**REPORT**

**“On observance of the rights and liberties of man and citizen in the Republic of Tatarstan in 2012”**

Acting in compliance with Article 26 of Law of the Republic of Tatarstan dd March 03, 2000, No.95 “On the Ombudsman of the Republic of Tatarstan” the Ombudsman sends the Report on observance of the rights and liberties of man and citizen in the Republic of Tatarstan to the President of the Republic of Tatarstan, the State Council of the Republic of Tatarstan, the Cabinet of Ministers of the Republic of Tatarstan, the Constitutional Court of the Republic of Tatarstan, the Supreme Court of the Republic of Tatarstan, the Arbitrazh Court of the Republic of Tatarstan, the Procurator of the Republic of Tatarstan.

As in recent years appraisal of the situation on observance of the rights and liberties of man and citizen in the Republic of Tatarstan is based on integration of results of examination of complaints that came to the Ombudsman in the Republic of Tatarstan, reports on inspections, information from state authorities and local government bodies, and information presented by Ombudsman’s public assistants, human rights non-governmental organizations and mass media, republican inter-department commissions and other sources.

At year-end the situation with observance of human rights in important life spheres: the right to health protection, housing and work has been analyzed.

Within the frame of the Report the situation with observance of conscripts’ rights and rights of people in custody and satisfaction of judgments in favour of citizens by local government bodies will be described.

First of all it’s necessary to fix on statistic data that describing the Ombudsman’s activity at year-end.

Analysis of citizens’ complaints

|  |  |  |
| --- | --- | --- |
| Description | Quantity | Per cent |
| Written complaints (other complaints) | 1341 | 54,56 |
| Verbal complaints (personal reception) | 1117 | 45,44 |
| Total quantity of complaints | 2458 | 100 |

In 2012 the Ombudsman has received 1341 complaints (any appeals being in written form or by e-mail). At personal reception 1117 complaints were considered.

Measures have been taken on restoration of violated rights in 196 cases.

The Ombudsman was brought into proceeding as the third party on 9 civil actions, involving claims by citizens against state authorities, local government bodies, institutions, organizations and enterprises regardless their business legal structure and forms of ownership that were considered by courts of the Republic of Tatarstan. Taking into consideration legality and reasonability of demands made in court claims, the Ombudsman has appeared in the court in favour of citizens in 6 cases. In four cases the claims have been satisfied, in two cases have been granted in part.

**Structure of appeal theme in 2012**

|  |  |  |  |
| --- | --- | --- | --- |
|  | Appeal theme | Quantity of appeals | Per cent |
| 1 | Housing questions, including matters of housing and public utilities service | 646 | 26,28 |
| 2 | Appeal against actions of law enforcement officers | 351 | 14,28 |
| 3 | Objection to judicial decision | 332 | 13,51 |
| 4 | Social security and social protection of population | 221 | 8,99 |
| 5 | Other matters | 176 | 7,16 |
| 6 | Labor legislation | 144 | 5,86 |
| 7 | Conditions of keeping people in places of detention | 134 | 5,45 |
| 8 | Service in Armed Forces of the Russian Federation | 119 | 4,84 |
| 9 | Matters of supplying legal information | 85 | 3,46 |
| 10 | Land matters | 59 | 2,40 |
| 11 | Execution proceeding | 57 | 2,32 |
| 12 | Matters of Russian naturalization and passportization | 53 | 2,16 |
| 13 | Medical service | 51 | 2,07 |
| 14 | Education | 30 | 1,22 |
|  | In total | 2458 | 100,0 |

Most commonly the Ombudsman received claims (other appeals) concerning housing problems, including matters of housing and public utilities service, and claims against law enforcement offices. Some claims on matters of housing and public utility service came during the telephone “hot” line; quite a number of claims concerning relevant matter came during joint meetings with chiefs of law enforcement bodies. At the same time, complaints (other appeals) concerning realization of rights to housing and appeals for disagreement with actions (inactions) or decisions of law enforcement officers are most commonly sent to the Ombudsman even without carrying of meetings mentioned above.

Some contribution into Ombudsman’s activity both in the sphere of rendering assistance in restoration of violated civil rights, and in legal education for people (one more task that the Ombudsman has to execute according to the republican law) made the voluntary assistants.

**Observance of labour rights of citizens**

A great number of complaints that coming to the Ombudsman concerns violations in the sphere of labour relations. Statistic data from regulatory and supervisory authorities also indicates violations existing in this sphere.

As before the most common violation in the sphere of labor relations isdelayed payment for employees’ work by employers including employers who are capable of paying.

Situation in the sphere of protection of workers is really difficult. Carrying out its activity and participating in the work of working groups on inspection of capital construction objects, the Ombudsman found the cases, when employers outrage the labour law in this sphere. At the same time it’s necessary to intensify efforts on prevention of workplace injuries on enterprises and construction objects in municipal districts of the republic.

Following the results of the recent year the Ombudsman took measures on restoration of violated labour rights of citizens, which were fired contrary to law. In compliance with Article 20 of the Law of the Republic of Tatarstan “On Ombudsman in the Republic of Tatarstan” the Ombudsman sent conclusions to the branch of OJSC “Tattelekom” in the city of Almetjevsk and the local government office “The Chamber of property and land relations of the Zelenodolsky municipal district” in connections with committed violations. In both cases the organizations mentioned above have informed about impossibility to fulfill recommendations of the Ombudsman and produced their reasons for that fact. But later, the applicants were reinstated in their job by judicial means, using among other evidences, results of the inspection made by the Ombudsman.

Taking into consideration the wide range of issues connected with observance of labour rights of citizens in the Republic of Tatarstan, the Ombudsman has initiated Parliament proceedings on relevant issue. As a result of their holding the recommendation to Committees of the State Council of the Republic of Tatarstan, the Cabinet of Ministers of the Republic of Tatarstan, the Ministry of labor, employment and social security of the Republic of Tatarstan; the Republican inter-departmental commission on rising of living standards and legitimization of income, local government bodies, employers, the Federation of Trade Unions of the Republic of Tatarstan has been made. We made conclusions and proposals, stated in this report, on issues of delayed payment for labour, labour safety, illegal dismissal and others on the grounds of inspections made and information from regulatory and supervisory authorities.

**Observance of the right to housing**

A great work on provision of housing is carried out in Tatarstan. The Republic implements a number of federal and republican programs actively. Suffice to say, that according to the results of the year 2012, enterprises and organizations and also people from their own funds erected 2399,5 thousand sq.m of total living space. Enterprises and organizations of the republic put into exploitation 21260 flats with total (usable) area of 1296,8 thousand sq.m.

But at a time, when there are such remarkable achievements in the republic, issues connected with realization of human rights to provision of housing are still of current concern.

Rates of provision with housing to citizens, who have been recorded as being in need of improved housing conditions, are unsatisfied. According to information from municipal district executive committees of the republic the quantity of citizens being in need of providing of housing under contracts of social rent are 51353 people, as on January 1, 2012.

Taking into consideration, that construction of housing facilities used for social needs are executing but little, number of people being in need of improved housing conditions are increasing constantly.

A citizen Z. referred to the Ombudsman on the matter of resettlement from the failing building at h.6, Bogatyrev-str., the city of Kazan, where 121 families are living. These families have been living in dangerous for their lives conditions more than three years. Notwithstanding that the court decision of their resettlement came into force and they appealed to different authorities many times, their resettlement to new apartments is postponed from one year to another.

According to the information from the Executive Committee of the municipal entity the city of Kazan, documents on provision of housing have been prepared and approved only for 26 families of the house mentioned above, as on December 24, 2012.

Last year the Ombudsman again found ceases, when people from among orphaned children and children deprived of parental care were rejected unreasonably in registration as people in need of improved housing conditions.

For example, Citizen I. was rejected in registration as a person in need of improved housing conditions because of his studying in the trade school. However, according to part 2 of paragraph 2 of Article 57 of the Housing Code of the Russian Federation (in the edition being in force as of the date of the complaint), an apartment should be provided after graduation from not only the present education institution, but any other. For that reason the conclusion was sent to the administration of the Vakhitovsky and Privolzhsky districts of the Executive Committee of the municipal entity the city of Kazan.

The Ombudsman has appeared as the third party in favour of Citizen E., who filed the claim with the court against the same administration of Vakhitovsky and Privolzksky districts for illegal refusal in registration him as a person in need of improving of housing conditions. Representatives of the administration provedtheir position by reason that registration as a person in need of improving of housingshould be made at the address, where a person was registered at the place of his residence, but not at the place of his actual residence. This position is contrary to provision of Federal Law No. 159-FZ “Concerning additional guarantees of social support for orphaned-children and children deprived of parental care” (in the edition being in force as of the date of the case hearing). The Vakhitovsky district court of the city of Kazan has sustained the claim; the judgment came into legal force.

During last year the Ombudsman came up against problematic situations on realization of rights of citizens to housing in the system of social mortgage.

For example, it was determined that according to a number of municipal documents, regulating the procedure of provision of people in need of improving of housing with apartments, a recommendation from the Head of the municipal district is the ground for registration people as being in need of improving of housing.

Particularly, grounds mentioned above were specified in documents of the Nyrlatsky, Leninogorsky municipal districts. Registration of citizens as being in need of improving of housing at the recommendation or discretion of the Head of the municipal entity may be subjectivity and lead to violation of rights of citizens (disabled persons, homeless fire victims, inhabitants of failing buildings and other).

This information was sent to the Procuracy of the Republic of Tatarstan, and according to the information obtained the legislative instruments of these municipal entities were brought into conformity with the current legislation.

There are some facts, when families that improving their living conditions in the system of social mortgage didn’t received state childbirth benefit. According to information from the State Housing Fund at the President of the Republic of Tatarstan number of satisfied claims concerning childbirth benefit has increased from 4 – in 2011 to 12 claims – in 2012.

A resident from the city of Zelenodolsk appealed to the Ombudsman with a claim that 200 thousand of roubles under the contract of social mortgage weren’t paid at his child birth. In violation of paragraph 7 of “The Procedure for determining of terms and conditions of payment by installment by citizens for acquisition of housing in the system of social rent”, approved by Decree of the Cabinet of Ministers of the Republic of Tatarstan dd August 02, 2007 No. 366, the applicant didn’t received childbirth benefit, because he was randomly introduced by the Executive Committee of the Zelenodolsky municipal district to another Housing Program without the consent of the applicant. Following results of consideration of the claim the Ombudsman sent its conclusion to the State Housing Fund at the President of the Republic of Tatarstan and later the Ombudsman took part as the third person in the court session. By judgment of the Vakhitovsky district court of the city of Kazan the claim of the citizen has been satisfied.

Number of citizens dishoused as a result of non-fulfillment of terms of mortgage agreements settled in different banks of the republic is increased. If, in the year of 2011, courts of the Republic of Tatarstan have satisfied 33 claims for eviction from apartments, which were pledged under a mortgage agreement, made by banks or other credit organizations, then in the year of 2012, 62 such claims were satisfied.

In compliance with paragraph 2 of Article 95 of the Housing Code of the Russian Federation citizens, who are evicted from their apartments as a result of non-fulfillment of a mortgage agreement (if this living accommodation was the only one for a person), may obtain an accommodation temporarily from a temporary public housing.

But in practice, citizens evicted from their mortgaged accommodation have to solve a problem encountered themselves. For example, Executive Committees of the municipal entity the city of Kazan, Arsky municipal district informed citizens that there is no temporary public fund there.

To some extent this problem may be solved in another way. In the Republic of Tatarstan there has been the growth and expansion of construction of commercial apartment buildings within the frame of the sub-program “Development of rental market” of the long-term target program “Development of housing construction in the Republic of Tatarstan for the period of years 2011-2015” approved by Decree of the Cabinet of Ministers of the Republic of Tatarstan dd June 20, 2011 No. 492. At the present moment according to preliminary calculations of the Cabinet of Ministers of the Republic of Tatarstan 1647 people among 51353 people being in need of improving of housing are ready to obtain an accommodation on a leasehold basis.

Appraising the situation with the right to housing we should say about problems with housing and public utilities services. Being topical for a long period, last year they became critical as a result of cancellation of cross-subsidization, growth of rates for housing and public utilities and introduction of amendments into regulatory legal acts regulating a sphere of housing and utilities infrastructure at the federal level.

Taking into consideration urgency of the issue, the Ombudsman together with the State Housing Inspection in the Republic of Tatarstan, the Ministry of construction, architecture and municipal affairs and housing of the Republic of Tatarstan and the Ministry of labour, employment and social security of the Republic of Tatarstan organized a telephone “hot” line concerning issues of rendering of housing and utilities services. For two days while the telephone “hot” line has been working, 220 appeals cameand 336 questions were put on matters concerning, in the first thing, calculations of payment for general housing needs, necessity of capital and routing repairs to general housing property, quality of repairs conducted, unsatisfactory rendering of housing and public utilities services and execution of works on maintaining of common housing assets, overstatement of calculation for housing and public utilities services.

From the list of issues mentioned above, which people of the republic care about most of all, it’s obviously that the most topical issues are concerning payment for accommodation and housing and public utilities services. In cases stipulated by current legislation some categories of people have the right to receive subsidy for payment for living apartment and public utilities services. At year-end the Ombudsman specifies that cases when people have to stand upon their right to get such kind of subsidy took place.

For example, the Ombudsman has appeared as the third party in favour of Citizen P., who filed the claim with the court against the Ministry of labour, employment and social security of the Republic of Tatarstan seeking a declaration her right to get a subsidy for payment for living accommodation and public utilities. Social security officials has refused her because she has no registration at place of residence; but provisions of the Housing Code of the Russian Federation leave open the possibility to grant a subsidy to citizens – tenants of living accommodation, who have a registration in such accommodation at place of stay. The Novo-Savinovsky district court of the city of Kazan has satisfied the claim of Citizen P.

Reasons for such or another violation in realization of rights of citizens to housing are different. Significant funds are required to solve some of them. At the same time a number of violations of rights of citizens to housing it’s possible to avoid by strict observance of the legislation in force.

**Observance of the right to health protection and medical assistance**

Progressive promotion of the health care system is continuing in the republic.

Within the frame of the Program “Modernization of public health services of the Republic of Tatarstan for the period of 2011-2012” implementation the federal standards of delivery of health care on 12 nosologies were adopted additionally, material base of medical institutions is improved.

Within the frame of implementation of the Program on primary medical and sanitary assistance to people modernization, 74 module medical and obstetrical stations were assembled, major works on capital repairs of 399 medical and obstetrical stations in 33 municipal entities of the republic were executed.

For the purpose of problem solving and providing rural areas with specialists, from the year of 2012 medical workers not older than 35, who come to work in a country side after graduation from the educational institution of higher professional education, additionally receive one-time compensation payment in the amount of one million roubles from the Federal Compulsory medical Insurance Fund and 100 thousand roubles from the budget of the Republic of Tatarstan for improving of their living conditions. In the year of 2012 one hundred and forty four doctors received one-time compensation payments, among them 13 found a job in 2011 and 132 doctors - in 2012.

Within the frame of the target Program “Rural social development up to the year of 2012” in 2012 subsidies were granted to 70 medical works, who works in the country-side and need in improving of housing.

Estimating the situation with observance of rights of citizens in the sphere of public health service in general, the Ombudsman, taking into consideration claims that came to his address and information from mass media, e.g. the newspaper “Vechernya Kazan” has informed about death of a patientvisited a dentist (the city of Zelenodolsk), business electronic newspaper “Business on-line” said about a patient, whose a health leg has been operated instead of a bad one (the city of Kazan), the information agency “Tatar-inform” informed that 500 thousand of roubles were collected through the court as a result of the medical error (the settlement Bogatye Saby), would like to specify problems exisitingwith delivery of medical assistant.

For purpose of rendering assistance in observing of rights and freedoms of the person and of the citizen to health protection and medical assistance, the Ombudsman made inspection in respect to a number of claims came to the Ombudsman from citizens.

In case of citizen Sh. there was a violation of Article 22 of the Federal law dd November 21, 2012 No. 323-FZ “On the Fundamentals of Public Health Protection in the Russian Federation”, because his wife was denied in registration for medical examination in maternity welfare clinic No.5 of the State Autonomous Health Care Institution “City clinical hospital No.9” of the city of Kazan as long as she has no registration at her place of residence in this territory. According to the information from the Health Care Department of the city of Kazan as a result of the inspectionmade measures for ensuring the right of citizen to select a medical organization in accordance with the current law were taken.

The Ombudsman received an appeal from citizen K. on unsatisfactory work of personnel of the emergency ward of the city of Kazan; in the course of inspection the fact of long waiting (over three hours) for the first aid team was ascertained.

Taking in consideration the importance of timely delivering of medical assistant, the Ombudsman has appealed the Ministry of Health of the Russian Federation in order to draw attention to the necessity of taking measures on improving of emergency medical service activity arrangement and its material support.

At the same the issue of unsatisfactory organization of emergency medical assistance delivery extends beyond problemswith material support. This is confirmed by information based on the results of functional checks made by the Ministry of Health of the Republic of Tatarstan. Based on their results paramedics, hospital administrators of the branch of the emergency medical service, the central hospital were brought to disciplinary liability as strong as getting fired.

Notwithstanding that rates of maternal and infant mortality, mortality of population, including mortality from tuberculosis, are decreasing, the situation in some municipal entities leaves much to be desired.

Ranking score of municipal institutions of health care, indicative indexes of activity dynamics of municipal entities, executed by the Ministry of Health of the Republic of Tatarstan, show critical decline of position in Drozhannovsky (from 23-34 to 45 position), Bugulminsky (from 27 to 42 position), Chistopolsky (from 22 to 33-34 positions), Nizhnekamsky (from 8-10 to 19-22 positions) and Buinsky (from 3-4 to 28-29 positions) municipal districts.

Problems in sphere of realization of rights of citizens to health protection are still topical, the more so mistakes made by medical workers in the course of medical assistance delivery or unsatisfactory execution of their duty may lead to tragic consequences.

**Observance of rights of conscripts**

Today, according to many indexes, Tatarstan is a leader among subjects of the Russian Federation in sphere of training of citizens for military service.In the republic preconscription work with young people is effectively being improved, military-patriotic education is developing, material and technical base is being strengthened. The Central Competition Committee of the Ministry of Defence of theRussian Federation, who checked results that have being achieved in training of citizens for military service, organization and conduction of conscription in the year of 2012, gave a similar appraisal to preconscription work in the republic.

In 2012 the Republic of Tatarstan has won the All-Russian competition among subjects of the Russian Federation in training of citizens to military service, organization and conduction of conscription to military service for the fifth time.

In order to prevent violation of rights of conscripts and for rapid response to facts of their violations the Ombudsman and his representatives continue to go with conscripts to places, where they are going to do their call-up military service; also, military units are being visited for inspection of well-being of conscripts, who were called-up in 2012. During spring and autumn call-ups representatives of the Ombudsman have organizedescort of conscripts to military units located in cities of Chita, Samara, Orenburg, Tolyatty, Nizhny Novgorod, Sevastopol, Kaliningrad, Saint-Petersburg, Severomorsk and Khabarovsk. In total about 800 conscripts were escorted and 15 military units were visited with the purpose of inspection of conscripts well-being. It is a satisfaction to know that as the results of the Ombudsman’s activity mentioned above some of his proposals were specified in the Decree of the Republican Call-up Commission.

But, at the same time there are still some problems with observance of rights of conscripts, including, first of all, the work of medical call-up commissions. For that matter the Ombudsman will describe problematic situations with such category of citizens and give his offers on correcting actions.

**On observance of rights of disabled persons**

There are 328 000 disabled person in the Republic of Tatarstan, including 14000 – disabled children. The Government of the Republic of Tatarstan executes purposeful work on development and realization of measures on improving of life quality for people with disabilities. On September 22, 2011 it was adopted the Republican long-term target program “Barrier free environment” for the period of 2011 – 2015 developed with account of interests of all categories of disabled people and it is aimed to provide their easily access to all facilities of different infrastructures.

A great number of actions are carrying out within the frames of the program “Barrier free environment”, but the problems, unfortunately, still exist. The Ombudsman continues to receive appeals from disabled people and members of their families complaining of absence of barrier free environment. For example, Citizen D., a disabled person of group 1, wrote in his letter that he has no opportunity to go for a walk, because there are no pedestrian paths near his house. Another example, Citizen X., a mother of disabled child 2005 year of birth, complains that she has to elevate an invalid carriage, being 29,5 kg in weight together with her child, 30 kg in weight, to the sixth floor by her own, because there is no elevator in her residential house. How we can help to these people? In fact, the Program “Barrier free environment” should, in the first turn, provide suitability of accommodation for living there of disabled persons, get them possibility to come out of their flats, go out, approach the nearest shop, for example, go inside, buy some goods all by himself, then, return home without any help.

There are problems in delivering of social services to disabled persons. At the present time the level of social guarantees with regard to centres for rehabilitation of disabled persons is low enough – 40 per cent, but need of social services and rehabilitation services for disabled persons among adults is not being decreased. In 2011 the Ministry of labour, employment and social security has received 15812 applications from disabled persons for voucher for health resort treatment, 8451 vouchers were granted. In 2012 18827 of such applications came, but only 6117 vouchers were granted, i.e. 32,5 per cent of wishing were provided with vouchers; this fact incurs fair displeasure amongthis category of citizens. May be the development of non-state sector in the sphere of social service and placement of state order for rehabilitation services to disabled people would solve this problem and, in its turn, it makes possible to reduce tension in the matter of provision of citizens with health resort treatment.

One of the important issues with regard to observance of rights of disabled people is provision of this category of citizens with technical equipment for rehabilitation. At the present time disabled people are provided with technical equipment for rehabilitation in accordance with the federal list. Experience of some subjects of the Russian Federation shows that this list satisfies demandsof disabled people not in full in the context of achievement of maximumcompensation for restriction of their life activity, wherefore additional technical equipment are provided out of funds of regional budget on the grounds of recommendations on individual programs of rehabilitation. There is no such regional list of technical equipment for rehabilitation in Tatarstan.

The Ombudsman thinks that it’s important to direct attention to the matter of inclusive education for disabled children. As on the January 1, 2012, there are 405 municipal pre-school educational institutions (hereinafter – PEI) with groups of compensating orientation. 12872 children are being raised there.

In addition 4755 children attend supervision and rehabilitation groups (for children with tuberculosis intoxication, sickly children, with allergic and nephrological diseases) that functioning in 71 pre-educational institutions.

According to data of the Ministry of education and science of the Republic of Tatarstan, notwithstanding that the number of children being in need of rehabilitation and correction of developmental disability is increasing, the number of pre-educational institutions with groups with orientation for compensation and rehabilitation is decreasing for the last years. Only for the last year the number of such kindergartens is decreased by 22 units, the number of specializing groups in them – by 76 units.

Some municipal districts have no groups for children with developmental disabilities at all. It’s obviously that it’s important to draw attention of municipal district to necessity of organization of corresponding conditions for inclusive education of children in pre-educational institutions, which provide equal rights, accessibility and opportunity of choosing the corresponding educational way for each child despite his physical and other abilities.

It stands to mention that organization of additional education for disabled children, which in its turn let them to get pre-professional education, bring out their full potential and let them feel their belonging to society.

At the present time in the republic 1610 disabled children and 903 children with special needs, only some of them have the possibility to get additional education, because the Republican provision on the procedure of calculation of financing standards for children’s educational institutions doesn’t provide an individual work with disabled children (Decree of the Cabinet of Ministers of the Republic of Tatarstan dd December 31, 2009 No.939 “On approving of the Provision on the procedure of calculation of financing standards for children’s educational institutions of further education with tourism and regional natural history, ecological and biological, military-patriotic education, social and pedagogic, social and economic, scientific, technical and cultural science orientation and children’s multi-discipline educational institutions of further educationof the Republic of Tatarstan”). As a result such children are precluded from the opportunity of formation and development their creativity, additional moral and physical perfection, health promotion and organization of spare time. In this connection the Ombudsman considers necessary to investigate the possibility that the Cabinet of Ministers of the Republic of Tatarstan will developed standards for work with disabled children in individual forms with following introduction of amendments into the relevant Decree of the Cabinet of Ministers of the Republic of Tatarstan.

**Observance of human rights in places of forced imprisonment**

Every year the Ombudsman makes analysis of observance of human rights in places of forced imprisonment. Besides, thecomplaints from convicted, suspected and accused persons are considered; on-site meetings together with the Procuracy of the Republic of Tatarstan, the Ministry of Internal Affairs in the Republic of Tatarstan and the Department of Federal Penitentiary Service in the Republic of Tatarstan are conducted. The Ombudsman constantly takes part in the work of attestation commissions on appraisal of behavior and stipulation of conditions of service of sentence.

At year-end of 2012 it stands to mention the tendency in improving of living conditions of people in places of forced imprisonment; each convicted is provided with individual sleeping accommodation and bedding items, seasonable clothes with regard to weather conditions. Hostels and detention cells are provided with essential furniture and inventory. A great work has been executed on equipment of rooms for long meetings in places of forced imprisonment; redecoration in full conformity with existing standards has been done there: rooms are provided with essential furniture and inventory, kitchens, toilet blocks, shower areas, recreation rooms are equipped. At the same time such on-site inspections detected unsatisfactory labour organization and protection measures on production sites. In the course of inspection of the Federal State-own enterprise Correctional Camp No.3 of the Federal Penitentiary Service of Russia in the Republic of Tatarstanit was found that premise, where convicted persons wind up and prepack toilet rolls, has no smoke detectors, whereas the fire department of the Ministry for Civil Defence, Emergencies and Disaster Response is located beyond the territory of the Camp, and people may suffer in case of fire and the property of the Camp may be damaged.

It leaves much to be desired the situation with moral building activities with convicted persons that influences badly on the activity of correctional camps, where convicted persons organize prison riots, go on hunger strike and injure themselves purposely. Such “action” took place in Federal State-own enterprise Correctional Camp No.2 of the Federal Penitentiary Service of Russia in the Republic of Tatarstan. The General Prosecutor Office of the Russian Federation, Federal Penitentiary Service of Russia and the Ombudsman for Human Rights in the Russian Federation conduct investigation on fact of special means and physical force in regards to convicted people, who were dissatisfied by living conditions in the correctional camp and understated salary at places of production of the correctional camps and caused a disturbance and destroyed state property in disciplinary cells.

It’s important to draw attention to matters of resocialization of people released from places of forced imprisonment with regards to their employment. If we compare percentage of people employed with help of job centres with percentage of employment of people of such category, we can see that last ones have fewer opportunities to find a job. For example, 23971 people applied to the job centre of the city of Kazan in search of suitable job, 14686 people among them have found a job that is 61,2 per cent of total number of people applied; and only 278 people of 974 people released from places of forced imprisonment, who applied to state employment offices of the Republic of Tatarstan, found a job (28,5 per cent of total number of applied). The Ombudsman thinks that such situation is the result of low level of professional qualification on specialties that convicted persons were trained, and they are not able to meet competition on the employment market.

Furthermore, the Ombudsman considers necessary to raise effectiveness of execution of Law of the Republic of Tatarstan dd July 24, 2006 No. 60-ZRT “On setting quotas and reservation of workplaces for disabled people and people particularly being in need of social protection”. Only 41 of 58 workplaces reserved for people released from places of forced imprisonment were in demand. Number of reserved workplaces is not so great but interested employers have problems to fill them.

But assistance in employment will be absolutely ineffective in case, when a person released from place of forced imprisonment has no accommodation. According to data to the Department of the Federal Penitentiary Service of Russia in the Republic of Tatarstan 16 people without accommodation because of different reasons were released in 2012. It’s obviously that such people are risk group as they can commit a crime again, considering the fact that according to statistic data for the period of 2012, 35 per cent of people released from places of forced imprisonment are being convicted again within year.

When the Ombudsman sent information to local authorities on persons released from places of forced imprisonment, which have no accommodation, local authorities answered only that they laid the groundwork (for example, Mendeleevsky district).

Particularly we should fix on observance of human and civil rights and liberties in detention centres of internal affairs bodies.

With regards to tragic events that took place in 2012 in Police departments No. 9 “Dalniy”, No. 4 “Yudino” of the Department of the Ministry of Internal Affairs of the Russian Federation in the city of Kazan and on the basis of numerous complaints coming to the name of the Ombudsman against law enforcement officials, who acted illegally in relation to people detained on suspicion of committing offence, we consider this sphere of activity is very important, especially since, according to information from the Procuracy of the Republic of Tatarstan in 2012, 52 criminal proceeding were instituted against law enforcement officials, who illegally applied physical force in the course of performing of their duties; 4 proceedings were suspended on different grounds, 7 were closed, 10 were referred to court for consideration on the merits of accusation presented, 32 are still in charge of interrogation offices of the Investigation Department of the Russian federation Investigation Committee in the Republic of Tatarstan.

Annually, the Ombudsman and the Ministry of internal affairs in the Republic of Tatarstan approve the schedule of on-site inspections with purpose to check living conditions and observance of human rights in detention centres of internal affairs bodies of the Republic of Tatarstan. For example, in 2012, 17 temporary detention centres and detention rooms in districts of the republic were inspected. In the course of inspection deficiencies in fire-protection, medical and sanitary provision and welfare support were found, most of them were eliminated.

However, we consider necessary to state that some deficiencies, which didn’t require material costs, could be eliminated before inspections and without violation of human rights.

People being in places of forced imprisonment, are continue to enjoy rights, though with some limitations, which are guaranteed by the Constitution of the Russian Federation, standards of international law and existing national law. Ombudsman’ activity in sphere of observance of rights and liberties of convicted and people under arrest will be continued.

About the situation with execution of judgment in favor of citizens by executive committees of municipal units of the Republic of Tatarstan.

Within the frame of the present report I’d like to discuss one more problem that, may be, has not being disclosed sufficiently in the activity of the Ombudsman before. This concerns execution of judgment in favor of citizens by local governments.

Last year the Ombudsman conducted relevant inspections in a number of municipal units of the Republic of Tatarstan. In total, execution of 403 judgments came into legal force were checked.

As usual, stated of claims of citizens against executive committees of municipal units of the Republic of Tatarstan are coming from violation of right to housing (failure to provide with housing under the agreement of social rent, groundless refusal of registration as a person in need of housing improvement, refusal of conclusion of an agreement of privatization or social rent, refusal of conversionof living premises in non-living ones) or violation of property right to land (another property right to land).

Cases of unsatisfied judgments were found out in the course of inspection of the Executive committee of the municipal unit of the city of Kazan, the Executive committee of the municipal unit of the city of Naberezhnye Chelny, the Executive committee of the Zelenodolsky municipal district, the Executive committee of the city of Chistopol. Also it has been detected nonfulfillment of one judgment by the Executive committee of the Almetjevsky municipal district, the local government offices “Administration of the Kirovsky and Moskovsky districts of the Executive Committee of the city of Kazan” and “Administration of the Sovetsky district of the Executive Committee of the city of Kazan”.

Executive committees of the Republic of Tatarstan are faced with some difficulties, when fulfilling judgmentsof certain categories of cases. In the first place these judgments oblige local government authorities to provide citizens with supportive measures prescribed by law, finding for that certain both material resources or using existing reserves. Provision of accommodation under the agreement of social rent is qualified as such judgments. Failure to satisfy such decisions is found out in cities of Kazan, Naberezhnye Chelny and Chistopolsky municipal district. Information obtained earlier from applicant’s appeals and the Department of the Federal Court Bailiffs Service in the Republic of Tatarstan shows that the extent of the problem of non-fulfillment of such judgments is not limited only by these municipal units.

A great number of appeals within the framework of the sample inspection have not been satisfied by reason of failure to submit both an enforcement order and an application from a citizen on enforcement of court decision after becoming res judicata. For example, at the time of inspection the Executive Committee of the municipal unit of the city of Naberezhnye Chelny has not submitted information about nineteen decisions of the Naberezhnochelninsky city court of the Republic of Tatarstan on obligation of transfer of accommodation into ownership of a citizen (citizens). Such situation has been founded at the time of inspections in the city of Kazan.

Herewith, local government authorities generally (cases, when authorities initiate execution of judgment, were detected only at the time of inspection of the Executive Committee of the city of Zelenodolsk) don’t initiate execution of judgments themselves taking the attitude with relation to citizens something like “write, come…”.

In this connection the Ombudsman marks that judicial disposition doesn’t include the provision stating that execution of court decision depends on availability of a claim from an applicant. Even more, according to provisions of the civil procedural law the obligation on execution of judgment occurs from the moment, when a court decision comes into legal force, but not from the moment, when a court order has been obtained. Situations, when local government authorities appealed on matters of explanation of court decisions, are not founded in the course of inspections. Thereby, at the Ombudsman’s opinion, in such situation a case was interpreted by local authorities for their own benefit.

At the time of inspection of the Executive Committee of the Zelenodolsky district’s activity it has been found that nine cases of twenty, where a grant of land into ownership or lease was subject of suit, are no executed. Herewith, pursuant to the descriptive part of judgment of the Zelenodolsky city court of the Republic of Tatarstan most of people, which the judgment given for, de facto used these land plots, having buildings and construction located there, and they fulfilled with good faith requirements prescribed by land legislation concerning acquisition of rights for such land plots. But, because of unclear reason the Executive committee of the Zelenodolsky municipal district has made corresponding rulings only after the inspection took place.

At the Ombudsman’s opinion, number of cases, when court decisions prescribing to make order documents are unsatisfied may be minimize in case of due regard to court decisions. In the course of field checks only the Executive committee of the municipal unit of the city of Kazan could submit the order regarding persons responsible for execution of court decisions.

According to information submitted and copies of documents concerning a number of decisions that are unsatisfied at the moment of the check, measures were assumed by the Executive committee of the municipal unit of the city of Kazan (11), the Executive committee of the municipal unit of the city of Naberezhnye Chelny (10), the Executive committee of the Zelenodolsky municipal district (9), the Executive committee of the city of Chistopol (2), Local authorities “Administration of Sovetsky Executive committee of the city of Kazan” (1). In its turn, token approach to execution of court decisions and lack of rules of procedure on recording of court decisions and their execution, at the Ombudsman’s opinion, talk of gravity of the problem concerning of the human right to fair court decisions stated by Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

**Legal Education**

Within 2012 work on promotion of people legal education has been executed in different forms: “The School of legal science”, “A Day of legal assistance”, telephone hot-line and other ones. Popularity of such actions amongst people show that citizens, especially representatives of vulnerable categories of population, being in need of both taking non-recurrent legal opinion and receiving of deeper knowledge in different spheres of legal relationship with follow-on use of these knowledge in practice.

It should be noted that a matter of increase of legal culture level amongst population becomes actual, and adoption of Law of the Republic of Tatarstan dd November 02, 2012 No. 73-ZRT “On rendering of gratuitous legal assistance to citizens in the Republic of Tatarstan” confirms this fact. I hope that within the present year provisions of this regulatory document will be realized in the republic to the full extent.

**Conclusion**

As in previous years, estimating the situation with observance of human rights and freedoms in the Republic of Tatarstan, we could mention both positive tendencies and negative facts.

There is no denying that improvements achieved in the sphere of labour relations, housing questions, medicine and other are very important and should be appreciated positively. Also it should be noted that execution of regulatory documents related to observance of human rights in the most important spheres of life activity are under constant control of the leaders of the republic. Furthermore, following previous the Ombudsman’s comments concrete measures were taken (this fact is mentioned in this report); it testifies about more considerate and effective work on solving urgent problems of population of the republic.

Pointing to violation of human rights and freedoms on the territory of the Republic of Tatarstan, the Ombudsman expresses confidence that conclusions, offers and recommendations contained in the present report will be an object of careful attention of those state authorities, who are responsible for solution of questions discussed in the present report. Negative situations described in it together with examples given, at the Ombudsman’s opinion, says that serious work on supporting of guarantees of human rights and freedoms protection should be continued.

The problem of payment for labour is still very acute in the sphere of labour relations. Unfairness of some employers, as in previous years, violates rights of thousands of people in the republic. Unfortunately, the situation with fatal industrial accidents is continuing to be very uneasy. Employers violate labour rights of citizens by means of illegal dismissal, insurance premium avoidance. Employment service has not developed a procedure of placement of proposals for award of early old age pension that can be accompanied by low level of activity on employment assistant to citizens of preretirement age.

Along with high rates of housing construction by virtue of housing programs realization the obligations on provision with housing of several tens of thousands of people in the republic, which were registered as people in need of housing improvement, are still unfulfilled. Measures on relocation of people living in accommodation that were considered as unfit for living are not taken in every case. Citizens, who have bought their accommodation out of proceeds of credit or by mean another credit organizations and lost their accommodations later as a result of levy of execution upon them, can become members of “the Army of unemployed”. There is a number of problems related to provision with housing by means of social loan on mortgage. Groundless refusal to make payment at birth of a child to families, who are realizing their right to housing improvement by means of the system of social loan on mortgage. As in previous years, problems of housing and public utilities service, payment for housing and public facilities are very burning for people of Tatarstan.

Comments of the Ombudsman in respect of health care facilities following the results of the previous year are connected with organization of emergency medical service and other problems mentioned in the report.

Leading positions of Tatarstan with regard to preparation of citizens for military service should not be followed by mass return of conscripts both from the republican assembly place and military units because of their state of health. As it was mentioned in the report, survey of conscripts sometimes has superficial character. It’s inadmissible situation, when nursing staff work in the medicalcall-up commissions or general practitioners work as medical specialists because of lack of doctors.

In places of detention issues of material and living conditions improvement for convicted people should not be decided together with issues of resocialization and preventive work with special category of people.

Results of inspections made by the Ombudsman in2012 in order to check, how executive committees execute court decisions made in defence of citizens’ rights and legitimate interests, show once more problem in some municipal units. Formalist approach to execution of court decision, including references to impossibility to human rights restoration because of some reasons, may result in precedents on violation of human right to fair court decision stated by article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

Taking into consideration mentioned above for the purpose of ensuring and enhancement of human rights and freedoms protection, the Ombudsman requests heads of state authorities of the Republic of Tatarstan and local government authorities to assume measures within their powers.

For the purpose of realization of human rights in the sphere of labour and employment.

* 1. . To the Republican interdepartmental commission on raising of living standards and legalization of income:

When making analysis of factors that led to debt creation, keep a check on employers, who have paid wage arrears only in a judicial proceedings, in case they admit repeated violations of labour law as to payment for labour, especially not to let them use cash assets of employees;

* to develop proposals on timely payment of insurance premium to non-state budget funds.
  1. . To the Ministry of labour, employment and social security of the Republic of Tatarstan:
* to accelerate work on carrying out of evaluation of labour conditions on jobsites in organizations;
* to develop additional measures on organization of employment assistance to citizens of preretirement age.
  1. . To state authorities of the republic of Tatarstan and local government authorities:
* on the ground of facts stated by court decisions came into legal force to bring to disciplinary responsibility of responsible persons from subordinate organizations, who admitted illegal dismissal of employees.
  1. . To local government authorities:
* to determine concrete officials, who execute work in the sphere of labour protection.

1. For purpose of realization of citizens’ right to housing.
   1. . To the Cabinet of Ministers of the Republic of Tatarstan

* to develop additional measures on provision of people registered as being in need of housing improvement with accommodation.
  1. . To the local government authorities
* to assume measures on creation of temporary available housing;
* not to admit a situation, when citizens are transferred from one housing program to another without their consent.

1. For purpose of realization of human right to health protection and medical assistance.
   1. . To the Ministry of health of the Republic of Tatarstan:

* to tighten control over standards compliance and quality of health care delivered, organization of emergency call service;
* to commission heads of state health care facilities, which admitted degradation of indexes of medical and social efficiency, to assume adequate measures.

1. For purpose of realization of rights of conscripts.

* to assume measures on eliminating of factors that lead to return of conscripts both from the republican assembly place and military units because of their state of health.

1. For purpose of realization of rights of disabled people and disabled children.
   1. .To the Cabinet of Ministers of the Republic of Tatarstan:

* to make amendments into Order of the Cabinet of Ministers of the Republic of Tatarstan dd December 31, 2009, No. 939 “On approving of the Provision on the procedure of calculation of financing standards for children’s educational institutions of further education with tourism and regional natural history, ecological and biological, military-patriotic education, social and pedagogic, social and economic, scientific, technical and cultural science orientation and children’s multi-discipline educational institutions of further education of the Republic of Tatarstan”.
  1. . To the Ministry of labour, employment and social security of the Republic of Tatarstan:
* to develop regional list of rehabilitation technical means for disabled people;
* to increase number of municipal units organizing contractual works for rendering of rehabilitation services by non-state organizations and individual entrepreneurs with the purpose of attraction of non-state sector into the sphere of social service provided for population of the Republic of Tatarstan;
  1. . To local government authorities:
* to develop a network of infant schools that works with correction of children disturbance of development;
* to consider possibility of creation of inclusive groups on supervision and care for disabled children, who can’t attend kindergartens of compensating type;
* to consider possibility of creation of family kindergartens for disabled children, who can’t attend specializing kindergartens.

1. For purpose of realization of rights of people, who are released from places of detention.
   1. . To the Cabinet of Ministers of the Republic of Tatarstan:

* to foresee additional means of resocialization of people released from places of detention.
  1. . To the Ministry of labour, employment and social security of the Republic of Tatarstan;
* to assume additional measures on raising effectiveness of Law of the Republic of Tatarstan dd July 24, 2006 No. 60-ZRT “On setting quotas and reservation of workplaces for disabled people and people particularly being in need of social protection” in respect of employment assistant of people released from places of detention for reserved job places.
  1. . To local government authorities:
* to assume measures on employment assistant, temporary provision with housing, rendering of social assistance to people released from places of detention.

1. For purpose of realization of citizens’ rights to execution of court decisions by local government authorities:
   1. . To local government authorities:

* to organize registration of court decisions made in favour of citizens in order to execute them within reasonable time;
* at time of local budget setting to take into consideration existing situation with non-execution of court decisions for appropriation of corresponding funds.

1. For purpose of promotion of legal education.

8.1. To the Ministry of education and science of the Republic of Tatarstan:

- to render assistance in further realization of the course “Family study” in comprehensive school of the Republic of Tatarstan.

8.2. To the Department of registration of acts of civil status at the Cabinet of Ministers of the Republic of Tatarstan together with the Ministry of labour, employment and social security of the Republic of Tatarstan;

- to continue organizing studies of the School of legal science on course “Principles of family life” for newly married couples in municipals districts (urban districts) on the basis of registrars offices and centres for social assistance to family and children of the Ministry of labour, employment and social security of the Republic of Tatarstan.