't calculated (request № 06-15/1385).

Citizen S. tried to get a certificate, in which occurrence of blindness was changed from 14.01.02 to 21.12.01 after that she addressed a request to PF Oktybrskij Department of RF, Ekaterinburg to recalculate insurance pension, but she didn't receive an answer on her request. Human rights Ombudsman made an inquiry to the Pension fund head office of the RF, which entertained the request of S. for transfer her to an old age pension as a first degree visually handicapped from earlier date of examination.

In the other case because of an undue procedure of disability occurrence document provision for T. (several years after the initial examination commission chairman made an addition to the VTEK certificate according to which factual disability occurred earlier than the date indicated in the certificate – during a year after retiring from military service) the court refused to provide insurance installments for T. The addition was considered unjustified as the regional VTEK № 1 did not have an authority to examine T. for the period without a request from social protection authorities or other institution dealing with social protection (request № 06-15/508)

People must pay for the mistakes of bureaucracy.

Among the complaints addressed to the human rights authority in 2003 there were none about free or discount medicine provision but the number of appeals for assistance in prescription of favourable medicine increased.

In view of the fact that the majority of the citizens, applied to the Ombudsman on this matter, resides in remote from the regional center areas. The Human Rights Ombudsman considers being expedient for the doctors in charge of the case to render assistance more actively for those, who are in need of vitally important medicine, that are not a part of the list of the medicine, which are free of charge. Filling out and sending the applications for the Medicare on the approval to should realize this assistance, as long as the decisions made by the committee are mostly positive. For example, only after the request of the Tugulym region the medical documents of E. (appeal № 06-15/2493) were prepared and send on approval of the committee of and TFOMS, concerning the prescription for him salicylic liniment free of charge, which is not in the approved list, but is needed for the patient in large quantities.

A delay in making a decision by medical men turns tragedy for a patient.

The Human Rights Ombudsman sent inquiries to the Office of Public Prosecutor of the region and to the Ministry of Health of the region with the request to check-up the facts, stated in the letter to the Ombudsman of the Noncommercial Fund for protection of rights named after Russian Hero V.I. Iuriev "Ural's warriors" (appeal № 06-16/1568). They requested to render assistance in take institute proceedings against actions (inaction) of medical men of the hospital for management of serving of a sentence, which led to the death of A., which occurred in the hospital, not at home, as it is indicated in the death-certificate.

As the committee mentioned, which made the examination of the quality of rendering the assistance to A., "during the rendering the assistance to the patient, there were evidence of disadvantages, concerning extremely low level of medical-diagnostic and sources of the hospital in Sosva LMU. These disadvantages had influence on the outcome of the illness, it was more preferable to accommodate the

patient in hospital with a higher level, besides, A. was inspected by the professional doctor but late, which embarrassed making the diagnosis and making a correct tactical resolve”.

It's beyond the question, that the quantity of guaranteed Medical services fully depend on the level of expenses on Medicare and the degree of the security of medical men. By the time being there are 15 laws to protect patient's rights, and almost none to protect medical men's rights.

The Human Rights Ombudsman in 2003 continued his work on appeals made by persons, who realized Medicare and other actions on citizens' health security who were rejected to get early pensions for long service.

The Medicine is unconceivable without “the emergency service”, which is the most mobile and stands much closer to free Medicare. Today the “emergency” is in need of 30% of employees, and besides, people who worked for the emergency for many years have to protect their rights to early pensions in the court (appeal № 05-15/935).

In Ekaterinburg carelessness of the officials the Health Service department and later of officials of the Administration of Ekaterinburg led to the fact that all in all for 23 years the title of “the emergent health service station” did not correspond to nomenclature to the health service institutions: from 1961 until 1980 as a result of an error the title was “the health service station” (the word “emergent” missed), from 1993 until 14.11.1997 “the emergent health service” (the word “station” missed). It's not difficult to imagine the number of those who had been working in the institute and were rejected by the retirement fund to get early pensions for long service, as far as in accordance with the letter of the Ministry of Health of the Russian Federation from 17 of May 2002 “about early working pension” in case if rename of an institute occurred in arbitrary order, and also in case of arbitrary or made by a mistake rename of the title of appointments or structural sectors the rejections of the retirement funds to appoint early pensions a complaint against it can be lodged only in legal form.

The employees of “the emergent health service station” who were in labour relations with the institute of health service during the indicated periods will be informed by the Ombudsman through the Mass media about the necessity to bring an action to restore guaranties, provided for the Medical men, which is the right to get pensions for long service in connection with Medicare activity.

There are some examples among appeals of the Ombudsman, when people who have worked in national and municipal institutions of public health no less than 25 years, have to prove not only identity of appellation of positions, institutions and their organization departments, but also that their institution situated in the countryside or urban village (appeal № 06-15/ 1070).

Every medic worker understand degree of his defense from the direction of state, that's why no wonder that common quantity of working doctors in the countryside average 8,3 percent in Russia.

In Sverdlovsk region in 2002 the provision of doctors averaged 12,3 percent upon 10000 population, though there aren't narrow specialists, such as: cardiologists, endocrinologists, urologists, gastroenterologists, lack of paramedical personnel is observed.

A shortage of medical specialists in districts which are distant from regional centers lead to different machinations in sphere of getting medical education.

For example, during few years in “Talitskiy adult's educational center” went teaching of course on speciality of nurse business. People who have studied the whole course were given the qualification of medical nurse, though certificates of competency, which were distributed to graduating students, were primary invalid. Now every man who got education on this speciality finds himself in front of choice: to change work, or to give a diploma proper type (appeal № 06-15/2519). Today few people find themselves in such situation against their guilt.

Nowadays it is difficult to understand, on what basis municipal educational institution of common secondary and additional education “Talitskiy adult's educational center” gave license from Educational Department of region government, according to which institution gave rights to realize educational programs on the speciality of medical nurse, as packet of documents, represented for licensing, had disappeared when the retention period of archive documents had expired.

The Human Rights Ombudsman agrees with minister of health that rude disorders in sphere of secondary professional education were committed by municipal educational institution “Talitskiy adult's educational center” will be true if investment of retraining graduating students of this institution will put into practice at the expense of the municipal budget.

The receiving of quality medical services is impossible without protection of medical worker's rights, which work for symbolic salary now, collecting notes about presented awards and diplomas in their work-books, rescue people, exposing own life and health to every day's dangerous work in buildings, which are on the verge of collapse, on outdated equipment, fulfill their work about emergency,

conservation and maintenance of health and life of people, hoping that the state will recognize their services, begin fulfilling fixed guarantees and benefits by the state. But nowadays it doesn't happen sufficiently, so the Ombudsman sees the protection of rights, patients and medical workers equally as a basic aim.

## PROTECTION OF RIGHTS OF MILITARY MEN AND THEIR FAMILIES

In accordance with point 1 article 59 of the Constitution of Russian Federation the defense of Motherland is soldier's duty of every citizen of the Russian Federation. However, to do his duty properly, to protect Motherland, his nation, interests and valuable, military man can only being confident that his military work is necessary for people, that he and members of his family are under particular defense of the state, and for the sake of this he stand a limitation of his rights and liberties, which are fixed by legislation, hardships and destitution's of military service, is able to fulfill his civil and military duty down to self-sacrifice in war conditions.

Analysis of the appeals which were received by the Ombudsman from members of families of dead soldiers, as well as those of them who got injuring, contusion, mutilation (which entailed disablement or not), let us draw a conclusion that compensations, pensions, benefits become a mean of humiliation for this category of citizens, instead of recognition their services by the state.

For instance in working of the Ombudsman by human rights there is a letter of Mr. S. (appeal № 06-15/2771), which Pension Fund rejected in fixing pension on the occasion of losses of bread-winner as he didn't achieve 55 years of age. Mr. S. And his wife guide their sons to military service being invalids of third group. Both sons died during military operations. Nowadays mother of the lost is 43 years old, the father is 50 years, both are invalids of second group. What shall they hope for in their old age?

The Ombudsman appealed to the deputies of State Duma, the Federal Assembly of the Russian Federation and the chairman of both houses of regional legislative assembly, proposing to place the project of federal law "About placing amendments in the section of the clause 3 article 8 of federal law "On state pension ensurement of the Russian Federation" as a legislative initiative of State Duma. According to this project there should be provided a right to receive pension after a loss of a breadwinner to the parents of killed servicemen and of those killed while carrying state military service or who died after retiring from the army as the result of received injuries. Parents of killed servicemen should be 50 or 55 years old (men and women accordingly) or they should be recognized disabled.

The Ombudsman expresses confidence that this question will receive proper consideration from the representatives of Russian legislature.

According to the Ombudsman's opinion the fact that the members of the families of perished servicemen who were recruited after graduating from high school, college or trade school, cannot receive resorts' vouchers just because this kind of state privileges is mainly assigned according to the medical conclusions from the last place of employment of a killed servicemen, can be viewed as humiliation of their dignity (Appeal № 06-15/2661). Is it possible that family members of these servicemen need health improvement and recreation less after such a loss than the family members of those who had worked or carried contractual military service?

Taking into account the increase of addresses on this question the Ombudsman appealed to the Legislative Assembly of Sverdlovsk region with an offer to put forward the legislative initiative about submitting for examination the project of the federal law "On the insertion of amendment in the Federal Law "About the veterans " by the State Duma of Federal Assembly, offering to state a subparagraph № 12 of item 1 of the article 21 in the following variant: "having medical prescriptions, the preference on security by passes to a sanatorium have working members of killed in the war military men's families, and who don't work should be provided by institutions that carry out provision of pensions. According to the information given by chief of the Social Policy Committee of Oblast Duma T.N. Vahrusheva, the question of changing the Federal Law "About veterans" is moved to be discussed only in 2005 (#6D-1015/5).

Without question, if compensation sum for relatives of dead while doing the duty of Russian soldiers and officers reaches 1,5 million rubles, as the Russian President V.V. Putin announced during the live tv and radio dialogue with Russian people – that will be the evidence of changed government treatment to Homeland defenders.

Unfortunately, both government and society treat soldiers indifferently.

It is hard to look at the young people who lost their health at war, but as the inspection on the complain shows, not every bureaucrat expresses respect for a person who gifted his health to Motherland service.

K., father of 5 children, asked the Ombudsman to contribute to providing housing for him as for a guy who took part in Chechen war, and now is a disabled person of I group (with left hand only but without fingers).

Administration of Alapayevsk area on money from the region budget gave K. housing in village of Golubkovskoye (no comfort, rotten floor, furnace heating), which earlier belonged to I.V. Perevozchikova, an employee of Trusteeship Department.

The price of the housing is 60 thousand rubles, which is two - times more of its real cost. The Human Rights Ombudsman thanks editorial office of "Alapayevsk spark" that wrote about this story. According to Court decision this housing must be given back to municipal property, while K. is included again into the list of people who need out of turn improvement of living conditions.

For the prevention of repeating of cases like this, it is recommended for heads of municipal formations to create special commissions and include representatives of legislative, executive branches and of society, who would control providing people with housing, acquired with means from regional budget.

As a result, a country trying to economize on its soldiers' health, and a society that despised its soldiers leaving them and their families face the grief, lose much more.

In order to get treatment at the hospital under Pirogov S.'s parents had to ask all people they know to give money. S. at the age of 20 years old became a disabled person of I group; during service at Chechnya he got gunshot wound of face, spine, chest, and now he is unable to move at all.

For more than a year his father having left job cares for the son, and his mother several times a week comes to Ekaterinburg from Sysert region, because they believe in recovery of their son. S. I. Spector, the head of psychoneurological hospital, where S. is being treated, say that "the transplantation of nerve tissue to the injured zone of cerebrum was done". In case of confirmation of information on successful treatment result command of internal troops of Russian MIA declared an opportunity of partial treatment expenditures. The Sverdlovsk region social organization "The Chechen war and local conflicts veteran union" published the number account where money for S. treatment can be sent to.

Unfortunately, there is no agreement on financing at the expense of compulsory medical insurance between TFOMS and Hospital under Pirogov. That is why it is impossible to transfer TFOMS' money to Hospital's account. Without any doubt, it is necessary to sign an agreement of that kind.

Soldiers die, get injuries and traumas not only in fighting, but if it's impossible to avoid human losses at a battlefield, soldiers' and officers' death during peace time can be justified. Meanwhile, according to 2002 data, Russian army not in war losses are 2000 people, 800 of them were killed by their fellows, and 1200 died in result of "unintentional actions". This number doesn't change in succession of several years (losses at Chechen war are not taken into account). The chairman of Rezh Committee told about bitter numbers of soldiers losses of this region. At the counter terror operations in Chechnya 13 people died, when 8 zinc coffins came from army. This is only in one municipal region.

3 years ago the Russian President said that we were making the new army, where a human being, a soldier, an officer and their lives stand at the center. That is why it is necessary to see a man in a soldier but not "a sent material supposed to work with for want of anything better". Maybe then men of draft age would stop avoiding service while officers would stop to regret about constant increasing of laws allowing military service postponement.

The Human Rights Ombudsman offered the Defense Committee of Russian Parliament to enlarge the list of citizens allowed to delay call-up by adding people who take care of children, disabled right from their childhood. Even though the situation in completing military positions is difficult.

The region government repeatedly offered to add the list pointed above but still these offers are not taken into account by lawmakers. It was announced that this federal law project according to Rules of Russian Federation Parliament is now at the stage of recalls gathering from the subjects of lawmaking initiative. It is probable that this law will be examined in January-February, 2004.

Unfortunately this year the growing number of applies received from the parents of the fixed period service missing soldiers, who left their military units self-willed were observed.

In every case of applies, connecting with the self-willed leaving of the military unit, involvement of the Human Rights Ombudsman was primary based on the fact that the officers of the military units didn't take measures, provided by law for soldiers investigation in time and they didn't report to Prosecutor about the facts of unit leaving. As a result there were not taken any measures for proceedings

institution based on a fact that soldier rejects military service. Immediate and full investigation of all circumstances of rejection, murder versions or the death of a soldier, and an establishment of the fact of under-the-regulation relations applying to that soldiers were not made either.

In spite of the fact that according to the Ural Military District Prosecutor Office (UMDPO) information, the amount of the concealed crimes in the units under its supervision had decreased, comparing to the last year, unfortunately we have to verify, like in the last year, that the commanding prefer not to say about the crimes taking place in their units in order not to spoil their indices, but to be, if not the first, not the last ones.

During the check-up, conducting after the apply of his colleague from Astrakhan in the interest of a fixed service soldier A., who left his military unit in Verhnyaya Pishma (apply № 06-14/1263) The Ombudsman revealed that after two month of A. absence commanding didn't move the case materials to the Prosecutor office. It means that the soldier inquiry hadn't been conducted.

The mother of the soldier M., who served in the Kantemirovskaya division (apply № 06-15/2178) applied to the Ombudsman. In June she received a letter from the unit, saying that her son left his military unit self-willed. After a month and a half, having no more information she arrived to the military unit herself and found out in the Prosecutor office that her son is not proclaimed to inquiry. Just in October he returned home. Opportune apply to the Military Prosecutor Office of Ekaterinburg garrison made for the fast decision of the hospitalization question, military-medical commission inspection and early discharge from the Military Forces units according to the health state.

Soldier D., serving in the Perm Region (apply № 06-15/3059) left his unit self-willed, but he changed his mind in time and applied to militia. According to the explanations of D., which he gave to the Ombudsman in Perm Region, who was applied by the Ombudsman in Sverdlovsk Region for assistance in the field of human rights protection: "Three soldiers beat me with their fists and with the stool on my head and my hands. They broke a pointer on my right hand. Next day I left the military unit to avoid further beatings. They beat me to get my money, after I returned to the unit from home. I didn't apply to the unit commanding as I consider it useless, because other soldiers applied but officers only confined with the remarks."

At the present moment D. inspected by the military-medical commission, and most likely will be discharged according to the health state because after beating he got a constant head ache. D. refused from his depositions and asked not to institute criminal proceedings against his colleagues, which he blamed before as he had no grievance against them. In spite of the fact that the Perm garrison Prosecutor Office pronounced a resolution about the refuse of proceedings institution, the Ombudsman intended to meet D. and to persuade him in the necessity of proceedings institution against the guilty of crime.

"Undoubtedly, a lot of things in our army today holds on understanding and tolerance, on the deep tolerance of the soldiers and officers. On the feeling of state responsibility, which is characteristic of the military man." It was said during the Reunion of Soldiers mothers of Sverdlovsk region committee, which was held thanks to the Ombudsman's support. Reunion was held after the initiative of few Soldiers mothers committees, the Rights protection organizations union. Militaries, deputies, officials participated in that reunion as well.

It's the first such reunion in Sverdlovsk Region, when three sides discussed the military issues publicly. Representatives of the military Prosecutor Office mentioned the necessity of further coordination with the civil society institutes for revelation and precautions of crimes in the army.

So the Ombudsman knew about the facts of violence in the military unit 69771 from the Soldiers mothers Committee of Ekaterinburg and soldier parents who applied for the help.

The fact is that the officers by violent acts, including the application of electric current, made the boys, who served for a fixed period, to acknowledge their guilt in theft and selling the property of the military unit. The military Office of Public Prosecutor of Ekaterinburg garrison took appropriate measures and on April 12, 2003, the lieutenant U. K. Kalinichenko, the 4<sup>th</sup> motorifle company commander of the military unit 69771, was brought before a court according to the showings of a crime, provided in part 1, article 126 and part 3, point "a" article 286 of the criminal code of the Russian Federation (claim № 06-16/802).

Cooperation with the Office of Public Prosecutor of Ekaterinburg garrison, the Office of Public Prosecutor of Ural command, and with garrison court martial of Ekaterinburg allows to conclude, that the degree of belief to a soldier of these law machineries in our region is higher in comparison to the other regions.

Since the last year the examination had been held at the instance of the Committee of soldier's mothers of Ekaterinburg. The Committee asked the Ombudsman to render assistance in receiving extra

money payments for actual participation in operations, as a member of the United force on the territory of the North-Caucasian region to ex-soldier L., whom the deputy commander on pedagogical work of the military unit offered his mediatorial services in "denuding of money" from the military unit with a help of the court (claim № 05-16/608).

Only thanks to giving publicity to this fact, major S. V. Khrulev was transferred to the reserve from the military service before the appointed time by order of the commander of the military unit 42091 and was expelled from the muster-roll of the military unit. All the materials concerning major S. V. Khrulev were transferred to the military Office of Public Prosecutor for examination.

It is necessary to mention, that the number of appeals concerning the payment of "money for military service" as a whole has decreased this year. However, the number of complaints about the non-fulfillment of courts decisions, which satisfied the suits of ex-soldiers concerning money due to them, has increased.

The work on the appeal of T. and B., ex-soldiers of service for a fixed period, lasts more than a year (claim № 05-15/2764). Their claims on the exaction of money from the military unit 23132 were satisfied by the Vladicaucasian garrison court martial.

The fact, that the military unit 23132 hasn't been transferred to Treasury system of the budget performance to present day (that also concerns other military units, stationed in Chechen republic) evokes perplexity. This fact takes place, because the central administrative board of federal Treasury of the Ministry of Finance of the Russian Federation hasn't decided a question of setting up the department of the federal Treasury in garrison Khankala. As a consequence, the acts of execution are being presented according to the whereabouts of the debtors - i.e. military units.

The Ombudsman sent the records of T. and B. to the military unit, however, the fulfillment of them still hasn't been completed and they haven't been given back to them. That is why they can't appeal to the Ministry of Finance of the Russian Federation for exaction of money from the chief funds administrator on the basis of secondary liability.

The behavior of citizens who risk their lives for the sake of life-saving of others doing both their military and civic duty deserves respect and appreciation. The parents of P. are waiting for recognition of services of their son, who perished turning back home by train on completion of the service for a fixed period. The train was wrecked in 1989. Trying to save the eight-year-old girl from the fire, P. burnt and died in a hospital (claim № 06-15/400).

The pension fund refused to grant a pension for the dead son to the parents, who lost their breadwinner, though the Executive committee of Sverdlovsk regional council of people's deputies by the decision of 5.05.1991 granted discounts to the parents of P. as a family of a soldier, perished fulfilling the duties of military service. This decision is for the time being the only documentary recognition of the feat of P.

The Ombudsman considers, that the level of social defence of families of the citizens, perished fulfilling the civic duty, should be commensurable with the level of social defence of families of soldiers, who did military service as a recruit and died at the time of doing the military service or because of the military trauma after discharge from the military service.

For strengthening of the social defence of soldiers and members of their families on the territory of the oblast, increasing the role of local administration in rendering address social assistance to the members of the families of those citizens, who were recruited and filled the posts of soldiers (seamen) and sergeants (first sergeants), were expelled from the muster-rolls of military unit, but wasn't registered at the military registration and enlistment office domiciliary, perished or got severe injuries on the way home, excluding the cases of unlawful acts and personal guilt, the Ombudsman suggests equating the parents, who reared their children in a worthy manner and whose children do their civic duty saving others' lives regardless of their own health, with the families of the soldiers who perished or got severe injuries during their military service. In response to address of Ombudsman on Human Rights to Legislative Assembly of the Sverdlovsk Oblast, Committee on Social politician (Current Issue 6D-1016/5) recommended Mr. P to go to the law in order to restore his privileges, which they used to get according to the Council of People's Deputy decree. In case of negative verdict, in process of revision of the project of the regional law "On Rendering of State Support to Separate Categories of Russian Federation citizenry, living on the territory of Sverdlovsk Oblast, residing in a difficult life situation" the Committee is prepared to initiate the amendments regarding to inclusion of foregoing categories of citizenry to get appropriate privileges.

The Ombudsman considers that it is necessary to initiate the amendments irrespective of positive or negative verdict upon P.'s case, as it deals with not only this family, but also the other citizenry. Only



if the society and the state respect their soldiers, it will be possible to expect qualitative changes in army ambience.

## **ON REALIZATION OF THE RIGHT OF PEOPLE TO EQUITABLE COURT EXAMINATION AND LEGAL DEFENCE**

The Constitution of Russian Federation guarantees legal defense of one's rights and liberties. According to that thesis any person, Russian citizen or citizen of another country, or even stateless, has a right to count on legal defense of his rights, liberties and legitimate interests, even if one is on the territory of Russian Federation unduly.

In accordance with the part 1 of Article 6 of the European Convention on protection of the human rights and main liberties any person in case of dispute on his civil rights and responsibilities or in the event of being brought a criminal accusation has a right on public and fair hearing in reasonable time by independent and impartial court set up on the grounds of law. The judicial reform being carried out in Russia has already produced a result. During the past year almost completely procedural criminal code of Russian Federation, code of civil procedure, containing many qualitatively new perspective positions have came into action

In general the analysis of the new and developing legislation shows that it extends the influence of the legislative power empowering it with more commission in different spheres of the right. At the same time with the extension of the influence of the legislative activity the guarantees of judges' independence are increasing, that is also necessary in democratic society.

Besides, the responsibility of the court for execution correctly and in time should also increase. Only a professional court, independent and subordinated solely to the Constitution and law which does not have any corporate interests and connections with some social groups or organizations and which works officially according to the strict order, regulated by law, can solve the problem, that means, that it can successfully do its duties which they have and which usually are done in a real democratic country.

And lastly, only in the court, corresponding to the requirement which is given above, a person or a citizen can reckon with confidence on clearing up of all necessary circumstances in a just cause, impartial consideration and passing a legal, well-grounded, and what is more important, a just decision.

Especially it is necessary in practice of civil legislation in cases when the other side of the trial is not an individual citizen, but a cooperative institute- state, social, commercial or another organization or enterprise.

More than that, in these cases, the priority should be given for all that in a favour of protection of common person's interests and not of organisation's interests, that is the one of indexes of the legislative power's objectiveness and flexibility, so far as the power of one man is not equal with the power of organisation, and in our country not everyone can afford even an ordinary lawyer as a representative.

This democratic principle of the legislation corresponds to the Constitution of the Russian Federation, in which it is said, that a man, his rights and duties are the major value.

Unfortunately, the mail, which is sent for the Representative, testifies that the court does not always observe this principle and often take the side of the organisation against the man.

A clear example of this is a letter of Mrs. B., which applied to the Representative with the complaint about the violation of her rights on property (№ 06-15/2204).

The citizen B is an sole heiress of her father who was sentenced to a confiscation of all the property by the military tribunal of Privolzhsky military district.

The sentence was put into execution. Later her father was rehabilitated therefore his confiscated property was to be returned including money in the foreign currency which he earned working at the China East railway and which were transferred through the Dalnevostochny Bank into his account to the Foreign juridical board that was subordinate to the National financial committee (later the Ministry of finances) in according with a decree of the SNK USSR 03.09.1937.

The citizen B applied to the Kirovsky district court in Ekaterinburg with a civil action to the Ministry of Finances, the Specialized Board of lawyers, Permanent trans-department commission of rights rehabilitation of political repression victims in order to establish the fact of transferring her father's confiscated money into the foreign currency to the state budget as an execution of the tribunal sentence, so far as the documents which could confirm money transferring to the state budget were not found because of expiration of preserving term.

She furnish all the documents that confirmed her being the sole heiress and her right to property in the form of foreign currency which was confiscated from her father. The Foreign juridical board has

received the disputable money according to the letter of a military tribunal representative from 21.11.1938: the confiscated money which were at disposal of the Foreign juridical board should be passed to the National financial committee as the state income.

But the court rejected citizen's B civil action in virtue of absence payment documents of transferring the disputable money to the state budget. By the way if these payment documents had been kept there would not have been a necessity to apply to court to establish the fact of transferring the disputable money to the state budget. This decision has not been changed by the Sverdlovsk region Court of Appeal.

During five years in spite of her venerable old age – she is 88 old - the citizen B came to the court furnishing proof and stood upon her rights versus qualified lawyers representing financial government department. In consequence of having to become acquainted with a lot of documents in that number legal ones her sight changed for worth and she got disablement. But according to the court the only argument of the defendant was the reasonable.

But on the other hand there cannot be another argument but the proof that the money was at disposal of the subordinated to the National financial committee organization and that should be passed to the state income. It is not difficult to predict the further destiny of the money in the conditions of that time. Nevertheless the court rejected the appeal of the aged person who tried to defend her rights. This decision could hardly be called a fair one.

A pensioner C had a similar complaint about infringement of her property right (appeal № 60-15/2739). She appealed to the Tugulym district court of the Sverdlovsk region with an action to the Tugulym department of the Savings-bank of Russia in order to exact interest rate of a deposit because the bank reduced interest rate in a contract of the deposit with monthly payments of income. According to the legislation currently in force it is inadmissible to unilaterally reduce interest rates by bank deposit contract with a citizen. But the court mistook the contract for a deposit *poste restante* and that were the grounds to reject the appeal of the citizen C. The court of appeal didn't change the decision.

Both cases demonstrate the legal decision which cannot be called fair and even constitutional as defend interest of organizations but not a citizen though the decisions would have been in favour of the citizens because the grounds are disputable. There is a case in a legal practice when a decision was made in favour of a citizen, moreover this decision of the saving-bank was approved by the Supreme Court of Russia.

There was not observed a principal of parties' equality of rights. Pensioners were one of the parties in both cases, and as a rule they were not comfortably off so they had no possibility to hire a lawyer as a representative. The opposite party had a professional lawyer because of their being powerful organizations.

The realization of a principal of parties' equality of rights in the legislation is connected with a right to have qualified juridical assistance which is guaranteed by the state. This problem was investigated in details in the special report of the Ombudsman, and in the annual report 2002. But there is no real action on the legal level in order to solve this problem.

At the same time an absence of legal regulation cannot be the grounds to derogate the human rights. So far as the Russian constitution has the supreme juridical power and a direct action, moreover generally accepted principals and standards of the international law and international treaties of Russia are a component part of Russian juridical system, it is timely and well founded to make the courts provide with qualified juridical assistance every needy not only in the penal court but also in the civil one. That is to provide a party with a lawyer at the expense of the state if a party can't afford to hire a lawyer and the other party has a qualified lawyer especially in the cases when the opposite party is represented by government bodies or local authorities or any other organization.

To put it differently being in similar conditions the poor could appeal to the civil legislation in order to draw up a petition to have a lawyer at the expense of the state. This principal is demonstrated by the practice of the European Court of Human Rights which decisions are very significant for the members the Europe Convention on human rights (Russian among them).

In particular the European Court in the case "Airey versus Ireland" found that an infringement took place reference to the plaintiff according to the article 6 paragraph 1 of the Europe Convention, so far as Mrs. Airey didn't have a real right to access to the Supreme Court without lawyer assistance which at the same time she couldn't afford. The European Court didn't consider an Irish government statement that the complainant had had an access to the High Court where she could have addressed without barrister's help being an adequate argument and pointed out that "the Convention was meant to guarantee not theoretical or delusive rights but feasible and effective ones, notably the right for justice in the light of the meaning



the right for just trial has in a democratic society...". The Court considered it to be obvious that the husband of the complainant would have got better of the situation if he had been represented by a barrister and she hadn't. Moreover according to the Court it was unrealistic to expect that the complainant could successfully plead her case even keeping in mind assistance mentioned by the government representative that a judge gives to those acting individually. (The European Court for Human Rights. Selected decisions. M., 2000).

Thus, the European Court for Human Rights declared the right for justice and the right for just trial being inseparably linked with the principle of parties equality and the principle of equal opportunities of getting judicial assistance. Hence the Court declared the right of those who can't afford a barrister solicit a court in special cases for allowing a barrister at the government expense.

Another type of citizens' suits for property right violated by courts' decision is claims for verdicts leading to eviction without giving another habitation.

One of the most acute problems is eviction of citizens out of hostels that were transferred to municipal possession or to possession of enterprises or institutions. Citizens living in a domicile for more than 10 years, paying in time for public facilities, etc., having an authorization for a place to live in or a renting agreement suddenly are deprived of their right for lodging and are turned out "to the street". Judging by citizens' claims courts take organizations part neglecting citizens' rights and interests, making a decision about eviction on formal grounds or not thoroughly checked information.

For example, Mr. T made a complaint about his housing rights being violated to the Commissioner (claim N06-15\2824). The complainant had been living in a hostel for 14 years making in time all necessary payments. In 1998 the hostel was transferred to municipal possession. In 1999 an agreement on rent and providing public utilities was signed, a copy was attached. However, in February 2003 Kirovsky district Court in Ekaterinburg took the part of Kirovsky district municipality and by default decided to evict Mr. T and to strike him of the register as not having rights for the lodging.

The decision was based on the fact that Mr. T hadn't had and still didn't have any labour relations with the previous owner of the hostel, didn't get any authorization, hadn't signed a renting agreement, hadn't provided any proofs allowing to live in the hostel, although some of these points, for instance the point about not having an agreement, aren't true. The decision was made in his absence without notifying him as he was on his business trip. He learned about the decision within half a year when he was confronted with the fact and given the court order for eviction. A court has to send a decision by default to an address of a defendant, however, it wasn't done.

Another feature of all of the examples listed beyond and similar suits is that disputes on civil rights are caused by mistakes or neglects made by organizations themselves, including state institutions, however according to the courts decisions citizens are turned out to be wrong.

Another type of citizens addressed to the Ombudsman claiming for their housing rights being violated are citizens that honestly acquired property according to all norms of the Civil Code. During the last years great attention has been paid to this problem. In April 2003 the Constitutional Court of the Russian Federation passed a topical resolution N 6-P where at last an article 167 of the Russian Federation Civil Code dealing with consequences of invalid bargains was juridically defined and conditions under which an article 302 of Russian Federation Civil Code protecting rights of citizens honestly acquiring property is to be used are stated. However, it turned out to be insufficient for rehabilitating violated property rights of citizens honestly requiring property.

In connection with Mr. B suit (claim N05-15/245) that has been in a process since 2002 up to nowadays Supervisory Instance of Sverdlovsk Region Court refused to obtain the demand in July 2003. It was motivated by the fact that only cases of citizens addressed to the Constitutional Court and listed in the Resolution are subject to retrial.

First of all a decision motivated in such a way is against the principle of equality before the law and the Court.

Secondly, according to the Resolution of Russian Federation Constitutional Court courts dealing with disputes on property rights of citizens honestly acquiring property misinterpreted the law and didn't use the law that is to be used which is considered to be violation of material law norms and hence is the ground for disaffirmation under surveillance of decisions taken.

In a third place, keeping in mind that according to the law addressing to the Russian Federation Constitutional Court with the case that has already been examined in the Russian Federation Constitutional Court is impossible, Mr. B and citizens honestly acquiring property pleading similar cases (property right violated by courts' decisions as the result of a misuse of material law norms) are deprived of the right for juridical defense. We can't but disagree with such a situation, that's why the work is to be

continued. An appropriate resolution of the Ombudsman is sent to the Chairman of the Russian Federation Constitutional Court.

Another significant violation of the Russian Federation Constitution and norms of international law that is the Ombudsman faced to as the result of his activity is violation of an open and public character of a trial. This kind of violations aren't on a mass scale, however they take place and though in some degree lead to elimination of public control over courts and to an increase of legal procedure non-transparency.

Thus, in November 2003 the Ombudsman was asked by a complainant Mr. K to present in a court-room of Verh-Isetsy district court in Ekaterinburg while examining his claim on his grand-son's rights being violated by groundless institution of criminal proceedings against him. The goal of attendance was to estimate the trial from the point of view of non-violating human rights and to verificate complainants' arguments for his grand-son's rights being violated in order to make a decision on the claim.

The trial was an open one, however it was transferred from a court-room to an office of the judge where nobody was allowed in. The transfer was motivated by the lack of seats that can't be a ground for such violations.

A research made by Sverdlovsk regional society for consumers' rights protection "Grant" as a part of a project "Independent monitoring of the settling disputes system in civil organizations and citizens' informing" proved that such violations take place in courts of our region.

According to the information given in courts of our region even if there are free court-rooms judges administer justice in their offices where 4-5 persons can hardly take seats. As the result cases are examined on the quiet. There were also precedents when only citizens having summons were allowed in.

Thus, a problem with open trials exists and all necessary means should be taken to solve it as it infringes upon main principles of democratic trial. Even if those violations didn't influence decisions taken they violate the Russian Federation Constitution and hence according to the norms of civil and international law entail disaffirmation as taken with significant violations of law.

Another example of negative attitude of judicial power towards a person, example of inflexibility of courts, their unwillingness to make a decision for the benefit of a complainant when it isn't directly regulated by law must be mentioned. However, only one decision of a regional court was needed to solve the problem.

Convicted Mr. Ch addressed the Ombudsman claiming a court for not giving copies of documents from his dossier necessary to make a complaint about surveillance (claim N06-15/2145). The complainant paid a state duty on the documents needed, a receipt was attached. However Krasnoufmsk city court and later Sverdlovsk region court turned down the solicitation. The decision was motivated by the fact that after a court has examined a case the law makes no provision for placing copies of documents from dossiers to somebody's disposal.

At the same time the law doesn't prohibit it. Moreover the Criminal Code of Russian Federation currently in force consolidates a right of accused to copy documents used in a trial at one's own expense, including copying it using technical means. If an accused has such a right before a trial I can't see any reasons why an accused whose sentence has been passed on that is a convicted can be deprived of it.

The law itself doesn't contain a reference about whether a defendant may enjoy his right only before the court examination. Besides the Point 2 of the Article 404 of Criminal-Procedural Code says, that a defendant is able to attach in addition to a complaint, concerning procedure, duplicates of other legal documents, which in deponent's opinion confirm, arguments pointed out in the complaint. Apart from that, the appealed court decisions must be attached. A refusal of court to give a deponent necessary duplicates of legal documents for making the complaint (for his expanse) seems to be bad-grounded and unfair. A decision of the Ombudsman on a given issue has been directed at chairman of Sverdlovsk Oblast Court. Chairmanship of Sverdlovsk Oblast Court agreed to this decision and satisfied the petitioning of the defendant Ch. completely. On 10 October, 2003 a long-time expected Resolution was adopted on a plenary session of the Supreme Court of Russian Federation: "About implement of universally recognized principles and norms of international law and international treaties by the courts of general jurisdiction in the area of Russian Federation". As a whole this Resolution, of course, contains definitions of such terms as "universally recognized principles", "a norm of international law", "international treaty of Russian Federation". It also contains rules, according to which these principles, norms and treaties may be applied within the framework of national law of Russian Federation. Besides, for the first time the Resolution explains meaning of such statements, as "the right to court examination within a reasonable period", "the right to the court, which is created in accordance with law", "the right of an arrested or detained person to court examination in a reasonable period" or "the right to be discharged till the court examination". Also the Resolution defines other hot-button issues, assigned in the articles

3,5,6,13 of the Convention on human rights and fundamental freedoms. And jurisdictional sense of these statements is covered according to the principles, worked out by European Court on the human rights. This is of great importance for Russian legal proceedings. However, not all the democratic principles were reflected in the Resolution during the plenum session. In particular such important principles are out : principle of justice and equity of both sides. It seems to be extremely complicated to define the principle of justice precisely.

In this case every court and every judge should follow their own beliefs.

Taking into consideration this fact courts might give a preference to a defense of human rights and interests of a particular person. But it doesn't concern a guilty person and cases, when a process of settlement of a dispute according to the law. Mostly citizens have to defend against various organizations, which infringe on their rights. Most of such disputes can't be settled directly according to the law. I consider, a priority of human rights in such cases will gain a proper support and approval of Supreme Judicial Court. And the court will get prestige in our society. Everybody knows about an outgoing court judgments in states with developed and permanent judicial system. There they always give a preference to a person in a dispute with organization. Nowadays according to the legislation the Sverdlovsk Oblast Court may sum up its judicial practice if settlement disputes, concerning cases on civil rights. And I wish this practice would be formed by means of democratic principles, when it concerned human-rights-issue. No doubt the principle of justice should be observed in other cases as well.

Offence of civil rights by officials of Ministry of Internal Affairs.

Since Russian Federation has joined the Convention on human rights and fundamental freedoms, Russian's reality gets into the new dimension: European one. Since Russian Federation has joined the European Council and signed basic international conventions (agreements), the problem of prevention of cruel treatment to people became a topical one. On 8 of December 2003, the President of Russian Federation adopted amendments and additions to the Criminal Code of Russian Federation to further development of structures, protecting Human Rights. In a commentary to the article 117 of Criminal Code of Russian Federation they give a definition to the term "torture". It is defined as activity, which provokes physical and moral suffering in order to force making a deposition or other things, which contradict personal will, also in order to punish or something". Very often citizens suffer in consequences of violation from officials, who in reality must protect and defend citizens' rights. In the last time the incidents take place, when officials from Ministry of Internal Affairs act in a very close way to exceeding their authority. This is pregnant with severe consequences.

One of the main duties of the Ombudsman has always been and still is the civilians rights' defense during the inquest and the prosecution.

As a rule, the unlawful use of physical force, beating and indignities of the human being do take place during the detaining of civilians, suspected of committing a crime before the preliminary inquest takes place. Striving for solving a crime at any price leads to violation of norms of criminal law by militia officials, which usually means - an unlawful usage of force towards detainees.

The case of investigators' of the Investigation Department within the Regional Administration of the Internal Affairs and the Administration of the Serov town overstepping their authorities causing the death of Mr. X., could serve as a bright example of a violation of constitutional rights of a detainee.

A civilian S. has applied to the office of the Ombudsman lodging a complaint against the red tape in the prosecution of a criminal case about her son's death (appeal # 06-15/736). Mrs.X. stated that her son has been beaten by the investigators in the Main Administration of the Internal Affairs of the Serov town's Office and died there. The Procuracy of town Serov has brought a suit only after the Mass Media became aware of Mr. X.'s death. By the time of Mrs. X.'s appeal to the Ombudsman the prosecution has been clearly deliberately delayed. Mrs.X.'s complaint about the red tape in the investigatory procedure became a ground for the Ombudsman's appeal to the Procuracy of the Sverdlovsk Region which has later agreed to carry out the case. After the prosecution about the both former investigator's actions had been finished the case was passed to the court.

During the preliminary prosecution had been found out and then confirmed in the course of inquest that the bodily harm, done to Mr. X. - fracture of ribs and nose's bones - was not the cause of Mr. X.'s death. His death was caused by an actue poisoning by morphine, to use of which Mr. X. was forced by one of the investigators, who were beating him.

By the sentence of the Sverdlovsk Regional Court the former investigator Mr. L and Mr. S. were pronounced guilty in overstepping their authorities and were sentenced to serving different terms of imprisonment.

Mrs. X's complaint about the mildness of the sentence pronounced by the court has been appealed by the judges' board of referees in criminal cases of the Supreme Court of the Russian Federation.

A criminal case against the third former investigator who was last concerned in the beating of Mr. X has been passed to be heard in the Sverdlovsk Regional Court.

Here is another example. For a long time Mr. Ch. prevented his neighbour Zh. in the collective garden "Chrisolitovy" from using her garden, insulted her and even beat.

Without protection from the local militia Zh. appealed to the Ombudsman for her human rights protection (Appeal № 06-15/01). Having analyzed the situation the Ombudsman sent his letter to the inter-district prosecutor of Beloyarski region asking for support in investigating the complaint. The investigation confirmed the arguments described in the complaint. The Ombudsman offered Zh. to apply to the court to suit Mr. Ch. for aggressive beating.

On 13 March 2003 the world judge of Beloyarski region found Ch. guilty according to the article 116 UK RF (beating), and sentenced him to a fine of one half of his month salary. There was no appeal from Ch. and the verdict became valid.

The same understanding position had inter-district prosecutor of Beloyarski region in reference to the Ombudsman's appeal about physical injuries of M. caused by a car accident (Appeal № 06-15/1148). After checking the complaint, the suspended criminal case was renewed.

L. appealed to the Ombudsman in connection with subjective, as she thought, investigation of her husband's case (Appeal № 06-15/540). The Ombudsman addressed the prosecutor of Verkh-Issetski region of Ekaterinburg. All the necessary investigations were carried out and it was decided to cease legal actions relating to L. husband as he was found nongUILTY.

After the Ombudsman appealed to the prosecutor of Ordzhonikidzevski region of Ekaterinburg the legal actions relating to M. were ceased due to his nonengagement (Appeal № 06-15/1208).

Pensioner G. considered the decision of the administration of Butkinski village council of Talitski region to dispense to self-employees timber that was aimed at pensioners constructing and repairing their houses and barns infringement of his constitutional law to housing (Appeal № 06-15/376).

The Ombudsman addressed the prosecutor of the region to check the complaint of the pensioner K. During the investigation the facts were confirmed and prosecutor of Talitski region started the legal actions.

The Ombudsman appealed to the public prosecutor of Kamyshlovski region as the militia took no measures concerning the appeal of the head of public organization of immigrants "Rassvet" of Kamyshlovski region on the theft of mill's equipment (Appeal № 06-16/472). The Ombudsman asked to investigate and take actions about the facts of procrastination of checking by the citizens' complaints. As the result the prosecutor agreed to take legal actions concerning the fact of theft.

The local militia authorized executive of Kamyshlov was reprimanded for procrastination of his duties in investigating the statement of the head of public organization of immigrants "Rassvet" about theft of mill's equipment.

The citizen K. from Nizhni Tagil appealed to the Ombudsman (Appeal № 06-15/2153) with the complaint about infringement of his 10-year-old son's rights. The citizen Sh., who was sentenced before, beat the boy and broke his nasal bones. K. appealed to the militia but his complaint was not satisfied. After the Ombudsman address there were taken legal actions relating to Sh. and he was found guilty for beating the boy.

One can notice offence and mental anguish in the complaint of the former militiaman G. of Krasnoturyinskogo GOVD of Sverdlovsk region (Appeal № 06-15/2579), who had worked in the militia for 20 years and was fired of poor health. Executing his duty he got two injuries that led to his poor health conditions and finally to dismissal. When he was dismissed from the militia he was not given a one time salary grant for five years of his service. According to the 23 article of the law "About militia", a militiaman injured during fulfillment of his duties and become unable to fulfill the duties any more, must be given a one time salary grant.

The claim of G. was absolutely legal. Medical check-up taken after the accident proved that G. has two injuries. But it was necessary to prove it in the court. According to the court decision in June 2003 the regional department of militia had to pay the salary grant to the injured former militiaman. But even after this the grant was not given. The grant was paid only after the appeal of the Ombudsman to the regional department of militia of Sverdlovsk oblast in September 2003.

Mr. U. who was sentenced to a long-term imprisonment appealed to the Ombudsman as he didn't receive the actual cost of medicine taken by him (Appeal № 06-15/2046). Before that the prosecutor of Sverdlovsk region asked the head of GUIN of Ministry of Justice of RF to solve the problem in favor of U. The money he got on his account didn't correspond to the actual cost of the medicine. After the appeal of the Ombudsman to the head of GUIN all the infringements were removed and those guilty were called to administrative account.

Mrs. X. appealed to the Ombudsman as the criminal case of the death of her two sisters in traffic accident was constantly delayed (Appeal № 05-15/2230). She was worried that the investigation was subjective because the driver worked in the militia department. She also thought the guilty man would stay unpunished. The Ombudsman sent the letter to the prosecutor of Chkalovski region of Ekaterinburg with the explanation of the deponent's opinion and request to follow the law when making a decision of the criminal case.

According to the prosecution office conclusion the driver was accused of traffic rules disruption resulted in serious consequences and then he was sentenced to jail.

The great number of complaints sent to the Ombudsman are citizens' complaints on the illegal suspension and cease of preliminary inquest of criminal cases.

The prosecutor of Revda canceled the resolution about ceasing of the car accident criminal case resulted in the death of B. (Appeal № 05-15/3069), which was adjudicated with law violation and also the decision about ceasing the case of Mrs. K. on car spare parts theft (Appeal № 06-15/2841). As a result the investigation was resumed. The complaint of one woman who applied to the Ombudsman with the disagreement about ceasing the criminal case against her son was satisfied. The prosecutor of Zhelesnodorozhny region of the City canceled this resolution. It was sent to Zhelesnodorozhny regional court for additional investigation.

The Ordzhonikidzevski regional prosecution office resolution about suspension of the preliminary investigation of the property theft was canceled after the Ombudsman's appeal.

The following legal actions were not started: about citizen A. reward theft (by Krasnoufimski prosecutor (Appeal № 06-15/2533), the swindles of citizen A. (by Zhelesnodorozhny regional prosecutor), and the traffic accident with B. (Appeal № 06-15/922) by Leninski regional prosecutor, and about citizen Ch. complaint on the actions of members of OB PPSM of Nizhni Tagil (Appeal № 05015/1191) by the deputy prosecutor of Sverdlovsk oblast.

The analysis of appeals to the Ombudsman reveals that procrastination, rejection of applications and petitions, lack of decisions on the applications in proper-time and as a result impossibility to appeal a decision in accordance with established procedure really exists yet in the work of Militia Service.

The Office of Public Prosecutor reaction to facts of violation of human rights and legal necessities of the citizens is considered to be a positive trend. After Authorized Deputy Prosecutor of the district Ordzhonikidzevsky of Ekaterinburg appeal to the Chief of the Agency of the Domestic Affairs of the district Ordzhonikidzevsky of Ekaterinburg the problem of elimination of the procrastination facts during the consideration of the Mr. K. application about personal theft (application № 06-15/759) was solved and the way of bringing the guilty persons to account was found.

The examination of the action by Mr. A. on the fact of personal theft from his car (application № 06-15/2533) managed by inter-district Prosecutor, revealed the violation of the examination term of the application. District Authorized of the Agency of the Domestic Affairs of Krasnoufimsk Mr. S. was brought to account for procrastination during the examination of the application of Mr. A.

District Authorized of the Agency of the Domestic Affairs of the district Tagilstroy of Nizhniy Tagil Mr. G. was brought to account for the same violation of legislation during the examination of applications and petitions (application by Mrs. P. № 06-15/2635).

In Regional Office of Public Prosecutor during the conference about the inquisition of the criminal case on the fact of physical trespass to Mr. K. as a result of traffic accident (application № 05-15/3380), the fact of investigator of the Agency of the Domestic Affairs of Nizhnaya Tura procrastination was revealed. On the grounds of this case the adduction was brought to the Chief of Agency of the Domestic Affairs of the district Sverdlovskaya. The investigator was brought to account. The Authorized Deputy Prosecutor of Nizhnaya Tura was notified for improper control of this criminal case inquest.

The Prosecutor of the district Chkalovsky of Ekaterinburg introduced an adduction on the fact of calling to account the people violated human rights of the supposed Mr. S. (application № 06-15/3144) to the authorities of Agency of the Domestic Affairs of the district Chkalovsky of Ekaterinburg for the violation of procedural criminal law, determining the way of supposed person detention.

Every one who appeals to the Ombudsman has its own mental anguish and sufferings. The time can cure everything. Bereavement is getting abated as times goes by. But at the very moment of the tragedy a person needs sympathy, condolence and moneyed assistance. Especially authority' inability to help a victim person in proper time undermines its authority.

The tragic case of the death of the region Tyumenskaya dweller's Mrs. G. the only son can be a really good example of such a situation (application № 06-15/586). During the process of administrative law transgressors in the field of morality revelation the police official of the region Sverdlovskaya Mr. V. held the incompetent action, which entailed grave consequences – declarant's son death.

The fact that the son was killed by the bullet from the police official' Mr. V. pistol was revealed on the first stage of inquest after expert examinations. The mother of the decedent faced inevitable troubles including financial ones connected with conveyance and burial of the body. However the authorities of the Agency of the Domestic Affairs of the region Sverdlovskaya did render financial assistance to the lonely mother neither at that moment nor later. Moreover during the inquest the police official Mr. V. went on long-term detachment to Chechnya, which entailed half of year suspension of preliminary investigation.

25 of December, 2003 Federal Court of the district Leninsky of Ekaterinburg returned Mr. V. guilty and sentenced him to 3 years of imprisonment. But anyway no verdict, even the most heavy one can outweigh the loss of the only son. It is difficult for the mother to suffer a loss but the most difficult is to withstand human indifference.

## **HUMAN RIGHTS IN INSTITUTIONS OF CONFINEMENT**

The Ombudsman's anxiety is not connected with enormous stream of applications from punishment executive agencies addressed to him, but with existence of the human rights violation fact. The Right to life and health is one of the main fundamental human rights.

Arrested, defendant and condemned people statutory rights to life and protection in the institutions of executions of Department of Justice of Russian Federation usually means medical care. There was enlarged collegium about the state of the human right problem in the system of executive institutions of Department of Justice of Russian Federation on the region Sverdlovskaya. The Ombudsman drew attention of the participants of the collegium to the priority direction of human rights protection and guarantee arrested, defendant and condemned people constitutional rights.

Facts of human dignity humiliation, physical violence and tortures conformably to such people are inadmissible, they will be decidedly suppressed, therefore suspected people will be brought before a court and all matter will be brought into federal courts. Such facts will not be concealed, mass media will find them out and they will be discussed on the Public Security Council at the Governor of the region.

Spread of infections in the system of executive institutions, especially among youth and adults of "risk group" is one of the most terrible trends. Localization, clinical examination and medical treatment of such infections during the last years was one of the most alarming problems in the system of executive institutions of the region Sverdlovskaya, especially under conditions of permanent lack of federal financing.

The Government of the region within the bounds of regional state special program "Assistance to labor activity of imprisoned persons and prevention of infectious diseases in executive institutions of the region Sverdlovskaya for 2003" extra provided 1.536.000 r. for treatment of infectious diseases as a support of federal programs. This program has being realized for several years in the region Sverdlovskaya.

The society should understand that HIV and tuberculosis are widely spread not only because of executive institutions, but also as a result of the fact that the very society periodically gets rid of great amount of infection carriers and ill people.

Nowadays there is quite tolerant attitude toward HIV and tuberculosis because of the opportunity of inpatient and out-patient treatment and clear system of complex preventive medicine, which are managed in detention cells, correctional and medical correctional facilities.

The support of the Ombudsman helped regional tuberculosis hospital to get a federal license on pharmaceutical activity.

Despite the fact that X-ray diagnostic equipment, bought in 70-th, is depreciated now, in 2002 systematic fluorography examination was held once – 100%; twice examined – 87%; in 2003 once examined – 100%; twice examined – 98%.

So it was almost double examination on tuberculosis. This became possible after acquisition of mobile photofluorography unit, which examines in institutions which have no photofluorography unit and tuberculosis specialists.

On preventive inspections on entrance to executive institutions and correctional facilities 87% of people ill with tuberculosis were revealed; at the same time in the system of civil medical institutions the initial examination can reveal only 45%. These data is good evidence to the fact that there is clearer, more careful and system examination in executive institutions and correctional facilities of the Department of Justice of Russian Federation – this is confirmed by tuberculosis specialists of civil medical institutions.

And even the death-rate in correctional facilities does not influence morbidity level in the region in the whole. This fact is caused by predominantly young age of condemned people, regular prophylactic photofluorography examinations, inpatient care, and sufficient quantity of tuberculosis medications, nourishing diet for ill people.

Every third-fourth ill person dies in local medical institutions, but in executive institutions only every fourteenth one.

Preventive measures are realized both for prisoners and personnel of executive institution, as they work properly contacted with ill condemned people. For recent three years the number of infected official decreased. During the last year the officials of medical institutions of executive bodies handled purposeful departures to rehabilitation facilities № 3 of Krasnoturinsk and № 5 of Nizhni Tagil just at the instance of the Ombudsman.

#### Соблюдение прав граждан в местах лишения свободы

### **CIVIL RIGHTS OBSERVANCE IN INCARCERATION**

The Human rights Representative is anxious on the facts of violation of convicts' rights rather than on the innumerable appeals from the punishment execution\_bodies. The right for life and health is one of the most important and basic right of a person.

Legal rights of the charged, defendants, and convicts for protecting life and health in the Russian Federation Ministr of Justice the Chief Administration for execution of punishment (CAEP) establishments are mainly executed by medical support. This direction of priority was mentioned by the Representative at the extended board of the regional CAEP where the work for legality and rights observance in the system of CAEP in Sverdlovskaya Oblast was discussed.

Humiliation of people's self-respect, physical violence and tortures towards inmates are inadmissible and one will put an end to them with bringing an action against law-breakers and bringing the cases before the law. One will not avoid giving publicity to these facts and will inform Mass Media about them as well as the Public Security Council attached to the region's Governor will have them for discussion.

Rapid spreading of dangerous infections in the system of punishment execution bodies, especially among the youth and people of mature age, who are a certain "risk group», is like a precise social cut, its bitter reflection. Localization, dispensation and treatment of these infections were the most difficult challenges of Sverdlovskaya Oblast CAEP last years, all the more that regional CAEP is constantly under-financed by the State Government

Within the regional state purposeful programme the regional government allotted additionally to the state programmes support 1536 thousand rubles for convicts' treatment against dangerous infections. The programme is called "Assistance for work engagement of convicts sentenced for incarceration and preventing dangerous infections spreading in the CAEP in Sverdlovskaya Oblast in 2003" and it works already several years.

People have to understand that it is not reformatories but the society who is responsible for HIV infections and tuberculosis, getting rid of huge quota of dangerous infections carriers and ill people.

Nowadays people are tolerant to HIV infection and tuberculosis in the system of region CAEP thanks to well –set complex of preventive measures and thorough treatment of in- and outpatients.

With the help of the Representative the regional tuberculosis hospital got a state\_licence for pharmaceutical activity.



Despite of the old weary radiodiagnostic equipment, which was acquired in 70s, 100% of the population was examined once in 2002, 87% was examined twice. In 2003 100% was examined once, 98%- twice. Thus, done twice tuberculosis examination was done almost in corpore. Mobile fluorographic laboratory enabled to examine people where fluorographic unit and phthisiatrician are not available.

During prophylactic examinations for remand prisons and reformatories new-comers 87% of phthisic people was firstly revealed, while in civil medical establishments only 45% of phthisic people was firstly revealed. This shows a more precise, systematical and clear approach of examination in the CAEP in Sverdlovskaya Oblast, which is noticed and acknowledged by phthisiatricians and civil establishments of the region.

Even the death rate in incarceration does not now affect much the tuberculosis death rate in the region on the whole because of the young age of convicts, regular prophylactic fluorography, medical treatment of in-patients in medical correctional institutions, sufficient supply of anti-tuberculosis medicines, and good nutrition of sick convicts. Every third or fourth dies in municipal establishments and only every fourteenth dyes in the CAEP.

Prophylactic measures against tuberculosis are undertaken not only for the inmates but also for the staff who works in close touch with sick convicts. For the last three years the quantity of the staff that fell ill with tuberculosis deceased tremendously. For the last year the staff of the medical department of the CAEP visited purposefully the reformatory camp#3 in Krasnoturynsk and the reformatory camp #5 in Nijny Tagil.

The Medical Department does a great job for enlargening material and technical foundation of anti-tuberculosis establishments. A large quantity of medical equipment including that for the regional tuberculosis examination laboratory was bought within the programme of the regional Government for financing the CAEP.

It is difficult for physicians to attend to the CAEP without functioning regional bacteriological laboratory of the Central Sanitation Department (SCD). So far the thorough repairs of the building for this laboratory on Ilyischa St. 9-a are being done very slowly, what results in the downtime and obsolescence of the new modern medical laboratory equipment.

Methodical recommendations on professional risk prophylactic against HIV infecting of physicians in the CAEP Medical Treatment Institutions are developed and coordinated with the Regional Center for AIDS and infection diseases fight and prophylactic. Nevertheless, the Representative still receives complaints of the poor medical aid.

In summer 2002 an appeal of Asbest resident was considered (appeal # 05-15/1320). He asked for help in making a diagnosis and giving medical aid to his son R, a convict imprisoned in Puksinka and tremendously suffered from a disease.

According to the despaired father's words, he learnt from letters of his son that sharp pains resulted in the inability to move. Tuberculosis caused complications of old injuries, the spine curved, which could be seen with the naked eye. But the doctor in charge of the establishment АБ-239/5 А P Makarenko despite of the fact that the man asked for help several times, disguised the diagnosis and did not let the socio-medical expert committee examine the patient R.

Earlier the father had to complain to the public prosecutor for law-observance in reformatories S.I.Alexeev in the Urals Prosecutor's Office, but he did not get any answer.

The Human Rights Representative has sent several letters to V.I.Sundukov, the director of the RF CAEP Sosvinsk Medical Correctional Institution Department (MCID) and to S.I.Alexeev, the prosecutor for law-observance in reformatories in the Urals Prosecutor's Office. He asked to assist in inspecting the appeal of R's father and in medical examination of the convict R. Both officials have assured that the convict R did not need either medical examination or serious treatment.

According to the words of R's parents, who visited next time their son, the reformatory's administration categorically and unreasonably refused to give them a copy of their son's spine X-ray snapshot.

When the Representative received a copy of the convict R's appeal sent by the Sosvinsk Medical Correctional Institution (MCI) administration, which said that the convict trusted his doctor and he is treated well, it became evident that such an appeal was not written voluntary but by force and it could not change real facts, which shown that the convict's health state was getting worse.

Having visited their son next time, the parents were convinced of his health aggravation and they had to apply to the Representative for assistance in proper complex medical examination (appeal # 05-15/2655).

The Representative sent a letter to the chief of the Head Medical Department of the Ministry of Justice of the RF, A.S. Konnonets and asked to transport the convict R under guard to complex medical examination and to further treatment, which may acquire immediate surgical operation, in the



interregional Hospital (Institution of punishment execution) of the St. Petersburg's Institute of neurosurgery.

The corresponding order for R's transportation under guard was received immediately. The diagnosis was made in the Institute of Neurosurgery and during four months R was being prepared for a very complicated operation on the decomposed vertebrae removing.

After long recovery treatment R was discharged from the hospital in satisfactory health state. But the fight for the man's life was not over. The human rights Representative was again asked by R's father to assist his son in continuing special therapy in tuberculosis hospital at the place of incarceration (appeal # 05-15/3055)

At the Representative's request the chief of the RF Ministry of Justice CAEP for Sverdlovskaya Oblast undertook the essential measures for continuation of R's treatment. Before the New Year he was put into the regional tuberculosis hospital (MCI-51). And his health state regarded by doctors as satisfactory.

This is one example of work with appeals. Unfortunately, there are a lot of letters sent to the Representative with requests of giving convicts medical assistance.

A resident of Yekaterinburg F., taking his son's destiny very hard, informed that he was in coma and dying and doctors could not save him. The young man was born 1981 and was imprisoned to И.З. -66/1. F. asked for assistance in immediate release the convict for proper treatment in civil hospital. The mother thought that being put in the regional hospital of the (У.ИИ. 349/2 establishment in Yekaterinburg with the diagnosis suppurative meningitis her son was destined to death.

The Representative appealed to the chief of the Medical Department of regional CAEP N.F.Yermolayeva for checking the young man's diagnosis, his state of health and prescribed medical treatment. The Representative also appealed for checking whether this dangerous infection can spread in the Investigative Isolation Cells (IIC-1) and the regional hospital of УИИ-9/2 establishment and what measures were undertaken to localize the infection. N.F.Yermolayeva personally examined F's son, confirmed the diagnosis and together with the staff undertook measures to make the convict conscious. The convict acquired series of treatments in the hospital, his health state improved and the doctors continued treating the main disease.

All necessary measures were undertaken to prevent the infection spreading in these establishments.

Being anxious about her only son's health state who served time at the УИИ 349/3 establishment in Krasnoturyinsk, a woman B. appealed to the Representative (Appeal # 06-15/1533). The mother is of the opinion that the administration of ИК-3 establishment passed in silence that her son's health state got worse. During a visit she learnt that her son is in constant mental depression – refuses to eat and drink, ceased communicating, taking care of him, lost 60 kilos while his height was 180 sm.

B also informed that she applied for assistance in her son's treatment in the interregional psychiatric hospital in Magnitogorsk, but the administration refused unreasonably, though the man's health got worse all of a sudden and he could not walk.

The Representative contacted the chief of ИК-3 establishment N.G.Klimiuk, clarified the facts of inadequate convict's behavior, asked to put him into a separate cell and take him under constant doctor's control. After series of consultations and several appeals of the Representative the convict B was transported at first to the interregional hospital in Magnitogorsk and then at the mother's request was put under medical supervision of a psychiatrist to the reformatory camp in Kamensk-Uralsky.

It took almost half a year to carry on an extensive correspondence with the RF MJ CAEP in Sverdlovskaya Oblast to help the convict B. What disappoints the Representative in this story is that the convict is given up and that proper medical aid and transportation are delayed.

The wife of the convict L., who was violently killed on October, 17 2002 informed briefly the Representative about this fact (appeal#05-15/2932).

According to Z. the severe bodily injuries were illegally imposed by the staff of the УИИ-349/2 establishment in Yekaterinburg where the convict was transported not so long ago for serving a time.

The Sverdlovsk prosecutor for law observance in reformatories I.V.Kolobov in his conclusion on the appeal inspection on the fact of the violated death of Z's husband refused to institute criminal proceedings against the staff of the ИК-2 establishment who imposed the severe bodily injuries on the convict L., which resulted in his death.

Despite of repeated demands for a copy of commencement of prosecution refuse resolution Z. did not receive it. The prosecutor I. V.Kolobov said that these resolutions were mailed out but it did not confirmed within a month. Several appeals to the Sverdlovskaya Oblast Prosecutor B.V.Kuznetsov gave no positive result; Z. did not receive the copies.

Being born in 1964 and having no previous record L. was sentenced for the term of 6 years by Krasnoturyinsk city court to serve his sentence in the classified colony in Kamensk Uralsky and Nijny Tagil. Seven months before his release he was transported to the VIII-349/2 establishment in Yekaterinburg to serve his sentence.

According to Z's words, her husband supposing the forthcoming transportation assumed harsh reprisals against him by the reformatory camp authority, because he refused to cooperate with them, but he could do nothing.

According to the convict's wife, he suffered from dystrophy. The man's height was 176sm while his weight was 55 kilos. He was too weak to move without help. The dystrophy could be easily observed with the naked eye, but also it was confirmed by the forensic medical examination of the corpse.

The conclusion of the prosecutor for law observance in punishment execution establishments I.V.Kolobov was refuted by the Representatives investigation and forensic medical examination analysis, which showed that the injuries themselves and how they were imposed were not consistent with assault and battery with a knobstick which lasted 1-2 minutes.

The convict L. could not resist the attack as it is said in the conclusion of the supervising prosecutor. Being tied it was impossible to protect himself from the three officials of the inner service of the reformatory camp B., M., T.

The investigation of the convict's violated death demanded interference of the higher prosecutor's office. The Representative had to apply to the Sverdlovskaya Oblast Prosecutor B. V. Kuznetsov for assistance in L's case investigation.

But only after the RF deputy general prosecutor for the Urals Federal Okrug Y.M.Zolotov interfered in 2003 in the case the legal proceedings were instituted against the officials of the reformatory VIII-349/2 the case was heard in Verkh-Isetsy federal court in Yekaterinburg.

Taking into account the dramatic changes in the punitive legislation and in the system of criminal penalty and conditions of serving sentences and also taking into account the obligations assumed by Russia to the European Council, such violent treatment of convicts shows harsh violation of constitutional human rights and liberties for life and health protecting.

The Criminal executive system (CES) is being reformed and this process has no its retroactive force. Moreover, criminal proceedings institution and considering shows that the European Convention on the human rights and principal liberties protecting is in force and effective at legal proceedings in Sverdlovskaya Oblast.

New legal institutions for human rights in the CES were established to confirm the CAEP system reforming, to humanize and public the criminal penalty system and conditions of serving a sentence. They are assistants for human rights observance in territorial CAEP, human rights Representatives in reformatory camps and RF Ministry of Justice CAEP Public Council in Sverdlovskaya Oblast.

The Institution of Assistant for Human Rights observance in the CAEP of Sverdlovskaya Oblast works for more than a year. This position is occupied by the colonel G.N.Gubankov, an officer of the CAEP interior service. In 2003 he guided a project called "HIV infection, tuberculosis and other infections prophylactic among convicts. Convicts' Resocialization".

The institution of Human Rights Representatives was established and works in Sosva establishments AB-239 and Tavda establishments AB-299. In Sosva the position of the Representative is occupied by Y.D.Shevchuk, in Tavda- by V.E.Perin. Their duty is to consider convict's appeals and complaints for legal rights violation by the establishments' administrations.

A project for work with the regional CAEP called "Window to Europe" was developed and upheld being financed by the off-budget European grant funds in close cooperation with nongovernmental remedial public funds "Helpful hand", "Legal aid", "Woman and imprisonment", which were organized by a famous Ural rights defender, N.A.Shchura.

Asserting rights of convicts and those on under investigation one must not forget about the rights and legal interests of those who serve in inner forces, works in the Ministry of Justice CES establishments.

According to the asset #85 of the RF Budget Codex, some measures for the CAEP staff social protection could be referred to both state and regional challenges, that is why a federal purposeful programme on this subject is really necessary, but does not exist now.

State policy for social protection of military staff, including the mentioned above categories is carried in Sverdlovskaya Oblast within the regional government purposeful programme "Development of social protection establishments and urgent measures of social support of Sverdlovskaya Oblast residents in 2003" which was ratified by the regional government's enactment.

The Representative is of the opinion that the RF MJ CAEP in Sverdlovskaya Oblast, being a territorial organ of the federal government organs must more actively cooperate with federal establishments in terms of financing programmes from federal budget.

The Representative sent a letter to the RF MJ CAEP chief V.U.Yalunin, which touches the problems of vital importance of the CAEP staff: housing and medical provision for the workers of the establishments with special economical activity and higher education for their children.

Answering the appeal he thanked the representative for his attention to the acute problem and proposed further cooperation.

In his letter to the Representative the CAEP chief informs that the housing problem of the CES staff and retired staff is still the most acute of all social problems because of the poor financing. In Russia on the 1<sup>st</sup> June of this year the general amount of the EPE staff and retired staff waiting for improving their housing conditions are more than 43 thousand people, including 15 thousand of those who do not have their own apartment

Solving the housing problem of the CES staff at the expense of the federal budget is carried out mainly by bringing about a federal purposeful programme "Government housing certificates" (GHC), which the CES staff participates in since 2000. To make the housing problem less acute for the CES staff, who served their military term in the RF regions under unfavourable climate and ecological conditions, more than a half of the GHC provided by the RF MJ CAEP is annually directed to these regions.

Altogether twenty reformatory camps, being independent subdivisions with special economical activity work on the territory of Sverdlovskaya Oblast. Lack of essential life conditions results in refusal of the staff to work in forest settlements, which causes lack of guards for convicts who harvest wood.

In connection with this fact the RF MJ CAEP together with concerned Ministries and departments took part in making a draft of the subprogramme «Government housing certificates for 2004-2010». In the new programme a list of those who have a right for getting the GHC is enlarged and involves retired people and those who have living space below the line, and those who have to move out the settlements of the establishments with special economical activity founded in accordance with established procedure for fulfilling new national economic aims.

At present time the RF State Duma of the Federal Assembly and the RF Government consider the draft of the subprogramme the adoption of which will permit to improve the situation of providing the employees and the pensioners of the DFCF and the members of their families with accommodation. The plenipotentiary has prepared letters for the deputies of the State Duma of Sverdlovskaya oblast with a request to support this programme.

In all the territorial bodies of the Criminal-Executive System (CES), including the institutions of AB-239, there exists the problem of rendering of medical care to employees and pensioners of the CES and to the members of their families. Nowadays more than 150000 employees of the CES in the country are disabled to get medical care in state and municipal health institutions and in the health institutions of another departmental belonging because of the territorial remoteness of the CES subdivisions. Moreover, the current legislation does not provide for the possibility of receiving policies of obligatory medical insurance.

In this connection the Chief Administration for Execution of Punishments (CAEP) of the Ministry of Justice of Russia takes measures to change the existent procedure of medical provision for employees and pensioners of the CES. The draft of governmental regulation of the Russian Federation "On the ratification of the Provision about rendering of medical care to employees of the Criminal Executive System of the Ministry of Justice of the Russian Federation, to pensioners of the CES of Russia and to the members of their families" is being worked out.

As for the entrance to higher educational establishments of the children of employees of the Department of the Medical Correctional Facilities (DMCF), V.U. Yalunin reported that "...while preparing the annual orders about the announcement of admission to education in the departmental educational institutions, applications of the candidates from all the DMCFs are complied fully by the CAEP of the Ministry of Justice of the Russian Federation.

At the same time the DMCF gets about 20 percent more admission places than any other territorial bodies of the CES. Thus, according to the order of the Ministry of Justice of 08.04.03 № 82: the institution AB-239 (Sverdlovskaya oblast) got 27 admission places for internal education in higher educational establishments; the institution И-299 got 36 admission places... which fully corresponds with the number of applications received".

We should acknowledge that the Government of Sverdlovskaya oblast together with the Legislative Assembly has included in its programs solution of the problems set aside by the CES of the

villages. The plenipotentiary should take control of arranging better life there. The problem of rendering of medical care to the employees of these institutions should be finally solved during the year 2004.

#### **VIOLATION OF CITIZENS' RIGHTS DURING THE DOMICILIARY REGISTRATION, EXCHANGE AND ISSUE OF PASSPORTS.**

In the past year the exchange of passports was coming to the end. This entailed the increase in the oral and written addresses with complaints on the employees of passport-visa service and passport departments. The complaints dealt with impolite treatment, unwillingness to give explanations, refusal to exchange and issue passports to people without domiciliary registration, procrastination in consideration of their addresses.

Ms. D. from Yekaterinburg applied to the passport department of the Repair\_Exploitation Municipal Enterprise (REME) of Leninskiy district with the request of domiciliary registration of her 14-year-old daughter (appeal № 06-15/2043). Ms. D. is an employee of a district military plant. Her job is concerned with long assignments to a closed administrative territory (CAT). Most of the time her family lives not in the permanent but in the temporary residence. Therefore Ms. D. has addressed the bodies of the internal affairs of this CAT with the request to issue a passport to her daughter aged 14.

The authorities issued the passport and advised Ms. D. to process permanent domiciliary registration after her return to Yekaterinburg. Ms. D. complained that she had had to come to inspectors for many times and to bring a lot of references. She also was not told why her daughter could not receive domiciliary registration. As Ms. D. noted in her address, her daughter's registration was issued after her fifth visit to the passport department. Despite her numerous request the passport department did not return her the form of her daughter's temporary residence registration. Without that form the girl could not enter the closed administrative establishment with her mother.

Nowadays people who live in our region without domiciliary registration face a lot of challenges. People often lose their dwellings and registration as a result of fraudulent actions of real estate agencies. Citizens without registration are automatically deprived of many rights. First of all, they cannot get various benefits and pensions that are domiciliary granted. Policy of obligatory medical insurance can be received only by a domiciliary registration. However the absence of registration does not deprive a person of the right to obtain and exchange passports. According to the article 36 of the "Regulation On the procedure of the issue, exchange, registration and keeping of passports of a citizen of the Russian Federation" citizens without permanent residence can obtain and exchange passports in their temporary residence. People who do not have domiciliary or temporary residence registration can obtain or exchange passports in passport-visa subdivisions of home affairs authorities in the place of their actual residence.

Citizens who have addressed authorities in the place of their temporary or actual residence are subjected to control without fail. Stamps of domiciliary registration and annulment of registration are not put in the passports issued in the places of temporary or actual residence of citizens. Other notes and records provided by this regulation are made on the basis of the documents that confirm corresponding juridical facts. Article 37 stipulates that citizens aged 14 who do not have permanent residence and who live with their parents (adoptive parents, guardians) should deliver their parents' (adoptive parents', guardians') registration reference with information about them.

Unfortunately, some employees of passport-visa services prefer to conceal the existence of this article, demanding from citizens to process domiciliary registration without fail. Mr. M. from Serov addressed the plenipotentiary. In May 2001 Mr. M. lost his passport and immediately applied to the home affairs authorities with the request to issue a new passport instead of the lost one. However the head of passport-visa service of Serov refused to accept this request motivating it by the absence of domiciliary registration.

Mr. M. consulted a lawyer and applied the passport-visa service again with the request to accept his application on basis of the article 36 of the "Regulation On the procedure of the issue, exchange, registration and keeping of passports of a citizen of the Russian Federation". But he was refused again. Mr. M. tried to enlist the support of the Office of Public Prosecutor. But his request was not accepted in the Office of Public Prosecutor of Serov. He was advised to go to the law. The judge of Serov city court did not accept his writ either. Having enquired the head of the passport-visa service on a scrap of paper, she was satisfied with the received answer and gave Mr. M. a recommendation to take the reference in the house management confirming his temporary registration in one of the places of his residence. Mr. M. could not receive such reference because temporary registration was not considered in the passport department. Not knowing where else to address, Mr. M. wrote a letter to the plenipotentiary, enclosing the judge's note with the answer of the head of passport-visa service of Serov and all the requests that had not been accepted by the Office of Public Prosecutor, the city court and the passport-visa service.

After the plenipotentiary had addressed the Passport-visa department of the Chief Administration of Internal Affairs (CAIA) of Sverdlovskaya oblast, Mr. M. was summoned to the City Administration of Internal Affairs (CAIA) of Serov. He received a temporary certificate of identity. In December he obtained the passport. The head of the passport-visa service of Serov flatly refused to acknowledge the fact of Mr. M.'s address to her till May 2003. That is, till the moment when the check-up by the higher administration began. Today it is difficult to call those officials to account since none of them has registered Mr. M.'s requests or appended instructions on them. The head of passport-visa service, the public prosecutor of Serov and the deputy chief of the CAIA of the region did not find any violations in the Serov CAIA activity. At least the plenipotentiary was not informed about any penalties towards the official who had violated the rights of the citizen.

The plenipotentiary has repeatedly received the complaints about the refusal to issue and exchange documents to people without the domiciliary registration. The citizens' problems were being quickly solved after addressing the Administration of the passport-visa service. However many inhabitants of the region do not know how to appeal against the actions of an official. As the case of Mr. M. shows, address to the Office of Public Prosecutor or a city court does not always bring success.

The plenipotentiary has recommended the management of the CAIA of the region to take measures so that the officials of the administrations of internal affairs put visas about their decision on all the citizens' requests without fail. As most of the complaints are connected with the refusal of the employees of passport-visa service to follow the article 36 of the "Regulation On the procedure of the issue, exchange, registration and keeping of passports of a citizen of the Russian Federation", extract with the statement of this article should be posted up in all the passport-visa subdivisions together with the indication of the address of higher organization – the Passport-visa department of the CAIA of Sverdlovskaya oblast.

Administrations of the municipal institutions of the region should also take measures so that the passport departments place the information about the procedure of obtaining of passports by the citizens without the domiciliary registration. The passport departments should also indicate the address of the regional subdivision of passport-visa service and the reception hours.

## **VIOLATIONS OF RIGHTS CONNECTED WITH THE ADMINISTRATION OF LEGISLATION ABOUT THE CITIZENSHIP AND THE LEGAL STATUS OF THE FOREIGN CITIZENS**

Since the summer 2002 and till now the plenipotentiary is receiving innumerable complaints from the inhabitants of the region. These complaints are connected with the impossibility to fulfil all the requirements for naturalization in Russia that are made by the new Russian legislation. People, many of whom are natives of Russia, have lived on its territory for many years. They cannot resign to the necessity of issuing a permission of temporary residence or a residential permit in the country that they have always regarded and continue to regard as their homeland. Despite the fact that all these complaints were in many respects caused by the imperfection of the federal legislation, the plenipotentiary entertained them, closely watched the position of immigrants in the region and repeatedly informed the representatives of various branches of authorities and the administration of the country's law machinery about their problems.

Within the force of the law "On the legal status of the foreign citizens in the Russian Federation" come the people who have moved to Russia many years ago and who have not used the right to restore the Russian citizenship by way of registration that is guaranteed by the first Russian nationality law. They were offended by the refusal to exchange passports and the necessity to issue a residential permit. Despite the fact that in their passports there was the stamp testifying their citizenship of another country (Ukraine, Kazakhstan), they continued to regard themselves as the Russian citizens and were not interested in the requirements of the Russian legislation after the move to Russia.

A native of Russia Ms. S. from Nizhniy Tagil (appeal № 06-15/1037) lived in Ukraine for 30 years and moved to Sverdlovskaya oblast in 1993. The stamp of the citizenship of Ukraine was put down in Ms. S.'s passport before her departure. Since her rights and freedoms were not infringed (she had a domiciliary registration, permanent work, took part in elections), the stamp in the passport gave her no concern.

Ms. S. flatly disagreed with the refusal of the passport-visa service to substitute her old passport for a Russian one. She did not acknowledge her belonging to the citizenship of Ukraine. During the reception held in Yekaterinburg by P.A. Mysnik, the Ukrainian Consul General in Tumen, she addressed

him with the request to give her the reference of absence of Ukrainian citizenship. Since she was regarded as the citizen of Ukraine by the Ukrainian legislation, the procedure of expatriating was explained to her.

Right after the adoption of the law "On the citizenship of the Russian Federation" (in 2002 – 2003) the plenipotentiary received a lot of addresses from the inhabitants of the region who were mistaken about the presence of the citizenship of a country of the Commonwealth of Independent States (CIS). Natives of Russia, citizens of the CIS countries and stateless persons living in Russia for many years have thought that they automatically become the Russian citizens during the domiciliary registration and enjoy almost all the rights of a Russian citizen.

Only those who had had a permanent domiciliary registration at the moment the law had come into effect (February, 6 1992) were recognized by the bodies of the internal affairs as the citizens of the Russian Federation. Meanwhile, the federal law "On the citizenship of the Russian Federation" of 28.11.1991 recognizes as citizens not only those who have domiciliary registration in Russia but also those who permanently live on the territory of Russia at the moment the law comes into effect. However, in spite of the adduced documentary evidences of the permanent residence on the territory of Russia, regional passport-visa services do not always recognize as citizens of the Russian Federation even those who have judicially proved the fact of their living in Russia on February, 6 1992.

Mrs. B. from Yekaterinburg (appeal № 06-15/1569) lived in Ukraine from 1986 till 1989. After her divorce she moved to Yekaterinburg together with her young daughter. Mrs. B. got fixed up in a job, her daughter went to kindergarten. Mrs. B. was able to issue domiciliary registration only in 1993 because of the difficulties with the exchange of her apartment. The passport-visa service refused to exchange her passport and to issue a passport for her daughter in spite of the adduced copy of the work-book and the references from the kindergarten. Upon the advice of the plenipotentiary Mrs. B. referred to the local court, established the fact of the permanent residence at the moment the federal law "On the citizenship of the Russian Federation" had come into effect. Only after that her daughter and she got their passports.

Mr. A. from Serov (appeal № 06-15/3230) was less fortunate. According to Mr. A., the head of the passport-visa service of Serov CAIA refused to take action on issue of a Russian passport without explaining the reasons even though the fact of Mr. A.'s permanent residence in Russia had been judicially proven. The plenipotentiary sent Mr. A.'s appeal to the Passport-visa department of CAIA of the region. After the check-up the head of the passport-visa service of the Serov CAIA was ordered to issue a passport of the citizen of the Russian Federation for Mr. A.

Today some social emigrant organizations advise all the immigrants who have been born in the Russian Soviet Federative Socialist Republic (or if their parents are the natives of Russia) and have had the citizenship of the USSR to judicially prove the presence of the citizenship of the Russian Federation by birth. The presence of another country's citizenship should not be taken into consideration. The plenipotentiary considers it necessary to express his point of view on the matter, by no means contesting the persons' right to assert their position judicially.

The given recommendations are based on the Writ of the Supreme Court of the Russian Federation of 16.05.1996 "In the matter of constitutionality of article "r" of the statute 18 of the Law of the Russian Federation "On the citizenship of the Russian Federation" in connection with the complaint of A.B. Smirnov". According to the Writ "persons previously having the citizenship of the USSR and their descendants are regarded as the citizens of the Russian Federation if they have not freely given their consent for the citizenship cessation". Meanwhile, in the mentioned writ it is the question of illegitimacy of a refusal to acknowledge the citizenship of a person on the basis of the fact of his/her residence outside the realm of the Russian Federation at the moment the law "On the citizenship of the Russian Federation" has come into effect. In the writ it is clearly determined that all the facts, particularly the absence of another state's citizenship, should be taken into account while considering this issue.

Today all the citizens of the former USSR who have permanently lived on the territory of the Russian Federation on February, 6 1992 are recognized as the citizens of the Russian Federation if they have not declared their unwillingness to be the citizens of the Russian Federation. Persons who have been the citizens of the Russian Federation by birth, have lived beyond its bounds and have returned to live permanently on the Russian territory are also recognized as the citizens of the Russian Federation (irrespective of the time of their return and if they do not have another state's citizenship). This norm is observed by the passport-visa services of the region.

Many of the residents of Russia, who are not recognized as its citizens today, have not only enjoyed the rights of the citizens of the RF without any restrictions, but also fulfilled the duties on a par with the citizens of Russia. Recruitment offices have drafted young men without thinking about their civil belonging. In the end of the year 2002 by instructions of the President of the Russian Federation the



attached to the President Committee on the citizenship matters together with the Ministry of Defense and in cooperation with the passport-visa department of the Ministry of Internal Affairs has worked out the Methodical recommendations. Approved on December, 24 2002 the recommendations deal with the issue of passports of the citizen of the Russian Federation to the military servicemen who have done or are doing military service either in the Armed Forces of the Russian Federation or in the federal executive authorities where the military service is envisaged, to the employees of the bodies of the internal affairs and to the members of their families. The former military servicemen and the members of their families can apply for the issue of passports to the recruitment offices that have once drafted them in defiance of the law. However, judging by the appeals to the plenipotentiary this information was not brought to the notice of the inhabitants of the region in time.

Mrs. B. from the Panteleykovo village (Artinskiy region), who is the mother of eight children, has moved from Kazakhstan in 1993 together with her family (appeal № 06-15/1236). Mrs. B.'s sons have done military service and now live and work in the country. In the local passport-visa service they did not just explain her that her children had done military service by mistake but even mocked that they might be drafted to the Kazakhstan's army. Mrs. B. wrote that her family did not have money to issue all the documents needed to receive a residential permit. She was not informed that her sons had the right to obtain passports of the citizen of the Russian Federation. The plenipotentiary sent her appeal to O.E. Kutafin, the chairman of the Attached to the President Committee on the citizenship matters. The appeal was considered in the passport-visa department of the Ministry of Internal Affairs of the Russian Federation. As a result the passport-visa department of the CAIA of Sverdlovskaya oblast was ordered to issue the residential permits of the stateless persons for the family of Mrs. B. according to the existing documents. Her sons were advised to address the local recruitment office.

Mr. P. from Mikhailovsk found himself in the similar situation. His mother Mrs. I. addressed the plenipotentiary (appeal № 06-15/1442). According to her, her family moved to Sverdlovskaya oblast from Uzbekistan in 1994. Before the departure all the members of her family issued their citizenship in the embassy of the Russian Federation. All the members of her family were recognized as the forced migrants. Her eldest son got the passport with the completed requisites about the belonging to the Russian citizenship, was drafted and then was transferred to the reserve by the state of health. Today Mrs. I.'s eldest son cannot confirm his citizenship. According to the data of the Ministry of Foreign Affairs he did not obtain the citizenship of the Russian Federation. The plenipotentiary advised Mrs. I. to apply to the local recruitment office for the issue of the passport. Her son's appeal was accepted. Now his papers are being considered.

At the same time we should mention that Mrs. I. has faced the problem that many migrants from the countries of the Commonwealth of Independent States (CIS) have. While exchanging the passports the employees of the Ministry of Foreign Affairs carry out the check-up of the legality of previously issued documents that testify the belonging to the Russian citizenship.

Lately the plenipotentiary has been often receiving written and oral appeals of the citizens of the Russian Federation who have acquired the citizenship in the embassies and consulates of the CIS countries (appeal № 06-15/518 from the family B. from the city of Rege, appeal №06-15/2583 from an inhabitant of the Krasnogvardeiskiy village of Artemovskiy district, appeal № 06-15/2987 from an inhabitant of Yekaterinburg). Before the departure to Russia all these people applied to the consular offices of the Russian Federation for the issue of the Russian citizenship. According to the order of 12.04.2001 from the Passport-visa department of the Ministry of Internal Affairs the passport-visa services verify the authenticity of the stamps and references issued (put down) by the Russian consular foreign offices.

As the appeals to the plenipotentiary testify, the fully reasonable desire to debar the issue of a Russian passport to persons producing forged papers has turned into the humiliation of honest people because of the lack of organization and coordination in the work of the Ministries of Foreign and Internal Affairs.

In the course of the check-ups the plenipotentiary received a lot of letters from the Ministries of Foreign and Internal Affairs. It is evident from these letters that the decision has been made without taking into account the fact that the Ministry of Foreign Affairs does not have the unified data base of persons who have become the citizens. Thus the inquiries were sent directly to the foreign consular offices. The citizens complained that they had had to wait for an answer for several months. At the same time they could not submit an application about admission to the Russian citizenship again and had to wait for the decision for a long while. Employees of the passport-visa service of the CAIA of Sverdlovskaya oblast have repeatedly mentioned that the Ministry of Foreign Affairs gives almost no



answers to the inquiry from the CIS countries. 25% of 1500 inquiries made by the Passport-visa department of the region were left without an answer. The answers from the consular offices of the Embassy of the Russian Federation in Uzbekistan, Kazakhstan, from the Consulate General of the Russian Federation in Khujent (Tajikistan) were received out-of-time. The plenipotentiary had to repeatedly address the Minister of Foreign Affairs in person.

However it is only the one side of the problem. Not always the absence of information about a person's naturalization in the data base of the Ministry of Foreign Affairs testifies that a person has produced the forged documents. According to the testimonies of those who addressed the plenipotentiary, the employees of the consular offices had issued documents in a very rough way.

The adoption of the subprogramme will permit to improve the situation of providing the employees and the pensioners of the DFCF and the members of their families with accommodation. The plenipotentiary has prepared letters for the deputies of the State Duma of Sverdlovskaya oblast with a request to support this programme.

In all the territorial bodies of the Criminal-Executive System (CES), including the institutions of AB-239, there exists the problem of rendering of medical care to employees and pensioners of the CES and to the members of their families. Nowadays more than 150000 employees of the CES in the country are disabled to get medical care in state and municipal health institutions and in the health institutions of another departmental belonging because of the territorial remoteness of the CES subdivisions. Moreover, the current legislation does not provide for the possibility of receiving policies of obligatory medical insurance.

In this connection the Chief Administration for Execution of Punishments (CAEP) of the Ministry of Justice of Russia takes measures to change the existent procedure of medical provision for employees and pensioners of the CES. The draft of governmental regulation of the Russian Federation "On the ratification of the Provision about rendering of medical care to employees of the Criminal Executive System of the Ministry of Justice of the Russian Federation, to pensioners of the CES of Russia and to the members of their families" is being worked out.

As for the entrance to higher educational establishments of the children of employees of the Department of the Medical Correctional Facilities (DMCF), V.U. Yalunin reported that "...while preparing the annual orders about the announcement of admission to education in the departmental educational institutions, applications of the candidates from all the DMCFs are complied fully by the CAEP of the Ministry of Justice of the Russian Federation.

At the same time the DMCF gets about 20 percent more admission places than any other territorial bodies of the CES. Thus, according to the order of the Ministry of Justice of 08.04.03 №82: the institution AB-239 (Sverdlovskaya oblast) got 27 admission places for internal education in higher educational establishments; the institution И-299 got 36 admission places... which fully corresponds with the number of applications received".

We should acknowledge that the Government of Sverdlovskaya oblast together with the Legislative Assembly has included in its programs solution of the problems set aside by the CES of the villages. The plenipotentiary should take control of arranging better life there. The problem of rendering of medical care to the employees of these institutions should be finally solved during the year 2004.

## **VIOLATION OF CITIZENS' RIGHTS DURING THE DOMICILIARY REGISTRATION, EXCHANGE AND ISSUE OF PASSPORTS**

In the past year the exchange of passports was coming to the end. This entailed the increase in the oral and written addresses with complaints on the employees of passport-visa service and passport departments. The complaints dealt with impolite treatment, unwillingness to give explanations, refusal to exchange and issue passports to people without domiciliary registration, procrastination in consideration of their addresses.

Ms. D. from Yekaterinburg applied to the passport department of the Repair\_Exploitation Municipal Enterprise (REME) of Leninskiy district with the request of domiciliary registration of her 14-year-old daughter (appeal № 06-15/2043). Ms. D. is an employee of a district military plant. Her job is concerned with long assignments to a closed administrative territory (CAT). Most of the time her family lives not in the permanent but in the temporary residence. Therefore Ms. D. has addressed the bodies of the internal affairs of this CAT with the request to issue a passport to her daughter aged 14.

The authorities issued the passport and advised Ms. D. to process permanent domiciliary registration after her return to Yekaterinburg. Ms. D. complained that she had had to come to inspectors

for many times and to bring a lot of references. She also was not told why her daughter could not receive domiciliary registration. As Ms. D. noted in her address, her daughter's registration was issued after her fifth visit to the passport department. Despite her numerous request the passport department did not return her the form of her daughter's temporary residence registration. Without that form the girl could not enter the closed administrative establishment with her mother.

Nowadays people who live in our region without domiciliary registration face a lot of challenges. People often lose their dwellings and registration as a result of fraudulent actions of real estate agencies. Citizens without registration are automatically deprived of many rights. First of all, they cannot get various benefits and pensions that are domiciliary granted. Policy of obligatory medical insurance can be received only by a domiciliary registration. However the absence of registration does not deprive a person of the right to obtain and exchange passports. According to the article 36 of the "Regulation On the procedure of the issue, exchange, registration and keeping of passports of a citizen of the Russian Federation" citizens without permanent residence can obtain and exchange passports in their temporary residence. People who do not have domiciliary or temporary residence registration can obtain or exchange passports in passport-visa subdivisions of home affairs authorities in the place of their actual residence.

Citizens who have addressed authorities in the place of their temporary or actual residence are subjected to control without fail. Stamps of domiciliary registration and annulment of registration are not put in the passports issued in the places of temporary or actual residence of citizens. Other notes and records provided by this regulation are made on the basis of the documents that confirm corresponding juridical facts. Article 37 stipulates that citizens aged 14 who do not have permanent residence and who live with their parents (adoptive parents, guardians) should deliver their parents' (adoptive parents', guardians') registration reference with information about them.

Unfortunately, some employees of passport-visa services prefer to conceal the existence of this article, demanding from citizens to process domiciliary registration without fail. Mr. M. from Serov addressed the plenipotentiary. In May 2001 Mr. M. lost his passport and immediately applied to the home affairs authorities with the request to issue a new passport instead of the lost one. However the head of passport-visa service of Serov refused to accept this request motivating it by the absence of domiciliary registration.

Mr. M. consulted a lawyer and applied the passport-visa service again with the request to accept his application on basis of the article 36 of the "Regulation On the procedure of the issue, exchange, registration and keeping of passports of a citizen of the Russian Federation". But he was refused again. Mr. M. tried to enlist the support of the Office of Public Prosecutor. But his request was not accepted in the Office of Public Prosecutor of Serov. He was advised to go to the law. The judge of Serov city court did not accept his writ either. Having enquired the head of the passport-visa service on a scrap of paper, she was satisfied with the received answer and gave Mr. M. a recommendation to take the reference in the house management confirming his temporary registration in one of the places of his residence. Mr. M. could not receive such reference because temporary registration was not considered in the passport department. Not knowing where else to address, Mr. M. wrote a letter to the plenipotentiary, enclosing the judge's note with the answer of the head of passport-visa service of Serov and all the requests that had not been accepted by the Office of Public Prosecutor, the city court and the passport-visa service.

After the plenipotentiary had addressed the Passport-visa department of the Chief Administration of Internal Affairs (CAIA) of Sverdlovskaya oblast, Mr. M. was summoned to the City Administration of Internal Affairs (CAIA) of Serov. He received a temporary certificate of identity. In December he obtained the passport. The head of the passport-visa service of Serov flatly refused to acknowledge the fact of Mr. M.'s address to her till May 2003. That is, till the moment when the check-up by the higher administration began. Today it is difficult to call those officials to account since none of them has registered Mr. M.'s requests or appended instructions on them. The head of passport-visa service, the public prosecutor of Serov and the deputy chief of the CAIA of the region did not find any violations in the Serov CAIA activity. At least the plenipotentiary was not informed about any penalties towards the official who had violated the rights of the citizen.

The plenipotentiary has repeatedly received the complaints about the refusal to issue and exchange documents to people without the domiciliary registration. The citizens' problems were being quickly solved after addressing the Administration of the passport-visa service. However many inhabitants of the region do not know how to appeal against the actions of an official. As the case of Mr. M. shows, address to the Office of Public Prosecutor or a city court does not always bring success.

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the citizens' requests without fail. As most of the complaints are connected with the refusal of the employees of passport-visa service to follow the article 36 of the "Regulation On the procedure of the issue, exchange, registration and keeping of passports of a citizen of the Russian Federation", extract with the statement of this article should be posted up in all the passport-visa subdivisions together with the indication of the address of higher organization – the Passport-visa department of the CAIA of Sverdlovskaya oblast.

Administrations of the municipal institutions of the region should also take measures so that the passport departments place the information about the procedure of obtaining of passports by the citizens without the domiciliary registration. The passport departments should also indicate the address of the regional subdivision of passport-visa service and the reception hours.

## **VIOLATIONS OF RIGHTS CONNECTED WITH THE ADMINISTRATION OF LEGISLATION ABOUT THE CITIZENSHIP AND THE LEGAL STATUS OF THE FOREIGN CITIZENS**

Since the summer 2002 and till now the plenipotentiary is receiving innumerable complaints from the inhabitants of the region. These complaints are connected with the impossibility to fulfil all the requirements for naturalization in Russia that are made by the new Russian legislation. People, many of whom are natives of Russia, have lived on its territory for many years. They cannot resign to the necessity of issuing a permission of temporary residence or a residential permit in the country that they have always regarded and continue to regard as their homeland. Despite the fact that all these complaints were in many respects caused by the imperfection of the federal legislation, the plenipotentiary entertained them, closely watched the position of immigrants in the region and repeatedly informed the representatives of various branches of authorities and the administration of the country's law machinery about their problems.

Within the force of the law "On the legal status of the foreign citizens in the Russian Federation" come the people who have moved to Russia many years ago and who have not used the right to restore the Russian citizenship by way of registration that is guaranteed by the first Russian nationality law. They were offended by the refusal to exchange passports and the necessity to issue a residential permit. Despite the fact that in their passports there was the stamp testifying their citizenship of another country (Ukraine, Kazakhstan), they continued to regard themselves as the Russian citizens and were not interested in the requirements of the Russian legislation after the move to Russia.

A native of Russia Ms. S. from Nizhniy Tagil (appeal № 06-15/1037) lived in Ukraine for 30 years and moved to Sverdlovskaya oblast in 1993. The stamp of the citizenship of Ukraine was put down in Ms. S.'s passport before her departure. Since her rights and freedoms were not infringed (she had a domiciliary registration, permanent work, took part in elections), the stamp in the passport gave her no concern.

Ms. S. flatly disagreed with the refusal of the passport-visa service to substitute her old passport for a Russian one. She did not acknowledge her belonging to the citizenship of Ukraine. During the reception held in Yekaterinburg by P.A. Mysnik, the Ukrainian Consul General in Tumen, she addressed him with the request to give her the reference of absence of Ukrainian citizenship. Since she was regarded as the citizen of Ukraine by the Ukrainian legislation, the procedure of expatriating was explained to her.

Right after the adoption of the law "On the citizenship of the Russian Federation" (in 2002 – 2003) the plenipotentiary received a lot of addresses from the inhabitants of the region who were mistaken about the presence of the citizenship of a country of the Commonwealth of Independent States (CIS). Natives of Russia, citizens of the CIS countries and stateless persons living in Russia for many years have thought that they automatically become the Russian citizens during the domiciliary registration and enjoy almost all the rights of a Russian citizen.

Only those who had had a permanent domiciliary registration at the moment the law had come into effect (February, 6 1992) were recognized by the bodies of the internal affairs as the citizens of the Russian Federation. Meanwhile, the federal law "On the citizenship of the Russian Federation" of 28.11.1991 recognize as citizens not only those who have domiciliary registration in Russia but also those who permanently live on the territory of Russia at the moment the law comes into effect. However, in spite of the adduced documentary evidences of the permanent residence on the territory of Russia, regional passport-visa services do not always recognize as citizens of the Russian Federation even those who have judicially proved the fact of their living in Russia on 6 February, 1992.

Mrs. B. from Yekaterinburg (appeal № 06-15/1569) lived in Ukraine from 1986 till 1989. After her divorce she moved to Yekaterinburg together with her young daughter. Mrs. B. got fixed up in a job,

her daughter went to kindergarten. Mrs. B. was able to issue domiciliary registration only in 1993 because of the difficulties with the exchange of her apartment. The passport-visa service refused to exchange her passport and to issue a passport for her daughter in spite of the adduced copy of the work-book and the references from the kindergarten. Upon the advice of the plenipotentiary Mrs. B. referred to the local court, established the fact of the permanent residence at the moment the federal law "On the citizenship of the Russian Federation" had come into effect. Only after that her daughter and she got their passports.

Mr. A. from Serov (appeal № 06-15/3230) was less fortunate. According to Mr. A., the head of the passport-visa service of Serov CAIA refused to take action on issue of a Russian passport without explaining the reasons even though the fact of Mr. A.'s permanent residence in Russia had been judicially proven. The plenipotentiary sent Mr. A.'s appeal to the Passport-visa department of CAIA of the region. After the check-up the head of the passport-visa service of the Serov CAIA was ordered to issue a passport of the citizen of the Russian Federation for Mr. A.

Today some social emigrant organizations advise all the immigrants who have been born in the Russian Soviet Federative Socialist Republic (or if their parents are the natives of Russia) and have had the citizenship of the USSR to judicially prove the presence of the citizenship of the Russian Federation by birth. The presence of another country's citizenship should not be taken into consideration. The plenipotentiary considers it necessary to express his point of view on the matter, by no means contesting the persons' right to assert their position judicially.

The given recommendations are based on the Writ of the Supreme Court of the Russian Federation of 16.05.1996 "In the matter of constitutionality of article "r" of the statute 18 of the Law of the Russian Federation "On the citizenship of the Russian Federation" in connection with the complaint of A.B. Smirnov". According to the Writ "persons previously having the citizenship of the USSR and their descendants are regarded as the citizens of the Russian Federation if they have not freely given their consent for the citizenship cessation". Meanwhile, in the mentioned writ it is the question of illegitimacy of a refusal to acknowledge the citizenship of a person on the basis of the fact of his/her residence outside the realm of the Russian Federation at the moment the law "On the citizenship of the Russian Federation" has come into effect. In the writ it is clearly determined that all the facts, particularly the absence of another state's citizenship, should be taken into account while considering this issue.

Today all the citizens of the former USSR who have permanently lived on the territory of the Russian Federation on 6 February 1992 are recognized as the citizens of the Russian Federation if they have not declared their unwillingness to be the citizens of the Russian Federation. Persons who have been the citizens of the Russian Federation by birth, have lived beyond its bounds and have returned to live permanently on the Russian territory are also recognized as the citizens of the Russian Federation (irrespective of the time of their return and if they do not have another state's citizenship). This norm is observed by the passport-visa services of the region.

Many of the residents of Russia, who are not recognized as its citizens today, have not only enjoyed the rights of the citizens of the RF without any restrictions, but also fulfilled the duties on a par with the citizens of Russia. Recruitment offices have drafted young men without thinking about their civil belonging. In the end of the year 2002 by instructions of the President of the Russian Federation the attached to the President Committee on the citizenship matters together with the Ministry of Defense and in cooperation with the passport-visa department of the Ministry of Internal Affairs has worked out the Methodical recommendations. Approved on 24 December 2002 the recommendations deal with the issue of passports of the citizen of the Russian Federation to the military servicemen who have done or are doing military service either in the Armed Forces of the Russian Federation or in the federal executive authorities where the military service is envisaged, to the employees of the bodies of the internal affairs and to the members of their families. The former military servicemen and the members of their families can apply for the issue of passports to the recruitment offices that have once drafted them in defiance of the law. However, judging by the appeals to the plenipotentiary this information was not brought to the notice of the inhabitants of the region in time.

Mrs. B. from the Panteleykovo village (Artinskiy region), who is the mother of eight children, has moved from Kazakhstan in 1993 together with her family (appeal № 06-15/1236). Mrs. B.'s sons have done military service and now live and work in the country. In the local passport-visa service they did not just explain her that her children had done military service by mistake but even mocked that they might be drafted to the Kazakhstan's army. Mrs. B. wrote that her family did not have money to issue all the documents needed to receive a residential permit. She was not informed that her sons had the right to obtain passports of the citizen of the Russian Federation. The plenipotentiary sent her appeal to O.E. Kutafin, the chairman of the Attached to the President Committee on the citizenship matters. The appeal

was considered in the passport-visa department of the Ministry of Internal Affairs of the Russian Federation. As a result the passport-visa department of the CAIA of Sverdlovskaya oblast was ordered to issue the residential permits of the stateless persons for the family of Mrs. B. according to the existing documents. Her sons were advised to address the local recruitment office.

Mr. P. from Mikhailovsk found himself in the similar situation. His mother Mrs. I. addressed the plenipotentiary (appeal № 06-15/1442). According to her, her family moved to Sverdlovskaya oblast from Uzbekistan in 1994. Before the departure all the members of her family issued their citizenship in the embassy of the Russian Federation. All the members of her family were recognized as the forced migrants. Her eldest son got the passport with the completed requisites about the belonging to the Russian citizenship, was drafted and then was transferred to the reserve by the state of health. Today Mrs. I.'s eldest son cannot confirm his citizenship. According to the data of the Ministry of Foreign Affairs he did not obtain the citizenship of the Russian Federation. The plenipotentiary advised Mrs. I. to apply to the local recruitment office for the issue of the passport. Her son's appeal was accepted. Now his papers are being considered.

At the same time we should mention that Mrs. I. has faced the problem that many migrants from the countries of the Commonwealth of Independent States (CIS) have. While exchanging the passports the employees of the Ministry of Foreign Affairs carry out the check-up of the legality of previously issued documents that testify the belonging to the Russian citizenship.

Lately the plenipotentiary has been often receiving written and oral appeals of the citizens of the Russian Federation who have acquired the citizenship in the embassies and consulates of the CIS countries (appeal № 06-15/518 from the family B. from the city of Rege, appeal № 06-15/2583 from an inhabitant of the Krasnogvardeiskiy village of Artemovskiy district, appeal № 06-15/2987 from an inhabitant of Yekaterinburg). Before the departure to Russia all these people applied to the consular offices of the Russian Federation for the issue of the Russian citizenship. According to the order of 12.04.2001 from the Passport-visa department of the Ministry of Internal Affairs the passport-visa services verify the authenticity of the stamps and references issued (put down) by the Russian consular foreign offices.

As the appeals to the plenipotentiary testify, the fully reasonable desire to debar the issue of a Russian passport to persons producing forged papers has turned into the humiliation of honest people because of the lack of organization and coordination in the work of the Ministries of Foreign and Internal Affairs.

In the course of the check-ups the plenipotentiary received a lot of letters from the Ministries of Foreign and Internal Affairs. It is evident from these letters that the decision has been made without taking into account the fact that the Ministry of Foreign Affairs does not have the unified data base of persons who have become the citizens. Thus the inquiries were sent directly to the foreign consular offices. The citizens complained that they had had to wait for an answer for several months. At the same time they could not submit an application about admission to the Russian citizenship again and had to wait for the decision for a long while. Employees of the passport-visa service of the CAIA of Sverdlovskaya oblast have repeatedly mentioned that the Ministry of Foreign Affairs gives almost no answers to the inquiry from the CIS countries. 25% of 1500 inquiries made by the Passport-visa department of the region were left without an answer. The answers from the consular offices of the Embassy of the Russian Federation in Uzbekistan, Kazakhstan, from the Consulate General of the Russian Federation in Khujent (Tajikistan) were received out-of-time. The plenipotentiary had to repeatedly address the Minister of Foreign Affairs in person.

However it is only the one side of the problem. Not always the absence of information about a person's naturalization in the data base of the Ministry of Foreign Affairs testifies that a person has produced the forged documents. According to the testimonies of those who addressed the plenipotentiary, the employees of the consular offices had issued documents in a very rough way.

### **Now these already grown up children cannot acquire the passport**

Since December 2003 at the Centre for Visa and Registration attached to the Chief Administration of Internal Affairs (CAIA) of Sverdlovskaya Oblast a data base of the Consular Service Department (CSD) of the Russian Federation Ministry of Foreign Affairs was set, what allows to hope that the terms of verification will shorten. However, if the data base is not complete (the grounds for the suspicion may be Ms. I.'s appeal, who was assured that her elder son would acquire the citizenship together with his mother), the problem will not be solved. The Human Rights Committee chairman

attached to the President of Russian Federation E.A. Pamfilova and the Citizenship Committee chairman of the Russian Federation O.Y. Kutafin were informed about such a set practice of verification made by the Plenipotentiary.

The major part of the appeals addressed to the Plenipotentiary concerns the process of acquiring the citizenship or the temporary residence permit; this is connected with the absence of the procedure mechanism of the law "On the Legal Position of Foreign Citizens in the Russian Federation". The necessary statutes and departmental instructions without which their application was factually paralyzed appeared much later than the law became valid. The instructions about the organization of the Internal Affairs Organs of the Russian Federation activity to execute and to issue the temporary residence permit and the residence permit were adopted by the order of the Ministry of the Internal Affairs only on April 14, 2003, almost 6 months after the federal law "On the Legal Position of Foreign Citizens in the Russian Federation" became valid. The list of the diseases whose carriers cannot be issued with the temporary residence permit was also adopted half a year later on April 2, 2003.

Due to absence of the necessary statutes and departmental instructions for the realisation of the law, the Departments for Visa and Registration of the CAIA of Sverdlovskaya Oblast were given instructions by the Section for Visas and Registration (SVR) of Sverdlovskaya Oblast regions concerning the suspension of the residence permit issuing to those who made the appeals after November 1, 2002. The reception of the documents in order to acquire the temporary residence permit and the residence permit was also stopped. It was factually renewed only beginning with the summer 2003.

A greater amount of the appeals and complaints addressed to the Plenipotentiary concern the fact that foreign citizens and those without citizenship cannot process their residence in Russia. Pensioners could not get medical care free of charge as far as the policies of obligatory medical insurance are given only those who live constantly in the country and pensions in the Russian Federation are given only those foreign citizens who live here constantly. The document, which identifies the fact of permanent residence, is the residence permit.

However, it should be mentioned that complaints are caused not only because reception of the documents was temporarily stopped for the necessary documents were absent. Because of incompetence of the SVR employees and unsatisfactory management, many problems emerged. Many migrants were to present their travelling passport as an identity card and a document, which identifies the citizenship.

Ms. N. from Yekaterinburg (appeal # 06-15/210) who already went to Tadzhikistan, as the SVR employees advised her, where she process her national passport of that republic complained that now she has to process the travelling passport. She did not have money to go to Tadzhikistan again. When the Plenipotentiary addressed to the Department for Visa and Registration of the Ministry of the Internal Affairs of the Russian Federation she was given the response that the citizens of the CIS (the Commonwealth of Independent States) can present any document mentioned in the list attached to the citizens mutual travel agreements ratified by the Russian Federation with the other countries-participants of the CIS excluding the documents issued in connection with an official and professional activity. The SVR authorities of the CAIA of Sverdlovskaya Oblast were informed that violation of the current legislation is inadmissible.

People in their appeals pointed out that their documents were sent for modification, though they were processed according to the local SVR employees' recommendations. Thus, Mr. and Mrs. B. from Lugovskoi settlement, Tugulimskiy region (appeal # 06-15/572) wrote to the Plenipotentiary that they tried to process their residence since October 2000. In February 2002 their documents were returned with the mark "citizenship is refused". The documents to acquire the residence permit, were sent back twice for modification from Yekaterinburg. Factually, they were inspected only in October 2002. It took 3 years for the family couple to process their residence in the Russian Federation!

Ms. P. from Polevskoy (appeal # 06-15/2777) complained that she did not have a possibility to give her daughter's documents to acquire the residence permit before the law "On the Legal Position of Foreign Citizens in the Russian Federation" became valid, for an employee of the SVR, who was in charge on these issues, was on vacation and there was no one to work with documents while he was absent.

The employees of the same SVR in Polevskoy refused in issuing a passport to a citizen of Russia Ms. P. (appeal # 06-15/2699) through carelessness. Ms. P. being a permanent resident of Russia stroke off the register as on February 19, 1992, she moved to the Ukraine. Thus, according to the Russian Legislation she was admitted a citizen of the Russian Federation. In the Ukraine, she was given a Ukrainian passport. However, Ms. P. did not petition for changing a Russian citizenship. More than a year the SVR employees of Polevskoy did not pay attention that, factually, she is a Russian citizen. A



seriously ill old woman was gathering documents to acquire the residence permit in the Russian Federation.

All the time while in Russia Ms. P. did not have a possibility to receive pension and was supported by her daughter. According to the Department for Visa and Registration recommendations of the CAIA in Sverdlovskaya Oblast the Plenipotentiary applied to the Ukrainian Embassy of the Russian Federation to V.S. Chernomyrdin with the request to confirm the fact that while living in the Ukraine she did not appeal to change the Russian citizenship. However, even after the reply from the Embassy was shown to the local SVR employees they refused to accept the documents from Ms. P.'s daughter in order to acquire the citizenship. The passport was processed only when they received instruction from the Department for Visa and Registration of the CAIA in Sverdlovskaya Oblast. The SVR employees even did not consider it necessary to apologise to the seriously ill Ms. P. who had been acquiring the passport while in hospital and who had been living more than a year without means of subsistence.

It seems that many employees of the SVR encountering non-standard situation are not able to make decisions on their own and are not willing to consult a higher-ranking organisation. They often prefer simply to refuse the applicant rather than to cooperate. Ms. K. from Sispaevskoe village, Kamensk region who applied to the Plenipotentiary in 2002 (appeal # 05-15/2720) received a letter from the SVR Department of the CAIA in Sverdlovskaya Oblast informing that they satisfied the claim of her underage granddaughter and she should give the documents according to the place of residence. However, the employees of the local SVR refused to take the documents and recommended her process the temporary residence permit for the time being. A worried woman came to the Plenipotentiary again. The problem was solved after they applied to the SVR.

The Plenipotentiary mentions that during the passport exchange campaign, which coincided with the period of introducing tougher migration legislation it emerged that there is a great number of people who live constantly during a period of many years in Sverdlovskaya Oblast and who are not able to put their documents in order. This especially concerns migrants who lost their identity cards and now are especially in a difficult situation. For years, they cannot restore these documents and now do not have elementary human rights: the right to labour, the right to get medical care and pension.

At the beginning of 2003, Ms. M. from Nizhniy Tagil addressed to the Plenipotentiary in order to give any kind of help to Mr. K. Having been discharged from the hospital he lived at the staircase, sympathising him Ms. M. decided to shelter him (appeal # 06-15/232). Mr. K. moved to Sverdlovskaya Oblast from Tadzhikistan. Since February 10, 1992, he had a temporary residence permit. He had a previous conviction, having been released he tried to restore the passport which he had lost before the arrest. However, he could not do it as far as he was not a citizen of Russia. Appeals to the Embassy of Tadzhikistan were left without a reply. Today Mr. K. is completely helpless and partially paralysed because of an apoplexy he came through.

At the Plenipotentiary's request the SVR studied Ms. M.'s appeal and refused Mr. K. in acquiring a Russian passport, mentioning that as far as he has previous record he would probably not be issued with the temporary residence permit.

What should Mr. K. do – is not clear, connection with the country he came from is lost long time ago. The Plenipotentiary addressed to the chief of the Social Policy Department in Nizhniy Tagil with the request to help Mr. K. since he lives on the territory of the city. The only thing that the chief of the Social Department considered necessary to be done is to apply to the SVR of the city. No actual help was given to a helpless person without documents. The Plenipotentiary directed Ms. M.'s appeal to the Minister of the Social Protection in Sverdlovskaya Oblast with the request to provide for giving help to Mr. K. since he lived on the territory of Sverdlovskaya Oblast and according to the state of health, he could not take care of himself. The Minister of the Social Protection of Sverdlovskaya Oblast gave an instruction to the chief of the Social Protection Department in order to provide for the help to Ms. M. in taking care of Mr. K. and issuing the documents.

Ms. K. from Krasnyi settlement has been also living in Sverdlovskaya Oblast for several years (appeal # 06-15/2698). In 1996, she lost the passport in Kazakhstan. She applied to the Organs of Internal Affairs with the request to give her a new passport instead of the lost one. Then she acquired the temporary identity card to go to Kazakhstan. However, she did not do it on time. The most terrible thing is that unsolved parents' problems cause the problems of their children. Ms. has two sons a twenty-year-old Konstantin who also has no passport and a five-year-old Artem, having born in Sverdlovskaya Oblast he did not have the birth certificate. According to the documents this child did not exist.

For the last years, Ms. K. applied to the registry office organs, the SVR with the request to help her in issuing the documents. However, she could not solve all the piled problems. The Mayor of



Verhnyaya Pyshma was the only person to help the woman who was in trouble. He instructed that Artem should be given the policy of obligatory medical insurance. By virtue of his assistance, the boy who suffers infantile cerebral paralysis was registered in a hospital, though he did not get enough medical care as which he needed since he had no birth certificate. After the Plenipotentiary applied to the regional registry office employees, they took measure in order to process the child's birth certificate. It will take long time before Ms. K. herself and her elder son could acquire the documents, because the references they need could be given only by the Consular Institution of Kazakhstan.

Mr. K. from Yekaterinburg (appeal # 06-15/1715) who lived in the Ukraine earlier and lost his passport in 1995 while travelling in Poland applied to the Plenipotentiary. Mr. K. also applied to the Ukrainian organs of internal affairs for he lost his passport. However, he did not wait the passport to be registered since he was going to return to Russia and hoped to do it according to a new place of residence. Today Mr. K. has only an expired travelling passport of the citizen of the Ukraine and standard certificate # 9 that serves as an identity card.

All the years living in Sverdlovskaya Oblast Mr. K. was applying to the organs of the internal affairs in order to restore the lost passport. Nevertheless, as far as there were no replies from the Ukraine Mr. K.'s document was not drawn up. As he did not have an identity card, he could not restore his Russian citizenship. Now Mr. K. is waiting when he could acquire the passport in the General Consulate. Though, he has already lost his hope, as he has to present more and more new different references.

Inhabitants of Sverdlovskaya Oblast remain without identity cards and it is not only their fault. Some of the citizens fell pray to the work of the SVR employees. Mr. P. (appeal # 06-15/673) from Archit applied with the complaint that his Russian Federation citizenship was withdrawn as given by mistake (earlier Mr. P. had lived in the Ukraine and did not process the passport of the Russian Federation on time). Since his passport was revoked, he did not have the identity card. Ms. K. (appeal # 06-15/673) from Yekaterinburg applied with the same complaint as far as her daughter's passport was also withdrawn. Ms. K. herself and her daughter, who was born in the Ukraine, restored the citizenship of Russia. Since her elder daughter came of age at that time, she could not acquire the citizenship together with her mother and now is the only foreigner in the family. These people did not try to mislead the Law Enforcement Organs and got into a difficult situation only because of their incompetence; all over the country the withdrawing of the illegally given documents is still practised. The Ordzhonikidzevskiy Office of Public Prosecutor in Yekaterinburg started revision according to Ms. K. complaint, violation in the work of the SVR employees was not found and there were given recommendations to process the residence permit for Ms. K.'s daughter. The Plenipotentiary twice applied for revisioning of the regional SVR employees work and the reply was not given. Apparently, the issue considered to be fulfilled.

The L. family from Alapaevsk (appeal # 06-15/95), the N. family from Nizhniy Tagil (appeal # 06-15/431), the D. family (appeal # 06-15/2237) applied to the Plenipotentiary with the same complaints. Undoubtedly, in a major number of the cases it is people's fault as they were unwilling to follow the requirements of the International Affairs employees. However, one should admit that now these people are in a very difficult situation. Their status is difficult to define, to do this they need references and documents from the consulates or the Organs of Internal Affairs of those states they lived before. People complain that the replies on their appeals are not given, they cannot afford to come back to their previous place of residence, to live there while waiting when they could acquire the documents and they solicit to help them. Ms. K. from Karpinsk (appeal # 06-15/3387), who despaired of acquiring the documents from the Kazakhstan Consulate or at least to ring there up, addressed the Plenipotentiary how to sue the Consular Department of the Embassy, which violates the terms of the documents' consideration.

Today many inhabitants of Sverdlovskaya Oblast live without legal identity cards while waiting to acquire different references or replies from the embassies of the states they came from. In the course of time there are even more problems. The Plenipotentiary expects that there will be even more appeals concerning violation of the child rights during their birth registration. Migrants who live from hand to mouth do not have a possibility to process the passports for their grown up children. These children are not able to register their marriage. According to the current instructions it is extremely difficult to register a child, whose mother does not have an identity card. Inhabitants of Sovhoznyi settlement, Beloyarsk region, applied to the Plenipotentiary with the request to register their newborn granddaughter (appeal # 06-15/1182). Since girl's mother does not have a passport she could not register her marriage and it was also refused in the registration of the child's birth. The Registry Office employees did not give any advice to the parents of the child. Worried grandmothers addressed to the Plenipotentiary. When the Plenipotentiary applied to the registry office of Sverdlovskaya Oblast the child was registered. The Plenipotentiary informed repeatedly the deputies of the State Duma of the Russian Federation, the

members of the Federation Council, the Minister of the Internal Affairs of the Russian Federation, the Minister of the Nationalities Affairs, the Human Rights Committee chairman attached to the President of the Russian Federation, the Citizenship Department chief attached to the President of the Russian Federation about the problems which inhabitants of Sverdlovskaya Oblast face when they process their residence permit or temporary residence permit. The Plenipotentiary addressed to the Citizenship Committee chairman O.Y. Kutafin with the request to assist in decision making which simplified the neutralisation process of the CIS migrants who live on the territory of Russia for many years and do not have a possibility to restore a lost identity card.

Thus, there were amendments proposed to the current law "On the Citizenship in the Russian Federation", which simplified much situation of the Russian natives and migrants from the CIS it takes a lot of time and money to process the documents required for acquiring the citizenship. The Plenipotentiary thinks that people who live in Sverdlovskaya Oblast deserved their services to be acknowledged to the Russian Federation. For example, Mr. and Mrs. H. from Nizhniy Tagil on pension (appeal # 06-15/2601), parents of a lost son, the Hero of Russia applied to the Plenipotentiary. Mr. and Mrs. S., labour veterans from Zaikovo settlement, Irbitskiy region (appeal # 06-15/3268), Mrs. S. The state prize laureate of the USSR, Ms. T. from Severskiy region (appeal # 06-15/3222) who has been working all her life – all of them do not receive provision of pension at the moment. The Plenipotentiary to the Governor of Sverdlovskaya Oblast with the request to solicit the President of the Russian Federation for issuing the listed people the Russian Federation citizenship on the basis clause of the article 13 of the Federal Law of May 31, 2002, # 62 – the federal law "On Citizenship in the Russian Federation". In future the Plenipotentiary recommends all the SVR subdivisions to inform him and the Governor about the people who moved to the Sverdlovskaya and have services to the Russian Federation to solicit the President of the Russian Federation for simplification of the procedure of the Russian citizenship acquiring.

If we take into account the fact that now people apply to the Plenipotentiary more often, and no one cares about them as they do not have documents, the Plenipotentiary recommends all the social services, registry office organs, if they are not able to make the decision on the spot they should inform higher-ranking organization about incoming appeals and by no means not to leave them without a decision. The Plenipotentiary thinks that the fact of the existence of a five-year-old child without birth certificate on the territory of Sverdlovskaya Oblast is a big dereliction of the Registry Office work and the toughest violation of the International Convention on Children Rights. Families who are in a difficult situation since they do not have documents should be taken under control and these people should not be left on the mercy of fate on no account. They live on the territory of Sverdlovskaya Oblast, they have nowhere to go and no money for that, to help them is the duty of the state and municipal officials. Nowadays conditions of work demand the ability to have non-standard decision-making. If a person does not match the requirements of the departmental instruction this means that his problems do not exist.

Many times the Plenipotentiary had to apply to the head physician of medical institution with the request to render medical care to socially unprotected people who moved to Sverdlovskaya Oblast. In January 2002 Mr. and Mrs. N. who live in Yekaterinburg brought their relative, who lived alone, to a hospital – she was a first-group invalid since childhood (appeal # 06-15/874). When they addressed to the hospital in order to consult their request was refused. Mr. and Mrs. N. do not have a possibility to pay the treatment costs, as they are on pension themselves. According to the Plenipotentiary request she was consulted by the head physician of the city hospital # 29 and prescribed treatment.

Ms. G. from Yekaterinburg (appeal # 06-15/3323) who came from Kazakhstan in 1998 together with her little child lived on the collective farm without registration. She was not able to pay the treatment costs of her eight-years-old son who has a backbone injury. The boy was rendered urgent medical care. However, he needs a long-term rehabilitation but his mother does not have money for that. According to the petition, which was sent to the Ministry of Health of Sverdlovskaya Oblast by the Plenipotentiary and as an exception the boy was taken into the city hospital # 9.

Fortunately, there are examples when state officials made humane decisions. Ms. S. from Yekaterinburg who was has a physically challenged baby addressed to the Plenipotentiary (appeal # 06-15/3380). Mrs. S. is an inhabitant of Kazakhstan, her child was born on the territory of Sverdlovskaya Oblast and whose father was a citizen of Russia. Two months after the birth of the child Mrs. S. is acquiring the temporary residence permit. As a foreign citizen she does not have a right to receive a provision of pension. Nevertheless, as an exception she was granted a pension, as far as this is a case of the breadwinner loss.

Ms. S was afraid that her pensionary payments would be stopped since she could not acquire the residence permit till the end of the year due to circumstances beyond her control. The Plenipotentiary applied to the Pensionary Fund Department manager with the request to help this family. Surely, there are other examples in Sverdlovskaya Oblast when state officials serve not departmental instruction but a person; and this should be not an exception but a rule.

The Plenipotentiary admits that on the lot of the SVR employees falls a very difficult aim connected with the exchange of the passports and adoption of new laws, which are not perfect and both the President of the Russian Federation and the State Duma admit it. However, it cannot excuse the incompetence that sometime occurs in their work.

Unfortunately, the local SVR are not always interested in solving people's problems. Appeals addressed to the Plenipotentiary show that people cannot get a qualified consultation how to process the documents and the procedure of the documents reception could be stopped because an employee is on vacation.

Ms. A. from Tutrinskaya Sloboda points out in her appeal that she cannot get the answers from the local SVR to the question how to acquire the Russian citizenship and was appreciated a consultation given (appeal # 06-15/2822). There were cases when the Plenipotentiary applied to the SVR employees of the CAIA of Sverdlovskaya Oblast solved a person's problem and received refusal from the local SVR. The CAIA authorities of Sverdlovskaya Oblast are given recommendations by the SVR subdivisions employees. Their activity should be also aimed at solving people's problems who have been living in Sverdlovskaya Oblast for many years. Those of who, due to many reasons, are not able to put their documents in order themselves should be registered, and the Administration of the Municipal Institutions and the Authorities of Sverdlovskaya Oblast should be informed about their existence.

Information about the address of a higher-ranking organization – the SVR – should be available in the SVR subdivisions. Taking into account citizens' complaints about the absence of the SVR chiefs and the responsible employees of the Department on the place of their work during the time of citizens reception, the Plenipotentiary strongly advises to determine the reception hours precisely by the responsible employees and follow them. The SVR employees who receive citizens should be obliged to put the signatures at the appeals concerning the decision in a case of refusal. Motivation of the refusal should be precisely formulated.

The Plenipotentiary addressed not once his colleagues from CIS with the request to help getting this or that paper for the citizens of the region for registration their place of residence in the Russian Federation. The plenipotentiary representative thanks his colleagues Elmira Suleymanova in Azerbaijan, Nina Karpacheva in Ukraine, Bolat Baikadamov in Kazakhstan, Sadmira Zukhurov, the chairman of the committee in executing the international responsibilities in the sphere of Human rights in Tajikistan. Today representatives of many socially unprotected strata of the society of the region are unable to receive necessary documents from their place of residence, that's why the plenipotentiary representative will be addressing to his colleagues.

The pension program for foreign citizens arriving in Russia to live requires a decision. Despite the fact, that this question must be solved on the federal level by concluding agreements between governments and is out of the regional plenipotentiary representative's competence. But it has a great social meaning for hundred people, having arrived in the region on permanent residence and are deprived of possibilities to earn their living. The plenipotentiary representative asked the Pension Fund of the Russian Federation to undertake measures in regulation the problem, however, despite the fact, that the importance of the problem was recognized, nothing happens in the life of foreign pensioners.

Nina Karpacheva shared the plenipotentiary representative's warring about the life of the pensioners. She is the plenipotentiary representative of Verhovaya Rada in Ukraine and promises to ask the executive power of Ukraine. In his turn, plenipotentiary representative calls for the authority of the region, the members of Duma on behalf of Sverdlovsk region asked the president of the country to help in regulation of the questions of pension providing people, who have been working in the unite country.

## **THE OBSERVANCE OF THE RIGHTS OF THE IMMIGRANTS**

The last year became the first one, when new migration regulations were introduced in the country.

According to plenipotentiary representative, one of the negative consequences of severity of migration policy has become the sharp change of attitude to the Commonwealth of Independent States (CIS). As the Ministry of Internal Affairs is now responsible in migration policy, the practice of using federal Law "about forced immigrants" has changed.

In accordance with the Committee of Migration Affairs of the Chief Administration of Internal Affairs (CAIA) of Sverdlovskaya oblast, during the year 2003 there were studied 11 petitions (375 in the last ), but none person got the status of forced migrant (320 in the last year). People addressed to plenipotentiary representative, that the officials of the Committee of Migration Affairs don't accept their petitions, but put down the consultation in the special book, motivating it, that they have plenty of work and any petition will be rejected in any case (the appeal № 06-15/3495). The leaders of the Committee of Migration Affairs of the CAIA of Sverdlovskaya oblast said in public that the reasons of people who complained have only economic problems and don't correspond the requests of clause 1 statute 1 of the law of the RF "about the forced immigrants".

The plenipotentiary representative can't agree with this. Of course, today there are no global conflicts, which in the previous years forced Russian –speaking people to leave their historic motherland. However, the reasons of such leaving were not only life danger and security of people, but there were also different forms of rising discrimination on the national character. These forms have sometimes hidden character and not always define the same as the formal term "chase", which was mentioned in the law. But this is not the reason for bureaucratic and hard-hearted attitude of the security in Russia in regard to immigrants.

In their petitions the migrants give the examples of such hidden forms of discrimination on the national character, which they had in the countries of their previous living: Common nationalism, infringe of labor rights on the national character and the Ministry of Internal Affairs don't accept the petitions of the Russian-

speaking people. Probably, these events don't have global character and there are facts when many Russian people stayed on permanent residence in national republics accustomed themselves to the new conditions of life. However this doesn't give grounds to doubt in the truthfulness of every appeal to Migration Agency and reject the petition in the absence of the compelling evidences. People, who have been suffering indignity because of their nationality, decided to return home and take the refusal in giving the status of forced immigrants as a betrayal. One migrant from Uzbekistan considered the actions of the officials in the same way (the appeal № 06-15/378). She decided to stand up for her rights in legal form.

The number of forced immigrants who are registered in the books of the administrative department of migration of CAIA of Sverdlovskaya oblast is limiting. In most cases people are struck off the register not because they got the status but after a laps of time. In so doing, 423 families or 1027 people were struck off the register in 2003.

The status of forced immigrant is giving for the purpose of providing for the regulation one's living. If people lost the opportunity to find home the status is prolonging according to the statement of forced immigrant. If the application wasn't hand in time the immigrant is struck off the register. To restore the lost status one can do in the legal form or according to the decision of Federal Migration Service of the Ministry of Internal Affairs of Russia. In practice the opposite happens.

One citizen from Revda addressed to the plenipotentiary representative, with a complaint that she lost the status of forced immigrant. Her family got the status in Novgorodskiy oblast and moved to the Urals in 2002. Having received the seal about resisting in the book of the Migration Department of Sverdlovskaya oblast, she decided that she should pass the registration in a year. When she came with the application to prolong the status this woman has known that she was struck off the register. She couldn't restore the status even in the court. Unfortunately, the real living conditions weren't taken into account. They are on a pension. She is the physically disabled of the 2<sup>nd</sup> group and she has the mother suffering from heart attack. That woman was offended by bad treatment; while the workers of one department explained her the possibility to buy dwelling the workers of another department struck her family off the register. Formally everything is legal. The court acknowledges the legality of actions. However from moral point of view it's difficult to understand the actions of state employers. Three officials of the Ministry of Migration Affairs of the CAIA of Sverdlovskaya oblast proved their case in front of legally illiterate person in the court. As a result this woman was recommended to wait the decision of dwelling problem in the place of residence in Revda. This is the most frequent answer from the Migration Department once organized for supporting the interests of the immigrants.

In the beginning of the year the direction of the Ministry of Migration Affairs of the CAIA of Sverdlovskaya oblast informed the plenipotentiary representative that the questions of house-building of forced immigrants are solving very slowly because of insufficient financial help. The condition of granting dwelling subsidy is unrealized for many families. There are cases when migrants have to refuse from subsidies. Gradually the burden of house building for forced immigrants is placed on the administration of municipal institutions.

The activity of the Ministry of Migration Affairs of the State CAIA of Sverdlovskaya oblast is aimed at dealing with illegal working migration and much more perceptive. During the year 2003 in Sverdlovsk oblast the number of foreign citizens who got the permission to work is increased more than twice (during the period 2003 there are more than 3000 but in 2002 there are 1443 people). The number of employers got the right on using the foreign labor hands is increased in 4 times (more than 200 people in 2003 and 52 in 2002).

However despite that obvious increasing official facts don't stand for the actual position. The number of foreign people in Sverdlovskaya oblast is more substations. It was shown at the meeting of the plenipotentiary representative of human rights in Sverdlovskaya oblast with the leaders of national Diasporas, that more than 100 thousand people of the Commonwealth of Independent States, who arrived on the territory of the region and all have found the job. Many employers have still benefit to use the labor of immigrants from CIS, who agree to do any job in any conditions. They don't have any social guaranties, heavy work and living conditions, low labor payment and a risk to stay without a penny for the job carried out. Although the number of foreign citizens, arriving in our region is not decreasing, because every working immigrant knows that he could find a job in Russia and if something happens he can buy up.

The rigorousness of the legislation has lead not only to decreasing the number of illegal immigrants but also to the increasing illegal fines. The leaders of the national Diasporas addressed to the plenipotentiary representative with a complaint, that officials illegally withdrew the documents, crushed the migration cards. There is no doubt that illegal working migration does more harm than good for our country. However the fight should be against the phenomenon but not against the immigrants. Today they have to pay for everything beginning from the form of the custom declaration. A person with a remarkable appearance for the Urals is always undefended from the tyranny of security service fir many of which immigrants have become the source of easy money. The number of foreign workers dying on the territory of Sverdlovsk oblast is growing.

In September vice-chairman of the Committee of executing international responsibilities in the sphere of human rights of republic Tajikistan G.H. Shiripova referred to the plenipotentiary representative of human rights. The direction is very apprehensive about the high rate of death of the citizens who came to Russia to earn money. Only for the year 2003, 241 deaths were fixed. There were 33 deaths in Sverdlovskaya oblast, which is the 2d place in Russia after Moscow. G.H. Shiripova has noticed that the citizens of her country, being in difficult economic situation, have to seek the possibility to earn money and come to Russia with good intentions. In fact, without simple requirements of the Russian legislation, they became hostages of their employers.

As the appeals show, not only immigrants understand the requirements of Russian legislation but the lawgivers. A citizen of the village Volkovskoe of Bogdanovich region, who arrived from Khazakhstan, has complained that she was called for the Passport-Visa Service the Department of Internal Affairs of the city Bogdanovich together with the schools' director (the appeal № 06-15/1514). For her and her employer the procedure of registration of foreign citizens was explained. She has to dismiss from the office under the fear of paying the penalty. Although before her professional category was admitted in Sverdlovsk oblast. Some time later she was promoted to the post of the pioneer educator. The school director was sorry for her.

In the opinion of the Passport -Visa Service officials, this woman had the right to work as a teacher only when she received the right for exercising the working activity. But as the vice- chairman of the Ministry of Migration Affairs of the CAIA of Sverdlovskaya oblast said according to the explanations of ФМС of the Ministry of Internal Affairs of Russia that the teachers of secondary education this procedure of engaging in Russia don't apply except the people arriving to the Russian Federation to work as a teacher in the professional religious institutions.

The plenipotentiary representative has made a request to the Minister of the general and vocational training of Sverdlovskaya oblast to inform the educational institutions about these explanations. There were many calls from different educational institutions where the same problem faced many teachers-immigrants.

So this woman was rehabilitated in her previous post. None won't be guilty for her dismiss from the office. According to the letter which the plenipotentiary representative has received from the chief of the Regional Administrative Department of Bogdanovich oblast there were no written instructions given by the officials of the Passport-Visa Service to the director of the school, that woman had quitted on her own initiative. The chief of the Department of Internal Affairs of Bogdanovich city explained to the plenipotentiary representative that the officials of the Passport-Visa Service don't have the authority to

give the instruction to accept, to carry or to dismiss the workers. They just have explained the procedure of giving an employment to foreign people. There were not any regrets about the explained information in a wrong way. Although it's an obvious fact.

There are many questions connected with the procedure of caring out the working activity, the procedure of getting the permission on the right to use the labor of foreign workers. The leaders of the national-cultural association of the region asked the plenipotentiary representative to organize the meeting at the round table with the representatives of the Ministry of Migration Affairs and the Passport-Visa Service of the CAIA of Sverdlovskaya oblast. The participants of that meeting said that they received the answers on many questions. Despite the fact that all legal acts are published in press and people can get acquainted with them in the library but it's insufficient. The appeals to the plenipotentiary representative show that people don't know the simplest requests; foreign people don't know where to seek protection and help. The activity of the administration of the Passport-Visa Service of the State Department of Internal Affairs of Sverdlovsk oblast is insufficient in explaining the regulations and requests of the legislation and in informing the people who are interested in changes and rules. An important contribution to problem-solving of informing the immigrants about their rights and responsibilities, about changes of the Russian legislation, connecting with their interests might have played Russian and local Mass Media. Unfortunately, TV programs touch upon this theme very seldom. Our Mass Media pay much more interest to the changes of immigration in the legislation of the USA and others developed countries than to their own legislation.

Taking into account the numerous meetings with the representatives of the national-cultural societies and the appeals of the region, the plenipotentiary representative made a request to the chairman of the Government of Sverdlovskaya oblast. He proposed to support his idea of building a special migration center, the activity of which would be directed on receiving, giving the temporary accommodation and helping the working immigrants from the CIS to pass the registration in the Russian Federation. Many developed countries of the world, which have established the strict rules of arriving into the country, still face the problems of illegal working migration. One of the means of dealing with this phenomenon is the legal education of the potential migrants; the prevention of their arriving. A big number of the infectious diseases and crimes fall to their share.

The center "Ekaterina", which has the support of grants of the Agency of International Development of the USA 'Jerks' has a grand success in Sverdlovskaya oblast. They prevent Russian women to get into slavery. There are 2 aims why they help women on their motherland: the 1<sup>st</sup> is humane and the 2<sup>nd</sup> is practical, as their activity enables to reduce criminal situation in the USA.

Russia is opened for many citizens from the CIS. Its developed industrial regions, including Sverdlovskaya oblast, every year received more and more number of illegal immigrants. That's why the task is to educate the potential migrants; inform them about the region, about the consequences of illegal use of their labor. Sverdlovsk oblast is interested in the foreign workers from the CIS, but it's necessary to concentrate the efforts not only on the registration and giving permissions, but also on the organization of the process.

This was at issue one year ago, during the meeting of the representatives of the delegation of the Ministry of Foreign Affairs of Kyrgyz Republic and the leaders of the Federal Service of the Ministry of Internal Affairs of Russia. Andrey Chernenco was the head of the Federal Migration service supported the idea of creating the intergovernmental service, which would possess the information about the vacancies in different regions of Russia and will be able to arrange invitations. The representatives of Federal Migration Service in republics of abroad will make it easy. However this idea didn't get the development on the federal level even a year later.

The creation of the regional migration center will facilitate the salvation of the legal education. Such centers exist in many regions. The center can help to solve social problems to render foreign citizens, got into trouble a good legal and financial help. The plenipotentiary representative apprehends that the punitive measures concerning unfair employers may lead to the increasing number of the foreigners without documents and dwelling. At the end of the year the representatives of Armenian and Tajikistan Diasporas addressed to the plenipotentiary representative with a complaint that one enterprise of the oblast, which has been use the labor of the workers for some months, fired out without paying money. The passports of the Tajikistan citizens were withdrawn by the security. Immigrants have to pay the penalty to receive them back. As the deportation of Russian infringes, who broke the law, is a very complicated procedure and costs a lot of money, so the punishment of foreign citizens is reduced to penalty and after that they left by themselves.



A special committee on migration question was built up under the governing of 1<sup>st</sup> vice- chairman of the government of Sverdlovskaya oblast on the economic policy. This committee united of the leaders of different regional and federal departments connected with the migration problem and the representatives of public migration institutions. This enables to discuss and solve different problems. Taking into account all the meanings of all members of the committee a "concept of migration policy of Sverdlovskaya oblast" was created and confirmed by the authority of Sverdlovskaya oblast.

The plenipotentiary representative believe in realization of this conception, because from one hand, the relationships with aboriginal population and the immigrants and working immigrants from the other, is dependent on it.

The protection of the rights of the scanty aboriginal population of Mansi

The nation of Mansi is called in the list of 37 native scanty peoples of Russia. The clause № 69 of the constitution of the Russian Federation declared that the country is responsible for developing and preserving the distinctive features of these nations.

Unfortunately for the last 10 years social – economic changes have placed Russia in the number of the countries for which the questions, connected with observing the rights of native and scanty peoples, have pointed character. According to the census, there are 194 people of manse but before the perestroika there were 300 on the territory of Sverdlovskaya oblast. The population of the Urals is decreasing, that's why one of the foreground directions in the plenipotentiary representative' activity is to help Mansi.

In the request of solving this serious national problem the plenipotentiary representative had meetings with the direction of the public institution "Gorod Ivdel" and with the representatives of the public organization "the Society on surviving and social-economic developing of Mansi" and with the Mansi themselves. These meetings and departures to the remote settlements of Mansi enabled to get the objective information about the situation of manse of the oblast requires serious administrative decision.

There are 141 people in 19 settlements of mansi in Ivdel oblast. There are 69 of them women and 27 children. There are 80 representatives (31 of them are women) of the aboriginal peoples live in the forest. The Mansi who settled in the remote places are far from civilization, roads are repaired and the bridges are destroyed.

???The switch to the marketing economy has lead to the fall of the living standard of manse.

There were left 4 active people, 89 are willing to work, but were and whom. People can't use old guns and riggings for hunting and fishing.

The number of tuberculosis disease, viruses of hepatitis and skin disease is growing. A half of the representatives of the nation manse have only primary and unfinished secondary education. 17 % of them haven't finished school.

As the administration of the public education calculated the income of mansi is 2-3 times lower then the middle Russian's income. The amount of pension is 28% of the subsistence wage for the pensioners who live on the territory of Sverdlovskaya oblast. The huge number of Mansi lives in poverty.

The same people as we live in the remote settlements. And they also have the right to have the education, medical help, and profession, live in warm apartments, use electricity and public transport. There is an equal social standard for all citizens of the country in the national budget. And we have to accept programs, organize structures, which will explain it to manse.

Financial help in developing the mansi is not the charity but necessary activity which helps to solve at least half of the problems of people and to preserve the settlements. On the budget money the authority have to buy and deliver the products to Mansi.

The entire mansi live on the pension, which is the only one stable income. Now only 7 people get labor old age pension, 10 people get social pension. There are 7 manses get pension because of the breadwinner loss and 1 person gets disability pension. It's very difficult to dress, to provide for a family on this money. In a good year for the crops, Mansi living in taiga settlements sell and exchange mushrooms and berries.

Nothing grows practically here on the farmlands - it is cold, and the soil is rocky. Some women sew high fur boots for sale. People are willing to buy such boots as they are of high-quality and winter-hardy. But the question here is how to get to the market; there is no public transportation and you have to overcome about 150 kilometers in order to reach the nearest town.

The social protection administration of municipal establishment "Gorod Ivdel" is ready to provide the Mansi with address help, for which they have the right as the poor but according to the established regulations, they have to provide a reference from the Ivdel centre employment and the Burmantovskogo village council. The distance between these two inhabited localities is quite long, and the bus service does



not work daily. For example, the inhabitants of Treskolya need to spend more than 180 roubles for travel needs and several days in offices to get all the required documents.

Almost all of the material aid is spent on the reception of the required documents, therefore the Mansi are not in a hurry to get to the social protection administration. The same with the reception of unemployment benefits, it is necessary for everyone to be marked monthly in the centre of employment of the population.

Aleksey Tasmanov (74) is one of the oldest Mansi in this region. He lives with his wife Maria in a settlement of four small houses, called Leplya. Every six months he sets out to Ivdel in order to get his and wife's pension and buy food. In summer, the old hunter walks about 40 kilometers to get to the Burmantova village in nearly three days; there goes a bus twice a week to the town. He spends the night in hunting houses or at the fire. He brings about 25 kilograms of products on home-coming. In winter, he uses the Russian snowmobile "Buran", which is still in running order. The Tasmanovs do not have a mobile power plant, and instead use an oil lamp at the dawn of the 21<sup>st</sup> century.

In Soviet time, physicians regularly drove to the distant settlements to do medical examinations and fluorography. Consequently, the Mansi have had a chance to consult physicians, who worked in the nearby reformatory camps. Nowadays, the Mansi do not even have a portable two-way radio, therefore, if there is a seriously ill person, a courier is sent to Vizhai village, where he can call a doctor from Ivdel. It takes you about 12 hours to get to Vizhai village with the help of a boat, on foot – several days. Not every patient can wait till the helicopter arrives.

As the deputy of the 12<sup>th</sup> electoral district of Ivdel I. Sobolev has told, the question on the preventive health care of the Mansi with tuberculosis, was discussed at a meeting of the local Duma. The head physician of the area has stated that physicians cannot go long distances as the roads are broken and there is no transport and fuel. But they do find an opportunity to take a patient to hospital in an emergency situation. Instead of having an expensive helicopter on lease, he said, it would be better to equip "Vachtovka" with X-ray apparatus, which is constructed on the basis of the Russian motor-vehicle "Ural" or with other essential medical equipments. And in spite of the impassibility of roads, it would be better to send a movable medical group to the distant settlements and do a clinical examination of the natives. After several talks with the chairman of the government of Sverdlovsk oblast A.P. Vorobyev, the human rights commissioner has received an answer, which says that the Ministry of Health of the oblast has planned two departures to Ivdel town in 2004. During this time, the Mansi, who live in the municipal establishment of Ivdel town, are going to have a medical examination which will be carried out by the specialists of the regional movable hospital №1.

There is no precise information about the number of the Mansi, who are suffering from tuberculosis. The Ivdel regional hospital can only provide the information about those, who were able to consult physicians. As far as we know, there are 5 patients, among the Mansi, with open form of tuberculosis. The two inhabitants of the Khanty-Mansi autonomous okrug underwent a six month course of medical treatment in the TB dispensary, but the disease became more intense on the way to the national television. Now, the human rights commissioner works over the delivery mechanism and the organization of treatment of the seven-year old boy, who was diagnosed for tuberculosis in the regional centre of Anjamova, Yurta.

The average life span of the male is about 45 years, female – 55. Only about 8,5 percent of the natives live up to the retirement age. The morbidity rate in the municipal establishment of Ivdel town is half as much against the average rate in Russia. The infant mortality has increased. In addition, the number of physicians has decreased by 40 percent in the last 4 years, and the paramedical personnel almost by 30 percent. The number of beds was reduced to third.

There is no doubt that the matter of the health preservation of the natives is not an easy one. The point is how to withstand tuberculosis; the majority of the Mansi do not have enough money to buy well-nourishing food.

The economic questions of our neighbours in the Khanty-Mansi autonomous okrug are solved in many respects, but the native tongue is under the threat of extinction. Only about 36,7 percent of the natives speak it, others speak Russian. The Mansi have preserved all the peculiarities of their mother tongue in the north of our oblast, and keep up old traditions. Last summer, the members of a linguistic expedition from the Khanty-Mansi autonomous okrug made a long way to the distant settlements for the first time in order to get familiar with the traditional environment of the Mansi.

The government of Sverdlovsk oblast backed the realization of the expedition. The members of the expedition are; the human rights commissioner, the administration of the municipal establishment "Gorod Ivdel", the central administrative board of civil defense and emergency situations.

It's been now for a long time since we've celebrated the public bear's merrymaking and the deputies of Assembly of the natives and the native minorities of the north look forward to organizing this ceremony, with the help of the government of Sverdlovsk oblast, in the near future. The vice-president of the oblast S.I. Spektor has promised to assist in construction of the large cultural centre in the settlement of Yurta. On the basis of S.I. Spektor, one could not only carry out ceremonies, but also open a library and engage oneself in collection of the displays for museums.

The organizers of the expedition have given the inhabitants of the Yurta a videotape recorder and a set of video cassettes with the subject of previous expeditions, movies about the Mansi, which were shot as far back as the Soviet time. There is now a TV-set in the settlement, and also a barrel of fuel for the movable power plant, so at the evenings the Mansi gather together in the izba of Savelia Bachtiyarova in order to watch a movie, and recall those wonderful days spent together with the members of the expedition.

Recently, the visitors of the oblast museum of local lore have been shown different things belonging to the Mansi, which were collected in the Khanty-Mansi autonomous okrug.

Thanks to the candidate of historical science E.M. Glavatskaya, who works as a research officer in the museum, there are now about 41 displays, which were made by the natives of the Ural. There were no weddings in the Ivdel region for more than 10 years. The problem is that the boys and girls are genetic relatives (blood kin).

The human rights commissioner during his business trip to the Khanty-Mansi autonomous okrug did not only get acquainted with the working experience of the representatives of the Assembly and native minorities, the public organization "The rescue of Yugra", the research institute of Ob-Ugric people on making normative documents, controlling the life of the aboriginals, saving the nationality of the Mansi, and its development, but also delivered the information about the fiancés and fiancées to choose an eligible pair.

There won't be new families, if we would not create causes for meetings and acquaintance of young people, who live in different territories. Therefore, the organizers of expedition have invited potentials fiancés and fiancées to Treskolya from the Khanty-Mansi autonomous okrug. Certainly, such a match-making is a delicate matter. Informal interaction and carrying-out of various tasks during the expedition gave an opportunity for lots of people to open up and get acquainted with the person you like. There is now a real chance to perform several weddings. As it has recently turned out, one of the members of the expedition, who is an educated hospital nurse, is not only ready to marry, but also move to Treskolya. If the authorities find an opportunity to employ her as a doctor's assistant, thus we would not only have a new family, but also a new physician, whose help is so needed in the distant settlements.

"The survival society and socio-economic development of the Mansi", which was founded several years ago, has come up with the idea of organizing a national village in the north of our oblast. The chairman of this public organization E.M. Alekseyev suggests setting up a natural ethnographical park of the radical small nation, and gathering them together in this national village, so as they could live together, and not from 3 up to 10 people in a village like before. What kind of advantages does it have? Money from the budget will be used for the purpose of development of a settlement; there will be a real opportunity to make a normal road, install electrical equipments, and establish a community medicine. And the patrimonial ground will be everyone's business. If you like, you can go shooting or berry-picking.

Alekseyev and his colleagues have worked out and sent four projects to the international funds. The four projects are aimed to develop eco-tourism, grow cedar nuts and such flowers as a rose flaxseed and provide the Mansi with a radio station. There was a Danish expert in Treskolya, who got acquainted with the situation. He was satisfied with the realization of the project which includes not only cadastral investigations, and the measurements of the patrimonial grounds, but also the passing of a corresponding bill in the regional Duma.

The project of this document is called "About the status and guarantees of the Mansi rights – the native minorities of Sverdlovsk oblast". The authors of the law have sent it to the Ivdel administration and settlements of the Mansi for a unique review. There was an affirmative reply from both sides. Now, they wait for the final reply from the deputies of the regional Duma, who are considering this document. It would be next to impossible to realize this important project – to establish a national enterprise "Faktoria", in which the Mansi could work as field men, hunters, and guides - without the governmental help. It will be a trading system and exchange of goods, which will enable to change goods of the traditional craft – meat, fish, fur, berries - for the articles of daily necessity. In accordance with the decree

of the oblast government, the Ivdel administration has already got a building which is occupied by "Faktoria". It is also planned to set up a central radio station, and refrigerators for meat.

The human rights commissioner has initiated a preparation for a request of the public organization "The survival society and socio-economic development of the Mansi" for a grant of the World Bank for support of the natives, and sent a corresponding recommendation.

According to a number of specialists, it is necessary to buy cattle head and go to the expense of building camping-grounds and household outbuildings. In the past, people organized a hunt for deer in Ivdel. The Mansi sewed clothes and shoes with the help of deer-skin and got necessary vitamins from the meat of these animals.

The deer was in Lozve up to the 90's, until the governmental slaughter of wolves remained in force. There were so many breasts of prey that in the late 80's, the Pelm-Mansi had lost about half herd of their deer during one summer.

The development of educational programs for the Mansi and the teaching method of the native language to children at the boarding school of Polunochnii village must be taken into consideration. The human rights commissioner thinks that it would be appropriate to institute special grants for children, who could be later sent to the institutes of higher education by the educational administration and prepare its national staff and specialists of other professions. It would be a good thing to organize refund of charges in the public transportation, and different grants for graduates as they are from lower-income families.

Now, with the help of the Assembly and the commissioner in the Khanty-Manis University, there are two girls from the Ivdel region, who are students of the native language and literature department, and a young man who studies at the branch of the St. Petersburg Cinematography Institute. To prepare our specialists, it is necessary to send university entrants to preparatory schools at the expense of the regional budget in order to make them ready for institutions of higher education because the educational level of the boarding school leaves much to be desired and doesn't allow children to study on a par with others.

Knowledge does not come easily to the Mansi children; at times they have to walk more than 10 kilometers with the heavy school bags on their backs to get to the boarding school of the Polunochnii (midnight) village. Pupils don't get a chance to see their parents between the holidays for several months and long for their parents. After all, there are innumerable reasons to establish ungraded schools and approximate the primary school to patrimonial lands. Besides, it could save the language and traditions from extinction. Unfortunately, there are now 12 children (6 boys and 6 girls) at the age of 15, living in a hard-to-reach settlement, who have no opportunity to receive a good education.

On the 24<sup>th</sup> of November, nine Mansi did not manage to change their passports. П.М. Бахтияров had to live without this document for more than a year. Having flown against the snag last year, his boat turned over and he lost his passport. He was not able to utter a declaration to the police and undertake necessary actions to restore his document. He has simply no money to get out to the town, photograph, pay the state duty and live for a couple of days in the town until the documents are prepared. This problem could be solved by sending a group of specialists from the passport-visa service and a photographer to the out-settlements. Otherwise, it will be more difficult to help them get their documents, pensions, and grants. Consequently, a number of people will be without their documents. After the talks with the chief administration of internal affairs of Sverdlovsk oblast, В.А. Воротников, there was a reply, concerning this problem, saying that a documentation schedule for the members of the passport-visa service and a photographer to the out-settlements was developed. All the passports will be drawn up till the end of this year.

Three years ago, the public organization of Ivdel town suggested electing a representative of the native minorities to the regional Duma in order to back the interests of the Mansi.

There is even a candidature, but the decision is not made yet. Trying to solve the problems, the municipal Duma has proved a complex program of social and economic development of the municipal establishment "Gorod Ivdel" as a residence territory of the Mansi. On the 15<sup>th</sup> of December 2003, this document, with the help of the commissioner of the human rights, was introduced by the head of the municipal establishment P.M. Sokolukov at the meeting of the government of Sverdlovsk oblast. The regional cabinet council has, for the first time in the history of our part, accepted the activity program which is aimed at the development of the native minorities of the North. The Government of the oblast obliged the Ministry of Finance to develop annually a project of the regional budget up to 2011 and provide the allocation of the funds aimed at financing different activities for the socio-economic development of the native minorities.

About 9 million roubles are needed to realize such programs. 66 percent of this sum is allocated from the federal budget, 27 percent from the regional budget and 7 percent from the municipal budget.

With the help of these means, it is planned to buy medicines, equipment for fluorography, diesel installments, fishing tacking, weapons and ammunitions.

The program also provides actions of preservation of the national culture and language, and development of the fishing and hunting crafts. Among the important activities – there is an acquiring of 7 thousand of pedigree domestic deer, erection of 50 thousand kilometers of barriers for the deer pasture, and construction of the intermediate lodges for deer-raising and hunting brigades. The developers of this program didn't forget about the industrial engineering which is aimed at producing dried herbs, and construction of workshops to work with skins and furs.

According to the commissioner of the human rights, we need to restrict the access of people to the out-settlements. It will be also appropriate to set up a reserved ethnographical territory in Treskolya, preserving traditional places of the Mansi, so as the machinery would not harm the vegetational cover. It would be better to organize workshops of the souvenir production, and to develop routes of the eco-tourism. There will be people, who are ready to pay money to travel back to the past to look how the natives of the Urals live. If you can get to Mansi easily than risk increases that the hydrolytic alcohol which is sold in Ivdel almost for nothing will be brought here in large quantities. Having made not greedy by nature Mansi drunk, they would lure from them animal skins, berries and cedar cones. There definitely will be people who would take advantage of the Mansi's naivety and their legal ignorance. Thus the civilization can seriously harm them. We should take into consideration the peculiarities of this people. The problem is that the liver of the Voguls does not contain a ferment against alcoholic dependence, that is why it takes them little time to become drunkards. Some mass media relish the issue having made no investigation of the problem that causes unsettled state and uncertainty in the near future.

We should put an end to the ritual designation of intent attention to the problem of native peoples. It is only by working out a single strategy that the state authorities together with local authorities and public organizations by means of their mutual efforts will be able to solve the problems of Mansi, and preserve their original way of life in the next millenium.

## **PROTECTION OF CHILDREN RIGHTS**

Unfortunately all the attempts to stop the process of closing up the kindergartens are still in vain. The proof of that will be the events of January, 2003, when the Ministry of Internal Affairs of the Russian Federation required that all the subjects of the Russian Federation should close all the pre-school institutions.

To restore the violated children rights to pre-school education the Human Rights Commissioner considers it expedient that the Office of Public Prosecutor of Sverdlovskaya oblast should check on how the local authorities and their officials fulfill the federal legislation concerning the organization and development of municipal organizations for pre-school education.

The problem of closing the kindergartens is already far beyond the power of local authorities and it needs to be considered on the level of regional government, where it is necessary to work out a set of measures to recreate the network of kindergartens. By the beginning of the academic year of 2001/2002 the network of schools providing general education had been reduced by 95 schools (in the academic year of 2002/2003 – by 42 schools). And the number of pupils had decreased by 31511 people. On the whole the number of pupils of schools providing general education had lessened by 8,3 percent by the beginning of the academic year 2002/2003.

To find out the reasons of violations of children rights to basic education the Human Rights Commissioner together with the regional Committee on juveniles and their rights as well as the representatives of the regional executive power examined how the educational establishments and educational administrations of the workmen's settlement Malysheva, cities Asbest and Kamensk-Uralskii, as well as Beloyarskii and Kamenskii regions work at the fulfillment of the regional government resolution "On the ratification of the Statute about the procedure of exposure and registration children of school age not attending educational establishments and the ensuring their obtaining basic education in Sverdlovskaya oblast".

In 1996 Dima Mamontov, 8 years old, from Asbest, was put under the guardianship of T.M. Mamontova, his grandmother. On 1, September Dima went to school, but a month later started missing classes with no adequate reason. And since April his grandmother had not let him go to school. The reason for her refusal was that teachers did not treat him well, his peers offended him and she would educate him herself.

The examinations of the guardian family showed that the child did not study and was under no control. All the measures undertaken by school teachers, officials from the educational administration and the

Board of Guardianship and Wardship to persuade T.M.Mamontova gave no results. Thus on 5, February during the session of the Board of Guardians commission in Asbest it was decided to place Dima in a twenty-four-hour group for orphans and unattended children

By the 1, September 2003 in Sverdlovskaya oblast there were 1635 children missing school with no adequate reason. According to the data of the State Chief Administration of Internal Affairs of Sverdlovskaya oblast, in the year of 2002 among all the under-aged children registered in the Internal Affairs Bodies, over 300 children were illiterate and more than 5000 children had only primary education, though they were already over 13 years of age.

The Human Rights Commissioner asserts, that today we practically have no reasons that could justify the increase of illiterate children and children with only primary education. Inopportune placing in school children from problematic families and families where parents try to keep themselves aloof from their children up-bringing and education, as well as absence of special programs, necessary level and methods of up-bringing and education for such children - all this leads to the necessity to exert enormous efforts and means for their rehabilitation and education in future.

From all the appeals concerning the protection of childrens' rights that the Human Rights Commissioner received in 2003, the complaints about violation of accommodation rights comprised 45 percent. Illegal eviction from the houses liable to demolition, eviction from the houses and hostels without providing another accommodation, violation of the procedure of warrant distribution when allocating the living space in hostels – these are just a few items from the list of grounds on which according to the court decisions not only unmarried mothers with under-aged children but also young families with children are being evicted. From all the families which appealed to the Human Rights Commissioner each fifth child is physically challenged.

The head of the Chief Administration for Execution of Punishment of the Ministry of Justice of the Russian Federation in Sverdlovskaya oblast N.Y.Tkachev addressed the Human Rights Commissioner with the request to render assistance to the family of Mr. R with an under-aged child physically challenged since childhood (appeal 06-16/440) in protection their accommodation rights. In its decision from 28, January 2003 the court of Verkh-Isetskii district of Yekaterinburg satisfied the statement of claim of the joint-stock company "*Verkh-Isetskii Metallurgicheskii zavod*" to acknowledge the warrant invalid and to evict the family of Mr. R from the hostel without providing him with another accommodation. It happened so though the Department of Family and Children Issues of the Verkh-Isetsk district administration addressed in their letter from 27 January the court of the Verkh-Isetskii district with the request to reject the satisfaction of the statement of claim concerning the eviction of Mr. R and his family from the hostel.

The decision of The Civil Cases Judicial Board of the court of Sverdlovskaya oblast from 1, April abolished the decision of Verkh-Isetskii district court of Yekaterinburg concerning the statement of claim of the joint-stock company "*Verkh-Isetskii Metallurgicheskii zavod*". Then this case was submitted for reconsideration. After the reconsideration of the case the court rejected the statement of claim of the joint-stock company "*Verkh-Isetskii Metallurgicheskii zavod*" concerning the eviction of Mr. R and his family from the hostel without providing another accommodation.

The analysis of the court decisions shows that in cases concerning the issues of under-aged children the Board of Guardianship and Wardship representatives participate only when it is stipulated in the legislation. However the representatives of the Board of Guardianship and Wardship on children rights protection are not invited to the hearings of the majority of civil cases concerning the acknowledgement of transaction with premises invalid, the alteration of the accommodation rent contract and the eviction without providing another accommodation. Moreover the petitions about their participation in the legal proceedings are declined.

Thus the Human Rights Commissioner comes to the conclusion that according to the present legal practice in the framework of the current legislation in case of accommodation disputes the approach of protecting the rights of owners rather than children prevails.

Poverty of families with children, social orphanage, drug abuse, toxicomania and alcoholism among children lead to homelessness, child neglect, offences and death of children.

According to the data of the Office of Public Prosecutor in 2003 more than 3000 problematic families were registered in subdivisions of the Internal Affairs Bodies of Sverdlovskaya oblast. Trying to avoid hard drinking and violence in the family children leave their parents, escape from supervision of state institutions and find themselves in the situations dangerous for their health and life. Only during the period of 11 months of the year 2003 the Internal Affairs Bodies detained more than 30 thousands of homeless and neglected children.

The number of under-aged children with no parental guardianship is also growing. Nowadays over a thousand children in our oblast find themselves in hospitals, orphanages and other institutions of temporary residence, that cannot provide proper up-bringing and development. Each second under-aged child of this category has no guardian. The examination of fulfillment by the municipal committees on juvenile issues and protection of their rights in cities of Kirovgrad, Nizhnyaya Salda and Nizhnii Tagil of the law "*On prevention of child neglect and juvenile offences in Sverdlovskaya oblast*" held by the Human Rights Commissioner showed that the municipal establishment "*Gorod Nizhnii Tagil*" (the chief – N.N.Didenko) in its daily activity does a lot to provide the best living and up-bringing conditions for orphans and children with no parental guardianship.

The Department of Guardianship and Wardship of the municipal establishment "*Gorod Kirivgrad*" (the chief – A.L.Smironov) pays considerable attention to the protection of juvenile property rights. The City Mayor passed a resolution "*On the procedure of juvenile property rights protection*". They control the legacy of transactions concerning accommodation, inhabited by the under-aged; and when children are sent to social establishments their accommodation is secured and kept to them.

A lot has been done to rehabilitate juvenile delinquents by the Board of Guardians at the reformatory camp in Krasnoturjinsk (the chairman – North Administrative Okrug Manager Deputy O.K.Polyanskaya). An important role in the solution of juvenile job placement issues play Employment centers of Krasnoturjinsk, Krasnouralsk, Karpinsk and Severouralsk.

Meanwhile the activity of these municipal establishments concerning prevention of recurrent juvenile delinquency, rehabilitation of convicts and those from reformatory camps and special closed educational-rehabilitative establishments is not efficient enough.

The recurrent juvenile delinquency analysis on 1, July 2003 in this municipal establishment shows that from 555 juveniles who committed crimes and were brought to trial, 151 had already had previous record or been brought to trial before. This figure is by 18 percent higher than that of the same period of the year 2002. Recurrent delinquents committed 190 crimes which comprises 34 % of the total number of delinquency crimes.

The present day situation shows that when juveniles are put on probation, courts do not always use a possibility to impose on them certain duties encouraging their rehabilitation: not to leave the place of their permanent residence, job or study without notifying a special state establishment in charge for convict's rehabilitation; not to visit certain places. Thus the city court of Krasnoturjinsk applies this method of influence on convicts only in 29 percent of total cases, and in Sosva settlement in 15 percent of cases when juvenile convicts are put on probation no additional duties are imposed. For the period of 11 months on the territory of Sverdlovskaya oblast the total figure of juvenile delinquency has risen by 3.5 percent. The increase of juvenile delinquency has been noticed in 24 parts of Sverdlovskaya oblast, being the highest in Kamyshev, Bogdanovich, Rezh, Verkhnyaya Pyshma, Nevyan'sk, Severouralsk and Asbest as well as in Oktyabrskii and Chkalovskii districts of Yekaterinburg.

Within the period of the year 2003 in Sverdlovskaya oblast the ideology of family issues has been reconsidered and there has appeared a certain tendency to preventive measures of children and family problems. The basic activity of specialists from social establishments concerned with family and children issues is aimed at the work not with families below the social brink but with those successful and healthy families that have these or that difficulties in their everyday life.

The tendency of increasing number of socially problematic families and under-aged children from such families in Sverdlovskaya oblast is still relevant. The quantity of orphans as well as children with no parental guardianship and the percentage of social orphans among them also does not go down. More and more children are being withdrawn from their parents and many under-aged children willfully leave their family.

In September last year the Department of Guardianship and Wardship addressed the Mayor of Nizhnyaya Salda informing him of the necessity to withdraw Ilya Volkov, born in 1995, from the family of Volodomov. As it appeared in the course of investigation, Ilya was constantly beaten by his stepfather A.V.Vodolomov. The boy was constantly forced to perform hard physical labor – to carry water, to weed garden beds, to do the washing ...

On 1, September 2002 he came to school with numerous injuries, scratches, concussion in the light form and a burnt cheek. As it was discovered later his stepfather had applied the scorching iron to the boy's cheek.

Ilya was placed as an in-patient in children hospital. According to the Mayor's decision the boy was withdrawn from his mother till the court decision. Taking into account the statement of claim from the Department of Guardianship and Wardship the city court of Nizhnyaya Salda on 18, December 2002



brought in a verdict of guilty to the stepfather according to the article of law #117 part 2 letter «Г» (Infliction of physical or psychological pain by means of permanent imposition of beating or other violent action, in case it did not result in severe or middle degree harm to juvenile health). He was sentenced for two years in reformatory camp of general regime.

Such an example of violent children treatment is unfortunately not the only one. But the cases that faced the trial are very few in number. Nowadays on each level of civil society we often raise the issue of toughening the parental responsibility for child neglect. We should point out that for the recent years the Internal Affairs Bodies, the Department of Guardianship and Wardship, municipal committees on juveniles and protection of their rights have managed to considerably increase responsibility of parents who fail to fulfill their duties of children up-bringing. But the current situation with children rights in Sverdlovskaya oblast shows that it is still not sufficient.

The Human Rights Commissioner believes that the reason for childhood problems is not only the absence of efficient family policy in the country but also child's family itself, his or her parents. When defining the first and foremost guilt of parents – mother or father, we should be guided by article 38 part 2 of the Constitution of the Russian Federation, where it is stipulated that *“care for children and their up-bringing are both right and duty of their parents”*.

Human Rights Organizations: Together for Human Rights

All the positive trends that have appeared recently remain relevant in the work with Human Rights Organizations. First of all, all the actions directed to the consolidation of Human Rights Organizations, to organizing joint meetings and realization of projects, which require consolidation and concentration of strength and resources of several organizations were encouraged. But this does not mean that the Human Rights Commissioner did not pay any attention to beneficial and essential actions of separate public organizations and just initiative and active people.

In the diversity of principles to follow, ways and methods of work and the range of human rights representatives activity the Human Rights Commissioner always remains open for contacts to everyone, even in those cases when the Human Rights Commissioner does not share this or that point of view or does not approve of some actions. Freedom of discussion, the right to uphold one's own opinion, possibility to criticize the actions of authorities on any level – these have been and will remain the most essential values, not liable to inspection in democratic society. In any case we admit that human rights representatives can criticize the Human Rights Commissioner activity and consider this criticism to be of great use.

Human rights protection and attention to their observance of human rights – these are not a monopoly of certain organizations, but a matter that concerns everybody. Human rights can be safeguarded and protected only by means of mutual efforts of all the members of civil society. This is the reason why the Human Rights Commissioner keeps in touch with trade unions as well as charity, children, student, scientific – that is all kinds of multi-faceted organizations and establishments, starting from a house deep in the inland and ending up with the Ural Department of RAN Institute.

Moreover safeguarding of human rights is possible only in cooperation of civil society with state institutions. Anarchy and irresponsibility of certain people are not less dangerous to the actual valuable observance of human rights than tyranny and violence of authorities. One breeds the other.

Many public organizations with the help and in most cases with participation of the Human Rights Commissioner managed to realize quite a number of projects connected this way or that with the issues of observance and protection of human rights in the oblast. Many of the projects provoked such interest that were often dealt with by local and even central mass media.

The beginning of 2003 stuck in the minds of many citizens of Yekaterinburg because of the visit to our city a group of children from the Chechen republic. It was a return visit. It was still in autumn of 2002 that the Union of Human Rights Organizations gathered and sent as aid furniture, shoes, books, stationary supplies and some other necessary things to school # 3 in Znamenskoe settlement of Nadtrechnyi region. It was then when pupils from Chechnya started writing letters to pupils from our oblast. This letter exchange resulted in the visit to Yekaterinburg of 3 pupils together with their headmaster A.S. Zakaeva. Chechen children met pupils from Rezh with whom they had exchanged letters and parcels, also visited theatres and New Year shows. They had a talk with the Minister of General and Professional Education of Sverdlovskaya oblast V.V.Nesterov and as the result the school in Znamenskoe settlement received quite a substantial quantity of books on methods of teaching. The plans for future cooperation were also discussed with rectors of the Ural universities S.S. Nabojchenko and B.Y.Tretjakov. Children from Chechnya want to study in Yekaterinburg after they finish school and there are possibilities for that.



The organizers of the project, Yekaterinburg Regional Center of Chechen Culture "Vainakh" (the chairman A.H.Kalaev) being one of them, introduced their initiative to establish attached to the Union of Human Rights Organizations Yekaterinburg society of Assistance to Peace Life Restoration in the Chechen Republic "Iset-Terek". The times when the problem could be solved by politicians together with generals have gone by. Now we need direct public diplomacy, precise business assistance which can at the same time influence the authorities and demand to search for ways for peace, we need Ural regions to take direct patronage of Chechen districts, institutions, schools, hospitals ...

The V conference of the Union of Human Rights Organizations of Sverdlovskaya oblast held in April counted more than 50 participants – Human Rights organizations and centers of Sverdlovskaya oblast. It is already the second year in a row when human rights representatives manage to held quite crowded representative forums using mainly their own resources and this fact itself is quite valuable. It is the second year when the conference of the Union is visited by famous human rights representatives from Moscow as well as from abroad. This year we met Lev Aleksandrovich Ponomarev, the chief of All-Russian movement "For Human Rights", and Victoria Webb, an expert of the European Council on EuroAid program.

Many conferences of the Union of Human Rights Organizations were held together with and also often with the direct participation of the Human Rights Commissioner. That is why there is no surprise that among all the suggestions made during the conference of the Union many were aimed at cooperation of public organizations and the Human Rights Commissioner. But we would like to point out that not all the human rights organizations as well as regional human rights representatives share this point of view. However a three-year experience of interaction shows the benefits and efficiency of the cooperation of the Human Rights Commissioner and human rights representatives.

We would like to cite an example. This is a statement made by the person who can hardly be suspected of excessive indulgence towards all state officials including the Human Rights Commissioner. Here we mean V.A. Shaklein, a human rights representative with dissident past, who almost always criticized the reports of the Human Rights Commissioner when they were discussed. After one of the project that they realized together, Vladimir Andreevich sent a letter which said: "*The realized project is a convincing evidence of immense use and efficiency of cooperation of the Human Rights Commissioner in Sverdlovskaya oblast and human rights representatives*".

Among such joint projects we can definitely name the human rights and educational project "*The Travel of Human Rights representatives from Yekaterinburg to Moscow*" which was held in the period from 12, May up to 12, June. It was executed by virtue of cooperation of several human rights organizations. Among the main organizers of this project we can name the Union of Human Rights Organizations of Sverdlovskaya oblast, the All-Russian movement "For Human Rights" with its representative V.A. Shaklein, the Moscow Helsinki Group and the Inter-regional Human Rights Center. The project was assisted by the Human Rights Commissioner of the Russian Federation O.O. Mironov.

During the period of this expedition the human rights representatives together with the Human Rights Commissioner held a reception for the population of Krasnoufimsk. In the course of that trip through 28 cities and settlements of the country a great deal of work was done by the Ural human rights representatives together with their colleagues from different republics and regions. This project was highly appreciated by the Human Rights Commissioner O.O.Mironov as well as by some famous Russian human rights representatives. Thus we can see that Sverdlovskaya oblast is an example of a region-donor also in the sphere of human rights – it assists those regions, where the human rights movement is less developed. By the way, the expedition was financed by the Moscow Helsinki Federation through the "EuroAid" program and the "New Regional Initiatives" fund. The experience gained during such a serious project was used by expert-lawyers of the Union L.V.Kochnev, T.S.Polkina and J.G.Sapegina when realizing the project of the Union of Human Rights Organizations "*The trip from Yekaterinburg to Pelym*". In several cities human rights representatives together with the consultants of the Human Rights Commissioner office arranged receptions for the public. Taking into account the receptions which were arranged by the All-Russian movement "For Human Rights" representative V.Ashaklein during his trips to Tavda, Turinsk, Polevskoi, as well as the receptions weekly held in the premises of the Human Rights Commissioner by human rights representatives L.V.Kochnev and G.Y.Tsekher, we can notice tendencies towards really efficient cooperation, which enables us to substantially enlarge the assistance rendered to people. For the previous year, according to the data of the Union of Human Rights Organizations, during all these receptions there were in the whole not less than 3000 free of charge legal consultations given to people. The analysis of the results

of the human rights representatives expedition and receptions for the public leads to disturbing conclusions. The local elected authorities do almost nothing. Many issues people come with are supposed to be the business of the local deputy. The local authorities are de facto reduced to local administration and are impetuously becoming bureaucratic. So there is no surprise that people search for protection appealing to the Human Rights Commissioner and human rights organizations. The public movement "*The youth – for human rights, against terrorism*" held its constituent conference. It counted more than 50 participants – pupils, students, educators, workers, and entrepreneurs. It is very important that we now have in our oblast quite a serious youth organization, engaged in human rights activity. The chairman of local department is Y.S.Reznik, the chief of the public reception on human rights at the Humanitarian University. At the request of a group of organization of physically challenged people the Human Rights Commissioner invited to Yekaterinburg the Chairman of Labor and Social Politic Committee of the State Duma A.V.Selivanov. He together with the committee expert T.P.Popkova had been for several hours answering questions of our public people, who represented a group of population that stands in the greatest need of state guardianship. Unfortunately it is quite a rare example of cooperation with local authorities. More often than not it is very formal.

In May, rights advocates traditionally celebrate the birthday of the Dr. A. Sakharov, a prominent scientist and a crusader for human rights. Last year the Union of the Human Rights and the Museum of Youth joined by the Human Rights Commissioner in Sverdlovsk region and by the Ural Office of the Fridrikh Nadumann's Fund initiated and held the "liberal" round-table "Is Andrey Sakharov still meaningful in the 21<sup>st</sup> century?". Former people deputies of the USSR S. Alekseev and A. Izmodenov, who were personally acquainted and worked with their outstanding contemporary Andrey Sakharov participated in the discussion and gave it a particular sense and significance. For the audience, young people mostly, the rights advocate Dr. Sakharov was a character from the textbook on history rather than a real figure. Such discussions help young people distinguish true values from imaginary ones and provide them with real life guiding lines.

On the eve of A. Pushkin's birthday, the results of the children's literary contest "Steadfast tin soldier" were summed up. Disabled and problem children had taken part in it. The contest was organized by the charitable fund "Ave, Maria", headed by T. Bobykina along with the editors of the magazine *Ural*, in cooperation with Ministry of General and Vocational Education, Ministry of Social Safety and Ministry of Culture of the Sverdlovsk region. Chairman of the contest Trustees Board was invited to become the Human Rights Commissioner. Among the members of the jury were a famous playwright N. Kolyada, poets N. Mereznikov and V. Golubitsky.

25 children became laureates. Apart from valuable presents they were granted an opportunity to be published in the regional newspapers and magazines and literary almanacs. Ilya Popenov, a laureate of the contest, also received the Russia's prize "Debut".

In summer in cooperation with the Fridrikh Nadumann's Fund working discussion was held on the topic "Municipal and intercommunal relations in Yekaterinburg megapolis: realities, threats and prospects." Scientists, experts from universities and Institutes of the Russian Academy of Sciences, and public workers, who deal directly with people and their problems participated in the discussion, which is our common practice. All the participants agreed that we are in for great changes in the ethnic composition of the population of the whole region and especially of Yekaterinburg.

Authorities on all levels have to pay close attention to this problem, work out efficient and well-grounded policy in this sphere. Otherwise various negative events may happen and conflicts may occur.

In cooperation with the representatives of national diasporas the round table "Ensuring and protection of the rights of national minorities in Sverdlovsk region" was organized. Opinions, stated during this discussion, in many cases coincided with the conclusion of the scientists. Issues of the national minorities discrimination were brought up in the round-table "Status of the Roma nation in the Ural region", which was organized by the Yekaterinburg Gipsy National-Cultural autonomy along with the Council of Europe. The representatives of the Roma nation, state employees of all levels and the human rights organizations worked together for two days. Their conclusions give us a hope that pressing issues will be solving with consolidated efforts without unnecessary and fruitless claims and groundless accusations.

In 2004, rights advocates and scientists are planning to carry on an international scientific conference dedicated to the given problem. I think it must be supported. The representative of the Fridrikh Naumann's Fund involved in the discussion stated his inclination to participate in this program and to invite specialists from Germany. Europeans are much more experienced in establishing relations between people and multi-cultural and multi-religious communities. We hope that the team work will

result in a special Commissioner's report.

In August, a motor rally across Europe started in Yekaterinburg. The motor rally titled "There is one world for all of us" was organized by the society of physically-challenged people "Sputnik" which is widely known for its efforts. Lead by the president of this organization L. Konoplina, 7 participants of the motor rally covered more than fifteen thousand kilometers across eleven European countries. The Human Rights Commissioner in the Russian Federation O. Mironov at our request joined and promptly assisted in carrying out this challenging project. Motor rally participants had an opportunity to meet with the Representatives of the European Union in the Russian Federation. Also, the assistance was rendered in establishing contacts with the Russian Federation Embassies in some European countries. As a result of consolidated efforts, the project was fulfilled successfully. Useful meetings and acquaintance have taken place; new prospects in the development of intimate connection with European organization have arisen.

In autumn congress of the soldiers' mothers Committees of Sverdlovsk region become a remarkable event. The place of its realization – Government house – wasn't chosen by random. It is not just a tribute to the soldiers' mothers. Our goal was to establish constructive and, what is more important, continual dialog between the military officials and soldiers' mothers. The Commissioner invited Ye. Vorobiev, vice-chairman of the Committee of the State Duma Defence, A. Kudryavtsev, Military commissar of Sverdlovsk region, V. Batnzov, Deputy Commander-in-Chief of the Privolzhsk-Ural military District of the Russia's Ministry of Defence, Yu. Denisenkov, Deputy Commander-in-Chief of the Ministry of Internal Affairs of the Russian Federation on educational programs, Ye. Algash, second-in-command of the corps on educational work of railway troops, V. Amirov, officer of the education department of the air-forces and air defence, V. Melnikov, judge advocate of Privolzhsk-Ural Military District, Ye. Fomin, judge advocate of the Yekaterinburg garrison, A. Maltsev, delegate of the Regional Duma and many others.

The discussion proved to be sometimes rather pointed, but in the opinion of the greater part of the participants, very useful. Still it is a long way off to the well-being in the life of the army. Murders, assaults by the officers, soldiers' suicides and escapes from the units still occur. So the Committee of Soldiers' Mothers has a lot to do. Established working group is preparing a Regulation about soldiers' mothers Committee Union of Sverdlovsk Region. It was decided to hold such forums twice a year during the conscription to avoid misunderstanding between soldiers' parents and the military men, and to make the military men more responsive for the lot of the Russia's soldiers.

I couldn't but mention the insistence and logicity of A. Livchak. In cooperation with his small organization "Archive Otpiska" he initiated and held two round-table discussions on a very difficult problem. I mean the law machinery methods of work with the detained and with those in the pretrial detention center. A. Livchak and his colleagues raise questions about the extension of the abilities of the social organizations for really effective control over the law machinery. The fact that this is a ripen question is confirmed by the number of flagrant murders of the people on remand during the interrogation. These cases are no doubt extraordinary, but the fact that a serious investigation may often be done only if backed up by the mass media, human rights organizations and the Commissioner is very much disturbing.

Unfortunately, preparation of the corresponding legislative basis for the society to be able to control such a sensitive sphere, without harm to the investigation, moves slowly. Though the law "About the public control over human rights providing in places of detention and about the assistance of social organizations to their work" was read the first time, it is still unknown when it will be brought into effect, and whether it will be put off, as it happened in State Duma of the last convocation. While visiting Yekaterinburg, E. Pamfilova, Chairman of the Human Rights Committee at the President of Russia, assured that she had complete control of this important work.

I couldn't say that we can't change anything in this sphere. The fact that Sverdlovsk Regional Office of Public Prosecutor notified in writing about its willingness to cooperate with the Union of the human rights organizations and respond to their requests, can not but please. Thus after the request of the Union Sverdlovsk Regional Public Prosecutor brought supervisory report to the presidium of the Sverdlovsk Regional Court on the complaint about the court verdict for the citizens of the village Kislovskoe of the Kamensk District, who considered that investigation and court could not examine the case of several fellow-villagers. I hope that intended cooperation will continue and develop.

At the end of this year, we are beginning to fulfill the project which was much written about in the central mass media. Yu. Potapenko, who has made his journey from a homeless ex-prisoner to the organizer of the semi-legal "labour exchange" for the same as he "unlucky people". He manages to create jobs for up to 50 homeless people in the city building sites and to help them with lodging for the night.

With this in mind the figures of the official state organizations that which deal with this difficult social group are much modest. During 2002, the Militia of Public Security managed to give jobs only to 39 out of more than 5,000 people who had been sent to the detention centers for the homeless.

This project is intended to be fulfilled in cooperation with the British Ministry of the International Development, which realizes Project of the Social Cooperation DFID in Sverdlovsk Region. The aim of this project is to legalize the structure organized by Yu. Potapenko, and to establish on its basis a Bureau of the Job Placement for the people who got live in the underprivileged conditions. In future, the Union of the human rights organizations and the Center "World Family" who also joined the project plan to provide a complex rehabilitation Center for people of this group with social hotel and other necessary way of support. Many regional centers, and especially Yekaterinburg are overcrowded with people who have no work or home, who almost die right in front of our eyes. The project badly needs the support from the Regional Government and Yekaterinburg Administration.

Social organization "Sutyazhnik" plays an active part. We have already made a request to the Yekaterinburg Mayor to stop the attempts to liquidate the human rights organization through the court. He wants to take away its premises, which today are in the status of the private living apartment. However, the question is still unsettled. The Administration wouldn't shift apartments of the President of "Sutyazhnik" S. Belyaev into the status of non-residential premises. Perhaps this clarify such a close attention of this human rights organization to the activity of the Yekaterinburg Administration. "Sutyazhnik" has initiated the list of court orders of various levels, including European Court of Human Rights, which made corrections in the mayor's regulations. Only in 2003 there were three such orders.

\_\_\_\_\_ investigated suits against the Yekaterinburg Administration twice, and Federal Court of the Leninsky District of Yekaterinburg cancelled the decree of the Yeakterinburg Mayor.

European Court of Human Rights investigated the precedent case of illegal involuntary hospitalization of a person to the Yekaterinburg City Psychiatric Hospital No. 26. A. Demeneva, a lawyer from the Ural Center of the Constitutional and International Human Rights organization "Sutyazhnik" stood T. Rackevich, for the suffered applicant.

## LEGAL EDUCATION

Human Rights Commissioner associates his plans with the work of the regional social movement "Law Education in the 21<sup>st</sup> century", which unites educational specialists and teachers of law at comprehensive schools. This movement was established with the association of the Ministry of General and Vocational Education of Sverdlovsk Region (Minister – V. Nesterov). The established social association might turn into a very powerful channel of legal education in our region if it is able to reach its full potential. In the first place, it will help disseminate a unique experience of certain regional schools in teaching law disciplines, especially human rights of children among the teachers of law. All the regional teachers must be familiar with the developments and methods of the leading-teachers from the towns of Novouralsk, Rez, Nizhniy Tagil, who win different professional contests almost every year.

During the preparations for the joint with human rights organizations projects "Journey of the Rights Advocates from Yekaterinburg to Moscow" and especially "Journey of the Rights Advocates from Yekaterinburg to Pelim" for distribution for the population more than twenty kinds of brochures, instructions and booklets with the information, explaining laws enacted by the Russian legislation and benefits for various categories of population, mechanisms of rights protection in case of law violation were published with circulation of some tens of thousands copies. The Commissioner encourages political parties and candidates for deputies to make such publications. For example, the party "Yabloko" published a booklet about the rights and the means of their defense in of municipal economy. This booklet is very popular and in demand. Experts of the Human Rights Union T. Polkina and Yu. Sapegina have written instructions on children's and invalids' rights. Committee of the soldiers' mothers from Nizhniy Tagil prepared instructions and booklets for military men and their parents. Rights advocates distributed those essential booklets during the trip round the region, and the meetings.

The Commissioner receives letters from the remote regions as well as from the labor camps with the requests to send legal literature, and the information which explains the way to defend one's rights. The Commissioner believes that the Ministry of Justice will not find it difficult to provide the labor camps' libraries with such literature and that will produce a good result.

The work within the program of the preservation of the Sverdlovsk Region population was continued. The members of Social Council of Demography at the Human Rights Commissioner of Sverdlovsk Region under the direction of the Doctor of Philosophy B. Pavlov have published a special report. The report "Poverty in Middle Ural as a Factor of the Population Policy" was discussed during the

scientific conference "Long-term Plan of Preserving the Population Concept of Sverdlovsk Region. Objects. Aims. Prospects."

A. Kushmin, Chairman of the Public Council of Demography at the Human Rights Commissioner and Doctor of Science made a report on the topic "Main Principles of the Migration Safety of the Constituent Entity of the Federation", which attracted attention of the participants. I hope that authority and governing groups, on whom the status of disadvantaged groups in our region depends, will carefully study the recommendations made by the scientists. Today, poverty and in many cases dire misery is the result of a number of declared but not provided for human rights.

The scientific conference "Children's Rights in Sverdlovsk Region: Fulfillment and Prospects" took place in the Palace of Youth. It was held on the threshold of 55<sup>th</sup> anniversary of "Universal Declaration of Human Rights" adopted by UN and the 10<sup>th</sup> anniversary of the Russian Federation Constitution. The human rights organizations, Ministry of General and Specialized Secondary Education of our Region, the Human Rights Commissioner and a large group of representatives of departments and establishments, which work with different groups of children took part in the preparation of this conference.

In the spacious lobby of the Palace of Youth, there was hardly a place without stands of the organization and establishments telling about projects which had already been fulfilled or which are being realized now in the field of defending one of the most important human rights – the right for the childhood. Besides the plenary session the work in 12 sections was also organized. The published materials of the conference will be useful for all the organizations and establishments which deal with children.

I think that organization, holding and then prompt publishing of materials of the round-table discussion "Education of the Disabled – the Problems of Access and Realization" is an example of the effective cooperation in the field of legal education. I want to thank Z. Glukhikh, the director of the Center of the individual education "Pelikan", Ye. Leontieva the President of the Yekaterinburg Social Organization "Svobodnoye Dvizhenye" ("Free Movement") of physically-challenged people who can move only in wheelchairs for high quality of the developed and successfully fulfilled project. The results of the participants' work on the round-table talk resulted in the published sourcebook. It reflects the views on the problem of these or those specialists, which is significant in itself. But what is more important is that rectors, deans, heads of departments of the leading universities of the Region, ministries' and establishments' specialists who deal with invalids were involved in the discussion.

Among the most important results of the conference were elaborated practical suggestions. They were handed over to the government authority and some of them had been already taken in work. For example, participants of the round-table discussion made a request to the Governor Ed. Rossel to introduce a Governor's prize for the physically-challenged students, who have been successfully copying with educational programs of the specialized secondary and general education. This initiative was supported by the Ministry of the Specialized Secondary and General Education. A draft of the Sverdlovsk Regional Governor's Decree "About Setting the Scholarship for Post-graduates and for Students of the Secondary and Higher General Educational Institutions" was adopted. It provides a scholarship for the physically-challenged students who have achieved much success in education and research. The new statute will come into effect on January 1, 2004.

Social association "Sutyazhnik" has also taken an active part in the realization of legal education programs. It has organized and holds three hour trainings daily for barristers and weekly cinema "watch-and-discuss" sessions for the leaders and active workers of non-government organizations. Trainings are dedicated to the study of the use of the human rights convention in national federal and arbitration tribunal. Members of the Commissioner staff have contributed to the manual "Human Rights Commissioner's Institutes in the Constituent Entity of the Russian Federation", which was published by the Saint Petersburg humanitarian political center "Strategy". This book is meant for the refresher Course of the Human Rights Commissioner staff. At the training sessions V. Gogolev, head of the staff tells about the experience of the organizational management with the citizens' appeals in the Sverdlovsk Regional Commissioner Staff.

UN seminar project "Empowering Education in the Sphere of Human Rights" has taken place for 3 years in our region under direction of the Doctor of Philosophy G. Zborovsky. 3 seminars were held this year in cooperation with the Commissioner. 65 teachers and students of the teacher's training institutes were permitted to raise the level of their skills there. This project managed to receive the grant from the benevolent fund "Tochka opory" with the help of the Yekaterinburg society "Memorial".

In summer, a great number of trainings for the Commissioner staff and for the volunteers are held

traditionally. This year a large group of volunteers of the Sverdlovsk Commissioner studied the course of international technology of the human rights protection in Yekaterinburg. It was carried on by the Moscow Helsinki Federation.

In summer human rights school was organized in Krasnoyarsk. Young lawyers and rights advocates underwent training programs during 10 days. Among them were layers from Yekaterinburg, who got there by the Commissioner's recommendation. Similar seminars were held in Moscow and Saint Petersburg.

#### Freedom of Speech and the Right to be informed.

Human Rights Commissioner makes his work about restoration of the violated citizens' rights, about the perfection of the legislature for the sake of human rights and freedom observance, about legal education on the principles of openness and simplicity, willingness for the dialog, and for the interaction with any structure. Such approach to the business enabled him to obtain such allies and partners as mass media. They help to form public opinion, to provide information of the protection of human rights and freedoms, and to carry out legal education.

Mass media support makes it possible to provide anyone whose rights have been violated or infringed with information which helps to rely on assistance and backing as from the human right organizations as from the state.

On the eve of the International Day of Human Rights in December, the results of the Second All-Russian Contest "Our Rights and Freedoms" were summed up. It was declared by the Human Rights Commissioner in the Russian Federation with the support of a number of human rights organizations and the Union of the Journalists of Russia. It showed that the number of journalists and group of authors covering law issues is growing in our region. Among the winners of this contest were about one thousand of creative writings from 40 regions of the country. The Sverdlovsk citizens won the first five prize places. The prize-winners of the contest became Yu. Tokmantsev an experienced journalist of Rossiyskaya Gazeta (*The Russia's Newspaper*), and D. Antonnikov a young reporter of the newspaper "Detali" (*The Details*), I. Perova the editor of "Novaya Gazeta" (*The New Newspaper*) from the town of Serov, the group of authors of the program "Items on the Agenda" of TV company "Yermak" and TV company "ASV" for the second time.

The urgent problems in the field of the human rights protection were raised and the cause of their violations was discussed in the materials submitted to the contest. The journalists raised the alarm on the occasion of the arbitrariness of the officials and law-enforcement bodies, infringement of the rights of the poor citizens and children ... In the programs of the TV company "Ermak", for example, the themes of citizenship, of the human rights defense during the bankruptcy of the businesses, of the rights of the large families, of the rehabilitation of the innocently condemned people were discussed. There were also discussed the rights (more exactly, illegality) of the old people and people without real place of living, the rights of the young people, the right for freedom of speech and choice.

Apart from Russia's national awards, the journalists were noted on the regional level. So the group of the TV news "Ural News" (editor-in-chief A. Chehomova) of Sverdlovsk State Broadcasting Company was awarded with a diploma of the Human Rights Commissioner for the civic position in the assertion of the housing rights of the citizens.

A special correspondent of the "Regional Newspaper" T. Kovaleva was rewarded for the series of publications on the reinstatement of the violated rights of people without the real place of living, and a group of a young Yekaterinburg newspaper "Gorodskiy Kurant" (*City Chiming Clock*), editor-in-chief Ye. Kasimov, received a Diploma for an impartial presentation of the information. The "Alapayevskaya Iskra" (*Alapayevsk Sparkle*), editor L. Matveeva, was called the best among the city and district newspapers for the series of publication on the reinstatement of the people's rights.

As in previous years federal and local mass media talked much about the work of the Human Rights Commissioner. Press conferences were regularly held in the Ural center of ITAR TASS, in the agency "Interfax - Ural", in the Commissioner's office. Every month since the Commissioner assumed of the office he takes part in the informational program of the "Radio Ural" of the Sverdlovsk State Broadcasting Company "Now and Today". Program's themes are announced on the eve of the live broadcast and the audience having sent their answers on pager can quickly get competent answers and consultations. During almost an hour program Commissioner receives 30 - 50 questions.

Also, the Human Rights Commissioner often appears on the radio of Yekaterinburg Bureau of the "Radio of Liberty" "The Echo of Moscow", "Talk radio", and on TV channels such as "Oblastnoe TV", "4 channel", "Ermak", "ATN", "ASV", "TVTs" and in such newspapers as "Oblastnaya Gazeta", "Izvestia", "Rossiyskaya Gazeta", "Parlamentskaya Gazeta" "Podrobnosti" and others.



The work in the Board of the Sverdlovsk Union of Journalists, the *Great Jury*, let the Human Rights Commissioner be au courant of everything going on in the regional branch offices of mass media. To ensure the effective protection of human rights and liberties the Commissioner maintains constant contact not only with nongovernmental organizations but also with managers of newspapers and broadcasting companies. Unfortunately, there are such situations when it is necessary to protect not only individual journalists (several contributors to newspapers and officials of broadcasting companies were assaulted) but also mass media itself. This usually happens with the appearance of problems between authorities and mass media. Using the imperfectness of law about mass media it is possible to influence journalists by economical measures and deprive them of the premises they occupy. Here is a fresh example.

M.V.Zolotuhin, the chairman of the Human Rights Center in Nignii Tagil, the chairman of the regional department of the Russian movement "Legal Russia", the editor of newsletter "The Ural Human Rights Advocate", informed the Human Rights Commissioner that a newscast of the independent broadcasting company "Telekon" (Nignii Tagil) was put on the air for the last time on December 24. Several days before Telekon had received the notification of the Municipal Property Committee of Nignii Tagil about rental expiration of the premises the company occupied. As the local Administration announced it was going to accommodate there its officials.

This year spring the municipal institution "Editorial Office of the newspaper "Voshod", one of the oldest regional newspapers, published in Irbit for 80 years was liquidated. Unfortunately, the founders of this institution have the right to do this. The broadcasting company "Irbitskii Vestnik" started publishing this newspaper. Its subscribers did not suffer from this change, they received newspaper issues according the schedule but the contributors to the liquidated institution did not get their salaries for two months and severance payments in time. In September former contributors of this editorial office O. and Z. informed the Commissioner about this in the telegram.

In reply to the Commissioner's appeal to founders of the newspaper "Voshod" one of them, G. Shatravka, the head of the municipal institution "Gorod Irbit", explained that in the process of liquidation this organization proved to be bankrupt and founders' budget did not provide any means for payment of severance pay and salary to dismissed contributors O. and Z. After the Commissioner's interference an extra financial resource was found and according to confirmed intermediate liquidation financial statement of the organization salary debts were paid off and contributors including O. and Z. got their severance pay on November 27. Moreover, on December 2 unemployment contributors of the editorial office got the compensation in the size of average salary for the second and third months after the day they were dismissed in accord of the article 178 to the Russian Federation Labor Code.

Disputing the right for free information exchange the Commissioner was taking measures to cut off propaganda of pornography. A retired person K. from Ekaterinburg appealed to the Human Rights Commissioner informing him that in letter-boxes of the house in Sovetskaya Street where he lived there were publicity leaflets of the company "Automatic Information Services" ("AIS") where among other commercial services there was a suggestion "to feel slight excitement" having listened erotic stories and jokes "about this" on phone (appeal #06-15/796).

The author of this appeal having as it turned out juridical education rightly remarked that such suggestion is a direct encroachment upon juvenile morality. With the help of this service children irrespective of their age and sex will be able to listen to stories "about this" out of parents' control and at their expense.

The Commissioner supported a K's firm desire to fight for morality of a young generation. There were no reasons to forbid such service that is why the Commissioner asked the General Director of the "AIS", D.Y.Shahnin, to spread leaflets with advertisement of the service "to feel slight excitement" in inaccessible for children places. According to the Federal Law "about fundamental guarantees of child's rights" parents have the right to bring legal action in accordance with the regulation established by the Russian Federation to compensate damage to children's health and moral state. And the Human Rights Commissioner is ready to support K. or another person who will take legal action to restore children's and family's rights.

Plc "AIS" agreed with the commissioner. Being the sole operator in Ekaterinburg that provides voice telematic services this company is now engaged in socially significant projects. In their striving for commercial success they do not step over the line of morality and avoid vulgarity and amorality. The company "AIS" actively cooperates with "Nasha Gazeta" where burning problems of city-dwellers are discussed. Now the project of cooperation with the Russian Society of Blinds is developing. There are plans to create a number of tone services to transmit news of ophthalmology and other information necessary for visually - challenged people.

Delegates of the Chamber of Representatives prepared in spring of 2003 the appeal to the Government where they showed their anxiety about the domination of TV broadcasts with propaganda for amorality. As a result children and teenagers have to be in the uncomfortable information environment. The Commissioner hopes that this appeal and other facts about the violation of children's rights will encourage the deputies of the new session State Duma to pass laws regulating the activity of such public councils of experts like the council that was established at the Legislative Assembly of the Sverdlovskaya oblast by the delegates of the Chamber of Representatives.

In the staff of the Public Council of Experts for examination of citizens' appeals related to propaganda for violation, depravity, crime and other antisocial manifestations at the Chamber of Representatives there are such authoritative people as experts in the sphere of culture, pedagogy, medicine, journalism. The official of the Commissioner's staff is also included in the Council. During the Council meetings O.A.Gusev, the deputy of the Sverdlovsk Chamber of Representatives of the Legislative Assembly has already reported about the legislative initiative for additions to the Federal Law "About mass-media", the first citizens' appeals had been examined. The Council is solving the problem of the establishment of information department that will be engaged in educational activities on pages of regional newspapers.

The Commissioner worries about the situation in the municipal institution "Talitsk Region" where the new elected head of the region N.S.Tarasov affirmed a new Charter of the municipal institution "Editorial office "Selskaya Nov" and replaced the editor-in-chief (appeal #06-15/3247). Its contributors applied to the office of the public prosecutor, to the court to appeal against Taranov's actions. They wanted to get their former Charter according to which the editor-in-chief is appointed and dismissed with the agreement of all contributors in accordance with the article 20 to the Russian Federation Law "About mass media". But the court did not recognize their arguments as foundation for the abolition of this direction. The fact is that according to the Act about property management of the municipal institution "Talitsk region" the head of a municipal institution confirms Charters of municipal organizations including newspaper editorial offices, he also appoints and dismissed the editor-in chief.

According to the present day law a newspaper editor is at the same time the head of the municipal institution and the head of the administration has the right to dismiss him. This norm prevails when there is a question who will manage editorial-office. Such gaps in legislation let heads of administration get rid of disagreeable people or editors they want to replace. Taking into account this example there is possibility to dismiss editors, interfere with work of newspapers on other territories because all regional and city periodical editions operate on the basis of documents like "Selskaya Nov" had had before the admission of a new Charter of municipal organization by the head of the Talitsk region.

Moreover, the same situation is not only in the Sverdlovskaya oblast but also in all Russia. Such instability that does not let editors live quietly, be sure in future appeared when normal organization of editorial activity was put in accordance with the Civil Code.

M.A. Gvozdetzkaya, the manager of the Ural interregional territorial department of Russian Federation Ministry for press affairs, broadcasting and mass media, informed the Commissioner that in the early 2004 all editorial documents will be put in accordance with to the present day law with the help of press directorate of information Department of the Governor and in close contact with city and regional newspapers.

Due to the fact that mass media pay attention to sore subjects of uneasy existence of our co citizens many of them we manage to solve. The Commissioner's work in the region would not be so efficient without business relations with mass media representatives.

To provide journalist for maximum information the Commissioner usually invites them to accompany working groups to reformatory camps remand prisons, orphanages and old people's homes.

The Humane Rights Commissioner considers that the formation of civil society is impossible without free mass media and institution of the Human Rights Commissioner.

#### *The Development of Work Content and its Forms*

10 years anniversary of the Russian Constitution and 55 years anniversary of the Human Rights Declaration celebrated by all federal and regional authorities and broad human rights community in December 2003 were a kind of guiding line for the Human Rights Commissioner. It goes without saying that the appearance of these documents stimulated further development of authority's outlook at human rights and liberties, its direction toward the European and international standards, caused changes in citizens' appeals and level of their legal competence.

The successive use of federal legal resource with support of the regional executive and legislative authorities is the characteristic feature of the Commissioner's activity in restoration of citizens' rights in 2003.

The Commissioner had working meetings with deputies of the State Duma of the Federal Assembly of the Russian Federation, with A.V.Selivanov, the chairman of the Committee of labor and social policy and A.V.Shishlov, the chairman of the Committee of education and science, with V.G.Trushnikov and A.K.Shmelev, the members of the Council of the Federation in Sverdlovskaya oblast, with V.G.Shumov, the chairman of the President Administration for citizenship affairs, and V.Y.Zorin, the Minister of national affairs where problems of security for citizens' rights for social protection, education and citizenship were discussed.

The Human Rights Commissioner prepared and sent a number of appeals and inquiries to the legislative and executive authorities of the federal level to attract their attention to the most important problems of citizens' rights security. Among them there were appeals to M.M.Kasyanov, the Minister of the Government "about the problem of violation of citizens' constitutional right for private property", which is connected with complicated interpretation, and application of the article 1127 to the Russian Federation Civil Code; to P.V.Krasheninikov, the chairman of the Committee for the State Duma legislation, "about necessity of additions to the Federal Law" About the bringing of the third part of the Russian Federation Civil Code in force"; to V.V.Ustinov "About unsettlement of question about creation of parking and human rights violation"; to the Supreme Court of the Russian Federation "About imperfect mechanism of use of common jurisdiction of present day law about dwelling sale and purchase".

Additional possibilities for protection and restoration of citizens' rights in 2003 appeared due to the Human Rights Commissioner's participation in the work of the Public Committee at the chairman of the Council of the Federal Assembly of the Russian Federation for male and female equal rights security, his cooperation with the Committee of the Federal Council for monitoring of federal and regional legislation and law enforcement practice, his participation in the work of the Council of experts at the Human Rights Commissioner in the Russian Federation.

Fruitful cooperation of the Human Rights Commissioner of the Sverdlovskaya oblast with O.O.Mironov, the Human Rights Commissioner of the Russian Federation; with Y.A.Pamfilova, the chairman of the Human Rights Committee at the President of the Russian Federation; with Human Rights Commissioners in all subjects of the Russian Federation, first of all in Astrahanskaya, Volgogradskaya, Permskaya, Moskovskaya, Saratovskaya oblasts, the Republic of Tatarstan, the Republic of Bashkortan, helped to restore rights of tens citizens of the Sverdlovskaya oblast.

Interaction and cooperation of the Human Rights Commissioner with legislative, executive and juridical authorities, institutions of higher education, municipal institutions, public organizations were developing and fortifying in 2003.

New agreements for cooperation, signed by the Human Rights Commissioner with the Ural State Academy of Law (the rector V.D.Perevalov) and the Institution of International Relations (the principal T.Y.Alaiba) gave more possibilities in rights protection practice, for carrying out of educational events, students' practice in the Human Rights Commissioner's staff.

Contractual relations with the Main Department of the Russian Federation Ministry of Justice in the Sverdlovskaya oblast (the chief M.N.Zatsepin) are built on a considerably higher level; the authorities pay more attention to citizens' rights protection in the periods of executive production, bankruptcy of enterprises, to other activities of legal character.

The Human Rights Commissioner and the Sverdlovsk Department of the Russian Mining and Metallurgical Trade Union (the chairman V.G.Kamskii) interact and coordinate their efforts to provide for social and legal protection, to restore the rights of mining-metallurgical workers.

The past year gave us a lot of examples that confirmed the use of cooperation between human right organizations. The Human Rights Commissioner concluded the agreement with the Ekaterinburg Administration Committee for consumers' rights protection which gave the possibility to make a number of decisions for protection of rights of the Russian Federation Saving Bank depositors, users of public utilities, trade and transport services. It also helped to increased juridical competence of population. This agreement stimulated the interaction between the Commissioner and consumers' right services of regional municipal institutions. Here we can say about such municipal institutions as the Sysertskaia Raion (the chairman B.Y.Fabrikant) and Nizhneturinskii Raion (the expert M.P.Vasilyeva) where work for restoration of citizens' rights is successful.

The St. Petersburg Center of Humanities and Politology "Strategiia" (the president A.Y.Sungutov) and the Moscow School of Human Rights (the principal A.Y.Azarov) remained

trustworthy and creative partners to the Commissioner. Four officials of the Commissioner's staff upgraded their qualification in the framework of the Center and the Summer Human Rights School. Participation in the internet-conferences let realize a number of projects for improvement of the Russian legislation and legal competence of population. The Commissioner regularly gets international and federal documents of nominative and legal character. The past year was a period of development the Human Rights Commissioner's interaction first of all with national ombudsmen of the CIS states: Ukraine, Azerbaijan, Uzbekistan, Kazakhstan, Kyrgyzstan, Tadzhikistan, and Lithuania to protect the rights of the representatives of these states on our territory as well as rights of our citizens. The cooperation and interaction with the heads of their diplomatic representatives and cultural – national autonomies, dispersal units, communities and national groups is carried out on a considerably higher level.

Here the mention should be made that the Commissioner participated in the second international round table of ombudsmen (Baku, November) and in the seventh round table of human rights Commissioners in the subject of the Russian Federation (Kaliningrad, March).

For the first time in the history of the Russian institution of regional Human Rights Commissioners the agreement for interaction and cooperation between the Human Rights Commissioner and the ombudsman of the Republic of Azerbaijan was concluded, and two officials of his department had a week on-the-job-training in the Human Rights Commissioner's stuff in December 2003.

The Human Rights Commissioner's work in the Human Rights Committee at UN was fruitful, where he came to know about the content and experience of the Committee's work about activities of national and regional ombudsmen of the USA (New-York, January). The Commissioner supports and participates in the realization of mutual human rights programs of the Russian-British project for social cooperation with the Fund of Frederic Neumann, the UN Children's Fund "Junisef", the American, British and Kyrgyzstan Consulates in Ekaterinburg, the embassies of Korea and Tadzhikistan in Moscow.

Conclusion

This report is full of realities of our life. We used neither official facts nor statistic data in this report. Here are only the facts from the appeals of our citizens who were forced by our life to appeal for help to the Human Rights Commissioner. If you find in these conclusions something offensive for yourself you should seek the reasons in the organization of work with people. Here you will not find policy, achievements of our life that is anyway becoming better. That is why I am very thankful to all people with whom we managed to help people in this year. Efficient cooperation for people sake – that is the Commissioner's position in the work with all levels and branches of authorities, organizations and enterprises, citizens of the Sverdlovskaya oblast, will develop in the new year.

Will our life change for the better? Will people with power and money remember a common person? Yes, they will! Not only the Russian President's Act about what we wrote in the beginning of this report inspired optimism. Lately the notion "human rights" is sound in a new, civilized way. It is in our region where by efforts of our scientist Svetlana Igorevna Glushkova, the Doctor of Politology, the manual "Human Rights in Russia" was published and became at once a season bestseller.

But I have peculiar hopes for first formers of 2003 who got "Stories about Rights for First Formers" excellently published by the Ministry of common and professional education of the Sverdlovskaya oblast. And these children will value the notion "Dignity" in another way than previous generations. And, may be, when they rule the life there will be not necessary for a post of Human Rights Commissioner. But now we all should work hardly to understand, observe and protect human rights in this year.

The Human Rights Commissioner of the Sverdlovskaya oblast  
T.G.Merzlakova

January 14, 2004