

Excerpts from the report «On observance of human rights and liberties of man and citizen in the Republic of Tatarstan in the 2015»

The past year appeared to be very difficult for the republic and for the whole our country under the influence of macro-economic factors. On the background of the difficulties in economy, affecting the standards of living of the population, state bodies and local authorities were required extra hard work aimed at ensuring the protection of socio-economic rights of citizens.

Large-scale election of the President of the Republic of Tatarstan, the representative authorities, the celebration of the 70th anniversary of the Victory seriously affected the social activity of citizens.

The fact, that 2015 was announced in the Republic to be the year of parks and public gardens and 2016 is the year of water zones protection also actualized the issues of implementation of human rights to a favorable environment.

Mentioned events and traditionally close attention to the observance of the rights of socially vulnerable groups of the population to a large extent determined the structure of the report on the observance of the rights and liberties of man and citizen in the Republic of Tatarstan in 2015 which is being reported today and will be submitted in its final form in February at the session of the State Council of the Republic of Tatarstan.

The report draft holds assessment of problematic situations in housing and labor spheres, in health sector and in the sphere of ecology.

It also provides sections on the observance and protection of the rights of persons with disabilities, migrants and persons in places of detention.

A special section of the report is devoted to the analysis of the situation on the provision of free legal aid.

Now I turn to the main thesis.

The analysis of applications (statements, complaints, offers) received by the Commissioner within a year is one of the main assessment instrument of the situation in the sphere of rights protection of a person and a citizen in the Republic of Tatarstan.

In 2015, the Ombudsman received 2998 complaints. Within the personal reception of the Commissioner and staff of the Office 1246 (41.56%) citizens were receipted. In a written form and in the form of an electronic document 1752 (58.44%) applications were received during 2015.

The analysis of received applications' subjects indicates a growing number of social issues applications (health care, social security and social protection, education), which is due to the introduction and use of proactive forms of work with the applicants (School of legal knowledge under the Commissioner, Day of legal aid, including issues of access and quality of health care services).

Applications for political and cultural rights are still rare. However, taking into account the election of the President of the Republic of Tatarstan and the deputies of representative bodies of the Republic in September, 2015, the Commissioner conducted proactive work in this sphere.

In such a way, within the election campaign of 2015 the Commissioner monitored the statutory compliance in sphere of citizens' electoral rights protection.

Since 2013, the Ombudsman has been the main moderator of the state information system of the Republic of Tatarstan "Public control" (hereinafter - SIS RT "Public control").

Incoming notifications monitoring indicates the growing activity of the citizens in the state information system "Public control". Thus, in 2015, notifications 29668 were published, which is 38% more than during the same period of 2014.

In 2015, after the Ombudsman's intervention measures have been taken in the following socially significant categories: "Kindergartens" (repair of roofing sunshades walking verandas, understating curbs and other.), "Barrier free environment" (tactile tiles and ramps equipment), "Landscaping" (playgrounds and sidewalks repairmen), Public transport "(signposting, etc...).

The SIS "Public Control" one more time demonstrated importance of such online resource, as one of the direct channels of communication between citizens and local government on matters of applications from the citizens at republican and local levels.

In the context of economic difficulties, usually accompanied by employers' desire to optimize the staffing structure and to lower labor costs, working people face additional risks associated with the violation of labor rights.

The most common violations in this sphere are the ones related to the non-payment of wages and obvious worsening of the problem.

So, the analysis of statistical data of Office of the Federal Bailiff Service of the Republic of Tatarstan specifies that following the results of 2015 there is an increase of number of cases when workers couldn't receive a salary even after positive court decision as the employer-debtor was insolvent and not having any property. At the same time the size of debt of such insolvent employers has also grown. It could mean an increase in the period during which debts were collected.

Perhaps in some cases it is not finalized bailiffs. But above all in our opinion, the situation should become a signal to the supervisory authorities, which have the power to take legal measures in respect of employers accumulating debts on wages.

I suppose it is advisable to draw the attention of authorities on employers stopping wages on the basis not provided for by law.

For example, last year we received information about inspection conducted by the Prosecution service of Elabuga city in respect of a company "Elabuga water canal", stopping wages of workers on account of debts for housing and communal services without written statements confirming the agreement to such actions.

Perhaps deductions of a salary is a convenient option of paying utility bills for some workers. Another point is that the contracts between the settlement centers (other creditors) and employers should not be a way to deal with debtors and to violate the rights of workers.

There are cases when workers, who did not received their wages or benefits on time are not able to protect their labor rights because the employer-debtor changed its actual address. As we can see from our practice, it is extremely hard to find such unscrupulous employers.

There are only few examples, but situations have changed after our intervention. We suppose that appropriate authorities should establish the location of employers, which had received complaints about the violation of labor rights more carefully, for example, via their counterparties. Of course, mentioned the measure is only a strengthening element. Interagency cooperation in this sphere should become a system element.

Difficulties which have arisen from an economic situation – not a reason to speculate with the rights of the workers. Additional categories were included into the State Information System “Public Control” last year. They were connected to the labor rights protection, including “non- execution of labor relations”. This category is not widespread yet, but even a few notices on this topic attracted attention.

For instance, during the application inspection the executor (Executive committee of Naberezhnye Chelny city) referred to the absence of violations due to the fact of civil law contracts execution with workers within the organization. The evaluation about execution of civil law contracts instead of employment contracts legitimacy did not contain the answer. A more strict inspection was carried out only after our intervention.

There is no doubt that in accordance with the labor law labor relations can also occur on the basis of a civil contract. Another matter if a person began working, submitting to rules of the labor schedule, having believed promises of official employment or, moreover, a person has come to the employer in the direction of a job agency.

Special attention should be given to inspection of notifications, containing information about jobs, which involve a high risk of industrial accidents.

Talking about industrial accidents it is necessary to mention that according to operative data of the State Labor Inspection in the Republic of Tatarstan 66 accidents at work that resulted in death were recorded in 2015.

Unfortunately, the situation did not changed dramatically, despite the fact that work on reducing the industrial accidents is conducted deliberately.

Taking into account mentioned facts, I suppose that along with the current system works on employers punishment tolerated accidents at work, and measures for the accidents prevention, it is necessary to form the interest of the workers in making the employer provide labor protection measures.

In our opinion, it is important to have a support of trade unions and workers and in this regard experience of the Ministry of Construction, Architecture and housing deserve special attention. They offered the trade union sector organizations to include measures aimed at reducing industrial injuries, reduction of jobs with difficult and hazardous working conditions, the special assessment on working conditions and the allocation of necessary funds for their implementation into a collective labor agreement.

The practical application of this document can serve as a great help for further development of the state labor protection system.

Following the results of 2015 Tatarstan has become one of the best regions in terms of housing construction, but issues related to the implementation of human rights in the provision of living quarters, have not lost their sharpness.

Despite the development of residential mortgage lending mechanisms, implementation of federal and republican programs, a social hiring is still the only option to improve housing conditions for low-income citizens.

In the absence of social housing, an effective organization of work for the provision living quarters for the social contract of employment at the expense of empty apartments.

In fact, one of the reasons for the non-distribution of such premises is their unsuitability. Last year there were dozens of such apartments in Kazan. Firstly, such a number of apartments have become unsuitable is not for one day. Secondly, local governments are obliged to maintain the empty premises. So it would be better if people would have benefited!

It is crucial to find right solutions of a problem with insufficient funding and the implementation of housing rights orphans and children left without parental care.

Along with measures to ensure the living quarters for orphaned children, I consider no less important to conduct events for keeping safe living quarters of orphan children who are their owners or tenants, and being in educational medical institutions. It is important that in the future these children will not join the waiting list.

Furthermore I consider that the Republican Ministry of Education and Science should work together with the bodies guardianship and custody municipal units of the republic to organize work on filing a claim in court on compulsory exchange living quarters in the circumstances specified in the federal and republican legislation. Otherwise, in the nearest future, this category of orphans can be held hostage to a dispute about the right to housing due to mistakes of their carers and lack of preventive actions by the competent authorities.

It requires a systematic work on reduction the debt of orphans who are the owners or tenants of residential premises. The main reason for the formation of such debts - non-payment of fees by parents deprived of parental rights, as well as dysfunctional families registered in these residential areas.

The country is working hard to ensure the housing rights of war veterans and widows of veterans of the Great Patriotic War. Despite this, this year we have identified cases (in Kazan, Almetyevsk), when veterans have been living for a long time in residential areas, recognized unsuitable for living and reconstruction, and were not considered to be in need of better housing conditions.

I believe that in such cases in respect of the Great Patriotic War veterans who are entitled to the provision of housing of the federal budget, local governments themselves should initiate measures for registration as in need of better housing conditions, and not just wait for statements from elderly people.

Issues of the joint construction, in particular of default under the terms of housing are still a burning issue. We have received numerous requests from citizens who have invested in the construction of apartments in residential areas "housing complex..." in Kazan, "Yashlek" in Naberezhnye Chelny of building companies "Von" and "Von Riviera". Other topic is ensuring the rights of citizens whose premises may be recognized by the courts to be unauthorized constructions by the fault of unscrupulous developers.

I judge not only on complaints that come to us. Topics of building 18-storey building firm "Svay" with permission to build a 9-storey building, the demolition wrong-houses were widely broadcast by the media.

Failure to take measures to prevent trades in apartment buildings, in respect of which claims for recognition them as unauthorized construction were submitted may cause considerable material damage to citizens who acquired residential premises in these houses. Therefore, the results of our audit, "Management of urban development approvals by the Executive Committee of the municipality of the city of Kazan," we recommend to exclude cases of differentiated approach to the adoption of the filing of claims decisions, including by issuing orders regulating the deadlines for measures for filing claims since the initial examination of objects as unauthorized construction.

The adoption of such measures seems to be appropriate and local authorities of other municipalities. Otherwise the citizens may ask what local authorities were thinking about?

For everyone it is important to be sure to comply with his right to health and medical care.

Following the results of 2015, the country implemented a number of activities in terms of the Human Rights Strategy in the Republic of Tatarstan for 2014 - 2018, aimed at reducing mortality from diseases, the introduction of modern methods of diagnostics of diseases, quality and accessibility of health care.

However, the report noted several critical aspects of the work of health care authorities.

The first is the lack of correlation between the level of satisfaction with the health services provision and a decrease in the number of justified complaints of the citizens on the quality and availability of medical care received by the regulatory authorities. According to the Territorial Fund of compulsory medical insurance in 2015, more than half of the complaints were justified.

The main causes of violations are: inadequate organization of the work of medical institutions, denial of medical care provision under the program of compulsory health insurance, quality of health care, charging funds for compulsory health insurance programs. Moreover, these health organizations in most cases agree with the conclusions of the insurers (91.6%).

Problems in the health care services within the framework of the program of state guarantees are detected with the help of the information system "Public control". For example, the fact of charging a patient who has come to a reception according to the emergency indications was reordered in the "city hospital №5" in Naberezhnye Chelny city. More examples could be found in the Report.

Following the results of the year there was the lack of information for citizens on the amount of medical care in accordance with the program of state guarantees and information required to carry out an independent assessment of the quality of the provision of services by medical organizations.

Diagnostics of disease and access to health care at an early stage of the disease is an important criteria of the implementation of the right to health and medical care

Last year recorded incidence of tuberculosis in a number of municipal districts of the Republic of Tatarstan. So, for the first 9 months of 2015, this figure rose more than two times compared to the same period last year in some districts of the republic.

This increased incidence is not always linked to persons belonging to social groups at high risk. For example, according to the Ministry of Health of the Republic of Tatarstan, in Atninskiy district there were no such people. One of the main reasons for increased incidence may be a long-term (within three to five years or more) failure to undergo x-rays.

2015 saw an increase of cases of mortality from cancer - 197.2 per 100 thousand population. (In 2014 - 180.9). In some parts of the Republic of Tatarstan in the first half of 2015 compared to the same period in 2014 a significant increase in the number of newly diagnosed cases of malignant tumors in the advanced stages was recorded.

The announcement in the republic 2015 as the Year of parks and gardens, and 2016 - the Year of the water zones protection indicates a serious attention of the President of the Republic of Tatarstan, the Republic of Tatarstan Government to environmental well-being of the population.

2015 was originally expected to be a year of intensive improvements in the environment, in particular, due to the fact that on the basis of the report of the Russian Ministry of Natural Resources of the Republic of Tatarstan in 2014 became one of the subjects of the Russian Federation with the largest wastewater discharge; with the highest proportion of drinking water samples in the distribution networks that do not meet standards for chemical indicators; with the highest proportion of drinking water samples in the centralized water supply system does not comply with the sanitary-chemical indicators.

Following the results of the year we may note positive results in terms of the fight against wastewater discharges into water bodies in the country.

Thus, according to the Ministry of Environment of the Republic of Tatarstan is currently being implemented to prevent further contamination the river Ik through the use of biological treatment plants, replacement of sewer network length of 4700 meters, and environmental monitoring of water bodies is conducted on a monthly basis in the selection of the mouth of the river water samples. Eek and Kama river after the confluence of the river Ik However, it should be noted that the discharge of polluted wastewater in the river Ik have been carried out for nearly three months, checking for compliance with the requirements of environmental legislation was held even later, when the water body is a serious damage was done.

Along with the vision of measures to provide persons with disabilities access to the physical environment, transport, information and communication, as well as other facilities and services open or provided to the public, we cannot fail to note a number of problems associated with the implementation of the rights of persons with disabilities to an accessible environment.

Accessibility for the disabled begins with the possibility of its exit from a house where he lives. In reality, not all so ideal. As an example - an appeal from a wheelchair-bound woman Leninogorsk living on the top floor of an apartment building.

As a property owner, she wanted to exchange his apartment to apartment, located on the first floor in order to be able to go beyond the premises. She was not able to do it by herself for obvious reasons.

We recommend the local administration to take action on legal support of the transaction exchange of residential premises. Representatives of the local authorities sent a request to the real estate agency, but in the future a practical solution to the question hung in the air.

It should be noted that in other regions there is a good practice to address this issue, which could be used in the republic.

In 2015, we faced a number of pressing issues related to ensuring an accessible environment for people with disabilities, which are both vehicle drivers and passengers of public transport.

Upon review of the complaint on the establishment of fees for use of the municipal parking on the roads of Kazan we sent a recommendation to the Executive Committee of Kazan to take measures to prevent the occurrence of charge at municipal parking lots with a disabled group III, the park in specially equipped for use disabled vehicles.

The mention of the example of a number of others - is no coincidence. The establishment of paid parking in Kazan caused a resonance among the residents of the capital.

We received a lot of applications on the issue, including from people who felt that all disabled should be free from the fee in the municipal parking lots.

The law does not establish such an obligation, but some may agree with those people. In the documents, supplementing the Convention on Road Traffic indicated the possibility of special treatment for the disabled with limited mobility in terms of parking their vehicles. In this regard, the Executive Committee of Kazan could go toward the disabled group III, which has a limited ability to move, without charging them a fee for the use of parking spaces, regardless of the car converted for disability prevention and rehabilitation of persons with disabilities or not.

Implementation of the rights of disabled people to work is one of the most crucial condition for their social adaptation. According to the Ministry of Labor, Employment and Social Protection of the Republic of Tatarstan the total number of applied to employment offices disabled slightly more than half (52%) are being employed.

At the same time, employers complain about the circumstances in which establishment of special working conditions, taking into account the rehabilitation of disabled workers individual program requirements cause some difficulties. They have to make their own interpretation of general recommendations containing in the individual rehabilitation programs. For example, “are able to work under special conditions”. It should be very clear to the employer how to spend the funds received for the employment of the disabled. From the viewpoint of ensuring the rights of the disabled it is important that completeness of the information about the recommended working conditions contribute to his professional adaptation and minimize the risks health worsening.

The best option in this matter is seen in the fact that the authorities of medical and social assessment in individual rehabilitation program exhaustively described the working conditions under which the work activity is possible in the case of the possibility of such.

In the report, we again turn to the topic of the rights of disabled people placed in neuropsychiatric boarding. This topic we touched on in connection with the installed temporary ban on the disposal of disabled citizens from stationary social service institutions in the so-called "vacation" to their relatives and the appointment of guardianship when placed in the psycho-neurological boarding incapacitated. To solve these problems, we attract the attention of the guardianship and custody bodies of local self-government.

Tatarstan remains an attractive region for migrants. One of the conditions of stability of relations with the inhabitants of the Republic of migrants is to obtain the status of foreign nationals, allowing legal stay on the territory of the Russian Federation

The Commissioner regularly receives complaints of citizens who are not able to get a temporary residence permit within the available quota in connection with the refusal of Russian Federal Migration Service Commission in the Republic of Tatarstan. Since 2014, considering considerable excess of persons interested to get permission to temporary residence, the commission has established criteria (age, education, experience in the specialty etc.) on which some applicants had good chances. However, in 2015 the Supreme Court of the Republic of Tatarstan, denied permission for temporary residence for not exhausted the quota was declared illegal. Given that in 2016 the number of foreign nationals who apply for a temporary residence permit may be significantly longer allocated quota, consider it appropriate to the Federal Migration Service of Russia in the Republic of Tatarstan to allocate the quota taking into account the jurisprudence, rather than wait for access by foreign citizens to the court.

2015 was improvement of the situation with the execution of court decisions on administrative expulsion from the Russian Federation of persons held in institutions of temporary detention of foreign citizens and stateless persons the Federal Migration Service of Russia in the Republic of Tatarstan. More than 63% of foreign citizens were detained in special institutions and then expelled within a period not exceeding one month.

The situation with the expulsion of persons without citizenship is much worse. At the end of 2015 special institutions of the Federal Migration Service of Russia in the Republic of Tatarstan contained 133 persons, 10 of them are persons without citizenship, three of whom were placed in a specialized agency as early as 2014.

Those people did not deserve a months-long isolation from the outside world! I consider it necessary request the Office of the Federal Bailiff Service of the Republic of Tatarstan to consider the organization of work for submission to the judicial declarations authorities bailiffs to terminate enforcement proceedings in administrative matters in respect persons without citizenship in cases establishing evidence of the impossibility of execution of executive documents on exclusion from the Russian Federation within a reasonable time.

The need for such measures in relation to persons without citizenship is confirmed by the European Court of Human Rights (for example, the case in 2014, "Kim against Russia").

Continuing the topic the observance and protection of human rights in the penitentiary system, I note that during the year in prisons and detention facilities located on the territory of the Republic, there had been no mass protests.

Work on creation of appropriate living conditions of maintenance of special squads is being continued.

At the same time, socio-psychological climate in institutions leaves much to be desired. According to the Republic of Tatarstan, the Federal Penitentiary Service of Russia for 12 months of 2015 the level of violations of the established order of punishment per 1,000 people reached 1427 against 1187 cases of violations of the order of 1,000 prisoners in 2014.

This increase indicates that the purpose of execution of punishment in the form of correction of convicts and prevent them from committing new crimes are not achieved entirely. A considerable number of people in prison, had committed crimes in a state of alcoholic or narcotic intoxication.

In this regard, referring to the representatives of the Republic of Tatarstan Federal Penitentiary Service Russia with a proposal to strengthen the socio-psychological work with this group of convicts, including by considering the use of the experiences of other subjects of the Russian Federation (Kaliningrad, Irkutsk regions)

The growing number of disorders can also affect the practice on early conditional release.

Being a member of the commissions of correctional facilities according to behavior of convicts, I note that by consideration by the commissions on "social elevators the" of 2916 petitions for parole submitted in 2015, 2066 petitions have been supported by the commissions to "social elevators" as positively characterized (70% of the addressed convicts). At the same time courts have satisfied only 771 petitions (26,4% of total number).

These figures can be interpreted in various ways. Not talking about the legality and validity of judicial decisions, I believe that one of the reasons that lead to a significant difference between the positive characteristics on convicts

presented by the Commission on the "social lift" and the decisions of the court to satisfy the requests for parole, is the lack of argumentation of the first ones. This conclusion is based on the results of the prosecutor's check.

I appeal to a management the Republic of Tatarstan Federal Penitentiary Service Russia with a proposal to consider the question of the objectivity and completeness of information submitted to the administrations of penal institutions, the courts to consider requests from convicts on parole from serving a sentence.

Not to duplicate, but to fulfill the existing protection of the rights and liberties of man and citizen - is the main principle of the activity of the Commissioner for Human Rights in the Russian Federation. I hope that the report conclusions will contribute to the understanding of actualization of mentioned problems, and its proposals will have practical character.

In conclusion of the speech, I would like to thank all of the participants with whom we worked in a team in restoring of the violated rights of citizens and legal education, all public authorities, local governments and community organizations, who provided statistical data and analysis that contribute to the findings formulation in the report.