



## REPORT

ON ACTIVITIES OF COMMISSIONER  
FOR HUMAN RIGHTS IN MOSCOW,  
OBSERVANCE AND PROTECTION OF  
HUMAN AND CIVIL RIGHTS IN 2019



# REPORT

**ON ACTIVITIES OF THE COMMISSIONER FOR HUMAN RIGHTS  
IN MOSCOW, RESPECT OF AND PROTECTION  
OF HUMAN AND CIVIL RIGHTS AND FREEDOMS IN 2019**





---

## CONTENTS

INTRODUCTORY WORD OF THE COMMISSIONER FOR HUMAN RIGHTS IN MOSCOW .....	4
I. 10 <sup>TH</sup> ANNIVERSARY OF THE INSTITUTION OF THE COMMISSIONER FOR HUMAN RIGHTS IN MOSCOW .....	6
III. PRINCIPAL LINES OF ACTIVITIES OF THE COMMISSIONER FOR HUMAN RIGHTS IN MOSCOW: .....	12
1) Statistical analysis of work for consideration of citizens' appeals .....	12
V. DEVELOPMENT OF INTERREGIONAL AND INTERNATIONAL COOPERATION IN THE HUMAN RIGHTS SPHERE .....	21
VI. LEGAL EDUCATION IN ISSUES OF HUMAN AND CIVIL RIGHTS AND FREEDOMS ..	35
X. HUMAN RIGHTS PROTECTION IN CRIMINAL PROCEEDINGS AND DETENTION FACILITIES.....	40
1) On respect of human rights in detention facilities of Moscow .....	40
XIII. RIGHT TO FAMILY LIFE .....	48
1) Protection of children's rights in difficult life situations. Activities of the Working Group under the Children's Rights Commissioner in Moscow related to protection of orphans' rights .....	48
XIV. RIGHT TO HOUSING.....	53
1) Implementation of housing policy in the city of Moscow .....	53
XV. RESPECT OF RIGHTS TO HEALTH CARE AND SOCIAL WELFARE .....	65
3) Respect of disabled persons' rights .....	65
XIX. RIGHT TO EDUCATION.....	70
1) Use of modern technologies in the urban education system .....	70
XX. CONCLUSION .....	75

---

## INTRODUCTORY WORD OF THE COMMISSIONER FOR HUMAN RIGHTS IN MOSCOW



**Dear friends!  
Dear citizens of Moscow!**

The year of 2019 has ended taking a whole decade with it. This year has seen many bright, significant events that have made their mark on the souls and hearts of people.

These events addressed various issues: improving the standard of living of Moscow citizens, opening new metro stations, the emergence of a new type of transport - Moscow Central Diameters (MCD), the continuation of the renovation program development, Moscow schoolchildren delighted with their achievements and victories, an increasing number of elderly people were involved in the unique program of "Moscow Longevity".

But our human rights field was not without difficulties: these are the not simple elections of deputies to the Moscow City Duma, participation of the city residents in public events at which the Commissioner for Human Rights in Moscow and members of her team worked as observers.

Quite significant was the work on education in the law of citizens of Moscow and, especially, adolescents, high school students on the International Human Rights Day, as well as systematic work in this direction on the pages of The Moscow Ombudsman Bulletin.

The 7th reconvening of Moscow City Duma got a noticeable representation of the opposition. The meetings became long, with numerous discussions and disputes.

But ordinary citizens of Moscow continued being concerned about the Issues directly related to everyday life: conflicts in educational organizations, issues of medical assistance, especially primary care, issues of improving the housing conditions, provision of social assistance measures, employment (especially for people of pre-retirement age) and others.

---

A significant event in 2019 was the opening of the Human Rights House in Moscow. This event itself testifies to the attitude of the authorities to human rights, to their full implementation, to respect and veneration of human rights as the most important value. The ceremony of opening of the Human Rights House was attended by Moscow Mayor S.S. Sobyenin.

The presented Report was prepared based on the work with complaints and appeals from citizens of Moscow received by the Commissioner in 2019, expert assessments of systemic issues by our assistants, members of public councils.

It is one of the forms of the Commissioner's response to the revealed violations of human and civil rights and freedoms. The report analyzes the problems faced by citizens of Moscow and offers recommendations aimed at taking measures of the government responses to the existing violations.

I would like to express my gratitude to my colleagues, the staff of the Office of the Commissioner for Human Rights in Moscow, all experts, nongovernmental organizations, as well as all colleagues from the Moscow Government who contributed to the restoration of the violated rights and freedoms of citizens of Moscow.

Protection of the rights of the disadvantaged, the weak, those who have faced injustice is a noble cause.

Thank you for being with us.



**T.A. Potyaeva**

---

## I. THE 10<sup>TH</sup> ANNIVERSARY OF THE INSTITUTION OF THE COMMISSIONER FOR HUMAN RIGHTS IN MOSCOW

In accordance with Article 2 of the Constitution of the Russian Federation, a person, his rights and freedoms are the highest value, and recognition, respect of and protection of human and civil rights and freedoms is the duty of the state. One of the democratic bodies designed to uphold and protect the rights of citizens in most developed countries is the institution of the ombudsman.

An ombudsman is an official entrusted with the functions of monitoring the respect of the legitimate rights and interests of the citizens in the activities of executive authorities and officials.

The ombudsman institution in the capital has followed its truly unique path of creation, establishment and subsequent development.

Dear friends!

The year of 2019 marks the 10<sup>th</sup> anniversary of the institution of the Commissioner for Human Rights in Moscow.

The Constitution of Russia proclaims a human, his rights and freedoms as the highest value. The institution of the Commissioner plays an important role in the practical work for the respect and protection of the rights and freedoms of citizens in the capital. This work is in demand with citizens of Moscow and helps them feel more secure.

People apply to the Ombudsman for the implementation of the norms of the housing legislation, the respect of rights in the course of criminal and civil proceedings. They seek support here to stand up for their legitimate interests in education, health care, housing and public utilities, ecology, social security and other spheres.

Communicating directly with the residents, in a dialogue with the civil society and government authorities, the Commissioner helps to resolve acute situations and find answers to pressing questions, contributes to the development of legal culture in the society and improvement of the quality of life of citizens of Moscow.

The Moscow Government attaches great importance to constructive interaction with the Ombudsman. Our common task is to contribute to the formation of an effective human rights system which should be free from any deficit of legality and justice.

I congratulate the institution of the Commissioner for Human Rights in Moscow on its anniversary. I wish you success in the very necessary and important work.

**Moscow Mayor**



**S.S. Sobyenin**

Turning to history, it should be noted that the first body for the protection of human and civil rights and freedoms on the territory of Moscow was the Commission on Human Rights under the Moscow Mayor. In its activities the body was accountable to the Mayor of Moscow, its meetings were held at least once a quarter, and the decisions were made by a simple majority of votes and formalized in the minutes. From 2004 to 2009, the Chairmen of the Commission were Deputy Mayors of Moscow in the Moscow Government M.A. Men, V.Yu. Vinogradov, S.L. Baydakov.

The creation of the institution of the Moscow Ombudsman, the legislative definition of its status and fundamental conditions of activities became possible in connection with the adoption of the Law of Moscow dated April 15, 2009 No. 6 "On the Commissioner for Human Rights in the City of Moscow".

In accordance with this law, the institution of the Commissioner for Human Rights in Moscow (hereinafter - the Commissioner, the Moscow Ombudsman, the Metropolitan Ombudsman) was created to ensure the guarantees of the state protection of human and civil rights and freedoms, their recognition and respect by the state authorities and other state bodies of Moscow, local self-government bodies of intracity municipal entities in the city of Moscow, their officials, state civil servants of Moscow and municipal employees of intracity municipal entities in Moscow, organizations of Moscow.

The position of the Commissioner is a public position of the city of Moscow. While exercising his powers the Commissioner is independent and not accountable to any government authorities and local self-government bodies, their officials.

In connection with the creation of the new structure, a single office of the Commissioner was formed which included the Children's Rights Ombudsman in Moscow, as the head of the Directorate for the Protection of the Rights and Legitimate Interests of Minors.

First Commissioner A.I. Muzykantsky was appointed by the resolution of the Moscow City Duma dated September 23, 2009 No. 296.

A.I. Muzykantsky laid the foundations for the development of the institution of the Commissioner, actively contributed to the organization of housing self-government and the reform of the city's housing and utilities sector, influenced the change of the judicial and administrative practice in resolving issues of reclaiming residential premises from bona fide purchasers under claims of state bodies, participated in resolving issues of migration policy of Moscow region.

The resolution of the Moscow City Duma dd. September 24, 2014 No. 274 appointed T.A. Potyaeva to the position of the Commissioner.

In the period from 2014 to 2019, the Commissioner organized effective work with the Moscow City Duma, the Public Chamber of Moscow, the executive power and the city law enforcement system, as well as with nongovernmental and human rights organizations.

12 agreements are currently being implemented on cooperation on the protection of the rights and freedoms of citizens of Moscow with the Main Directorate of the Ministry of Internal Affairs of Russia in Moscow, the Federal Bailiff Service Directorate of Russia in Moscow, the Prosecutor's Office of Moscow, the Directorate of the Federal Penitentiary Service of Russia in Moscow, etc.

---

The Moscow Ombudsman took part in the work on significant legislative initiatives expected by society in the field of protecting the rights of children, ensuring the safety of citizens, health care, education, migration, including the issues of:

- organizing the activities and ensuring safety in children's playrooms of shopping centers;

- criminal liability for persons criminally encroaching on the administrative order existing in the Russian by providing intermediary services for illegal receipt of migration documents;

- tightening the procedure for obtaining permits for the acquisition of firearms, performance of medical examination;

- raising the age for obtaining voluntary consent to medical intervention, psychiatric examination, hospitalization and the proposed treatment and refusal from it to eighteen years;

- powers of the Federal Penitentiary Service of Russia to create favorable conditions in order to attract medical workers to work in medical institutions of the penal system;

- introduction of fines in Moscow for involving minors in the process of using devices that simulate tobacco consumption (vaping), and some others.

In the period from 2014 to the present, the main emphasis in the work of the Commissioner and her staff has been on organizing personal reception for Moscow residents.

Assessing the real scale of the capital city, the Moscow Ombudsman has organized the regular work of "mobile receptions", within which the staff of the office go to the most problematic and remote areas of the city.

This practice both allows solving the problems of people locally and helps to understand the situation with violation of the rights of residents in a specific recreation of the city.

The Moscow Ombudsman pays priority attention to the protection of the rights of persons in city pre-trial detention centers and other places of detention.

To this end, the Commissioner conducts regular on-site personal reception of persons held in the pre-trial detention center, in particular on issues of conditions of detention and medical assistance.

Through the joint efforts with the Federal Penitentiary Service of Russia in the city of Moscow, the problem of overcrowdedness of the prisoners in pre-trial detention centers from 44% in 2014 to 6% today has been practically solved over five years. With the assistance of the Moscow Ombudsman, the issues of building new detention centers are being resolved, the salaries of medical workers in pre-trial detention centers have been increased 2-2.5 times, and most cells of pre-trial detention centers have been equipped with video surveillance.

Today citizens of Moscow and guests of the capital have access to a modern, informative, interactive website that tells about the activities of the metropolitan ombudsman, contains legal workshops, concrete examples of promoting the protection of citizens' rights, announcements of events and much other useful information in the field of education in the law. Every resident of the capital can contact the Ombudsman through the electronic reception on the website.

Over the past period of development of the ombudsman institution, the

Commissioner's press center and a page on the FACEBOOK social media site have been created, the Public, Youth, Children's Expert Councils, as well as the Council of Fathers which include well-known human rights defenders, representatives of nongovernmental organizations and professional communities have been established and are successfully functioning.

The activities and the staff of the Commissioner are effectively popularized by The Moscow Ombudsman information and legal bulletin published quarterly and containing updated articles and information and legal materials in the field of protecting the rights and freedoms of citizens of Moscow.

Acting as a state human rights defender in communicating with the population, while paying special attention to socially unprotected segments of the society, i.e. pensioners, disabled people, large families, persons held in pre-trial detention centers, resolving acute and problematic situations, the Commissioner thereby has contributed to strengthening the feedback between the metropolitan residents and the authorities all these years.

In 2019 T.A. Potyaeva was proposed as a candidate to the Moscow City Duma by Moscow Mayor S.S. Sobyenin and approved by Commissioner for Human Rights in the Russian Federation T.N. Moskalkova for a second term.

During the plenary session for consideration of the candidacy of the metropolitan ombudsman, Chairman of the Moscow City Duma A.V. Shaposhnikov noted that the number of positive decisions on complaints from citizens of Moscow sent to the Office of the Commissioner was growing every year. Largely owing to the prompt intervention of the Commissioner, the legality and justice were being restored.

On October 30, 2019, after a secret ballot procedure with 41 affirmative votes, the Moscow City Duma approved T.A. Potyaeva for the post of the Commissioner for Human Rights in Moscow for a new five-year term.

In 2019, Moscow Ombudsman T.A. Potyaeva was awarded a state award: the Order of Friendship.

Over the past few years, the Ombudsman participated at various venues in the discussion of the draft law "On general principles of organizing the activities of commissioners for human rights in the constituent entities of the Russian Federation" at the federal level, presented her initiatives, and involved experts and representatives of the human rights community on reforming the activities of regional commissioners in the work on the draft.

It is also important to note here the analysis of the unified legal norms governing the activities of international ombudsmen by the Commissioner and her staff as well as the study of the possibility of implementing the relevant and innovative approaches to human rights protection in the federal and Moscow legislation.

The fruitful work of the Moscow Ombudsman became possible owing to the international cooperation with representatives of the Office of the UN High Commissioner for Human Rights, the embassies of the USA, France, Italy, Ukraine, the Children's Rights Ombudsman of Finland.

Of particular note is the cooperation with the Office of the UN High Commissioner for Human Rights, which allowed holding important human rights events in the run-up to and during the FIFA World Cup on promoting diversity and creating a discrimination-free environment, as well as on the issue of "non-discriminatory heritage".

The results of the work and development of the institution of the Commissioner were

---

summed up at the exhibition “Moscow Ombudsman for the Protection of the Rights of citizens of Moscow. To the 10<sup>th</sup> anniversary of the Office of the Commissioner for Human Rights in Moscow. 2009-2019” opened in Gilyarovsky Center on September 26, 2019.

The exhibition was presented by Metropolitan Ombudsman T.A. Potyaeva.

Over the 10 years of the existence of the institution of the Moscow Ombudsman, over 43 thousand applications have arrived for consideration and about 9 thousand citizens were personally received by the Commissioner and her staff.

The main section of the exhibition project is dedicated to the history of the development of the institution of human rights and told about the main stages of the formation of the institution of the ombudsman.

The second section of the exhibition was dedicated to the main activities of the Ombudsman and her staff: this is help to protect the personal, social, economic, political and cultural rights and freedoms of citizens of Moscow.

The third section of the exhibition is about the activities of the Children’s Rights Ombudsman in Moscow which demonstrated the active work carried out in order to protect the rights of children and their education in the law.

The fourth and final section of the exhibition was dedicated to the interaction of the Commissioner and her staff with government agencies, nongovernmental organizations and citizens.

Multimedia technologies, including interactive equipment, graphical interfaces, a combination of video and audio equipment allowed providing the visitors with a wider range of information about the institution of the Commissioner, the ways and possibilities of protecting the rights of citizens.

The exhibition was visited by Commissioner for Human Rights in the Russian Federation T.N. Moskalkova, regional commissioners for human rights, deputies of the Moscow City Duma, members of expert councils under the Commissioner, public figures; human rights defenders and journalists.

“The exhibition made a huge impression, because it gives us the opportunity to see, step by step, the establishment and development of the institution of the Commissioner for Human Rights in Moscow. The unique parts of the exhibition allow raising education in the law to an unusually high level. In terms of its format, design and content, it is both cognitive and has practical value, since it allows learning the mechanism of human rights protection,” noted Tatiana Moskalkova after visiting the exhibition.

The activities of the Moscow Ombudsman over the past 10 years were also presented in October 2019 in the Column Hall of the House of Unions, where the Interregional Conference “Protection of human rights and freedoms in the modern conditions: experience, problems, prospects” was held, timed to coincide with the 10<sup>th</sup> anniversary of the establishment of the Institution of the Commissioner for Human Rights in Moscow.

The Conference formulated the main trends in the field of violation of human and civil rights in the contemporary conditions and identified the optimal forms and algorithms for their protection; it also worked out the unified principles for organizing the activities of regional commissioners and ways of their interaction with state authorities and civil society institutions.

The Conference participants noted that the results of the activities of the institution of the Commissioner over the past 10 years were focused on popularizing the institution itself

for the population, explaining its tasks and competencies in the society, as well as the ways of feedback from the citizens.

Setting new goals in the foreseeable future, giving priority to legal education of citizens, it seems that special attention in the future should be focused on the formation of legal knowledge among adolescents. In this regard, the metropolitan Ombudsman supports the initiative of Commissioner for Human Rights in the Russian Federation T.N. Moskalkova on the introduction of education in the field of human and civil rights and freedoms into the state educational standards and programs in all specialties and at all levels of education.

A new area in the development of the institution of the Moscow Ombudsman was the introduction of legal workshops on the protection of citizens' rights.

On the basis of the Moscow City University of Management of the Government of Moscow, training workshops are held on a regular basis for employees of structural divisions of the city's executive authorities on the issue: "Protection of human rights and freedoms: cases from the practice of the Commissioner for Human Rights in Moscow".

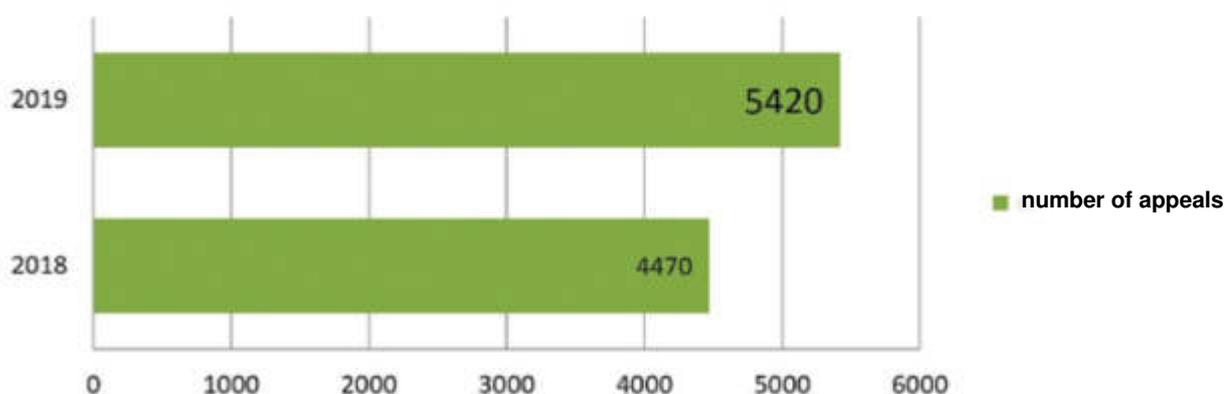
### III. PRINCIPAL LINES OF ACTIVITIES OF THE COMMISSIONER FOR HUMAN RIGHTS IN MOSCOW:

#### 1) Statistical analysis of work for consideration of citizens' appeals

In 2019 the Commissioner received 5,420 appeals on violations of human and civil rights and freedoms, including 315 appeals from citizens received by the Commissioner at a personal reception on the issues most difficult to resolve, as well as 136 collective appeals.

#### *General information about the received appeals*

#### **number of appeals**



The number of appeals increased by 17.5% compared to 2018. An increase in the number of appeals is noted regarding the non-provision of medical assistance to persons held in pre-trial detention centers, as well as in the field of children's problems.

In addition, the increased number of appeals to the Moscow Ombudsman is related with the expanding sphere of activities of the Commissioner to promote the protection of the rights and freedoms of citizens of Moscow, covering the most acute problems for the residents of the capital.

One of the key factors in the popularization of the institution of the Moscow Ombudsman as a guarantor of the protection of the constitutional rights of citizens is the effective joint work of the Commissioner and her staff with the expert corps in the implementation of the mechanism for ensuring the citizens' rights to free legal aid.

Modernization and updating of the Commissioner's official website ([ombudsman.mos.ru](http://ombudsman.mos.ru)) was quite significant for the legal education of Moscow residents about the possible ways to protect violated rights, with the number of visitors to the website in 2019 remaining at the level of 2018 and amounting to about 90,000 users. There were average 7,416 page views per month.

*Ways of arrival of citizens' appeals at the Commissioner's staff*

Way of arrival at the staff	Number	%
Personally received by the Commissioner	315	5.8
Personally received by the Staff employee	379	6.9
By mail, fax	2,186	40.3
By e-mail	855	15.7
Delivered to the reception office of the Staff	568	10.4
By phone	15	0.2
Visiting reception	83	1.5
From the website of the CHR	975	17.9
Duplicate	43	0.7

Considering the ways of receiving the appeals, it must be stated that in 2019 there was a significant 33% increase of the appeals sent to the Ombudsman by e-mail, while the number of the appeals submitted by citizens through the official website increased by 16%.

The expansion of the sphere of the Ombudsman's activities included visits to pre-trial detention centers of the Federal Penitentiary Service of Russia in Moscow and special reception centers, which significantly increased the number of citizens and their appeals personally received by the Commissioner: 3 times compared to the last year.

This form of work enabled the persons subject to restriction of freedom to establish personal contact with the Ombudsman to protect their rights.

*Categories of applicants that filed written appeals*

Category of the applicant	Number	%
Citizen	2 060	38
Collective	136	2.5
Pensioner	196	3.6
Attorney	19	0.3
Veterans of work	7	0.1
Military men/former military men and members of their families	15	0.2
Leavers of orphanages and boarding schools	8	0.1
Deputy of the State Duma of the Russian Federation, Moscow City Duma	49	0.9
Orphans without parental support	14	0.25

Foreign citizen, stateless person	12	0.2
Person with health limitations (disabled)	272	5
Migrant, refugee, resettler	3	0.05
Multiple children family	294	5.4
Minor	23	0.4
Nongovernmental organizations	42	0.7
Executive authorities of the Russian Federation	2	0.05
Executive authorities of a constituent entity	3	0.05
Local self-government bodies	3	0.05
Suspect, accused person, convicted person	648	11.9
Aggrieved person	6	0.1
Enterprise, institution, organization, IE	30	0.5
Attorney-in-fact	39	0.7
Legal representative	1,418	26.1
Draftee	22	0.4
Officers/former officers of law enforcement bodies	8	0.14
Mass media	4	0.07
Court, prosecutor's office, police, bailiff	9	0.1
Children's Rights / Human Rights Commission in the Russian Federation and constituent entities of the Russian Federation	64	1.1
Combat veteran, veteran of the Great Patriotic War	9	0.1
Educational institutions	5	0.09

In 2019, the volume of collective appeals of citizens increased by 58% from 57 to 136, which evidences the development of a trend towards consolidation of the citizens' efforts to protect the public interests of certain groups of the capital's population on the issues of organization of summer health-improving recreation, catering in educational institutions of the capital, on the improvement of certain areas of the city in the past year.

The number of appeals from multiple children families increased by 35%, and therefore, assistance in protecting the rights and legitimate interests of this category of citizens is under the special control of the Ombudsman and is carried out jointly with nongovernmental organizations and authorities.

The number of appeals from persons in detention facilities increased by 12.8% compared to 2018 up to 648. It should be noted that the number of these appeals accounts for almost 12% of the total number of appeals received in 2019.

In the past year, 271 appeals were received from persons with disabilities, the indicator remaining at the level of the previous year.

*Results of consideration of appeals*

Considered with a positive result	2,242	56.4%
Negative result	10	0.2%
Forwarded according to the jurisdiction	124	3.1%
Another decision made on the substance of the case	32	0.8%
Forwarded according to the jurisdiction with control	1,229	30.9%
Forwarded according to the territoriality	303	7.6%
Arguments of the complaint did not prove correct	167	4.20%
Return of the complaint	22	0.5%

In 2019, 2,242 appeals were considered with a positive result, which is comparable to the results of 2018 (2,128).

647 (28.9%) appeals were considered with an absolute solution and a partial solution of the issues raised.

It should be noted that requests for clarification of the forms and methods of protecting the citizens' rights amounted to 1,595 (40.2%).

The Commissioner and her staff verified 167 written appeals in which the arguments presented in the appeal were not confirmed.

1,430 written appeals (36%) were forwarded according to their jurisdiction or territoriality, including with control to state authorities and local self-government bodies, their officials, to organizations with the competence to resolve the complaint on the merits, as well as to commissioners for human rights and children's rights ombudsmen in the constituent entities of the Russian Federation, the Children's Rights Ombudsman and the Commissioner for Human Rights in the Russian Federation.

22 written appeals (0.55%) were returned to the applicants, including on the grounds of Part 1 and Part 3 of Article 11 of the Federal Law dated May 2, 2006 No. 59-FZ "On the Procedure for Considering Appeals from Citizens of the Russian Federation" (the appeal does not contain the name of the citizen who sent the appeal, or the address (postal, electronic) to which the response should be sent, the appeal contains obscene or offensive language).

The applicants were explained their right to re-appeal if the appeal was brought into compliance with the requirements of the current legislation on their execution.

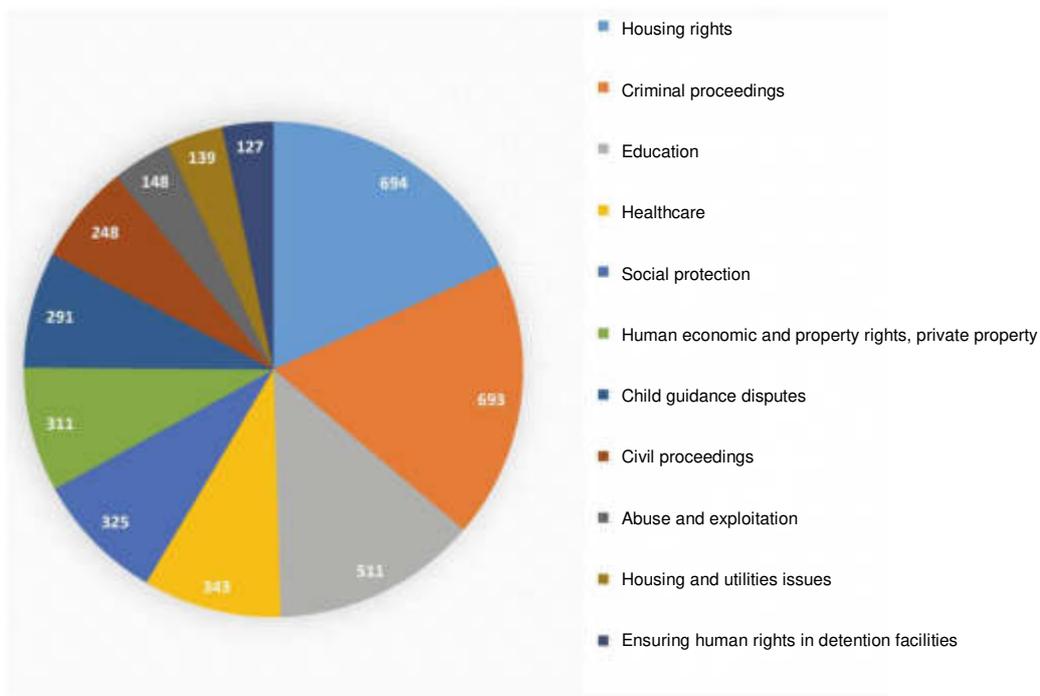
*Issues raised by citizens in the appeals*

The total number of the issues raised in the citizens' appeals was 4,731. Housing issues still come the first for citizens of Moscow - 14.7% (694). The number of the issues of criminal proceedings increased by 16.4% compared to 2018, and is still high: 14.7% (693).

The issues of protecting the rights of citizens to education rank third and account for 10.8% (511), the increase compared to 2018 was 18%.

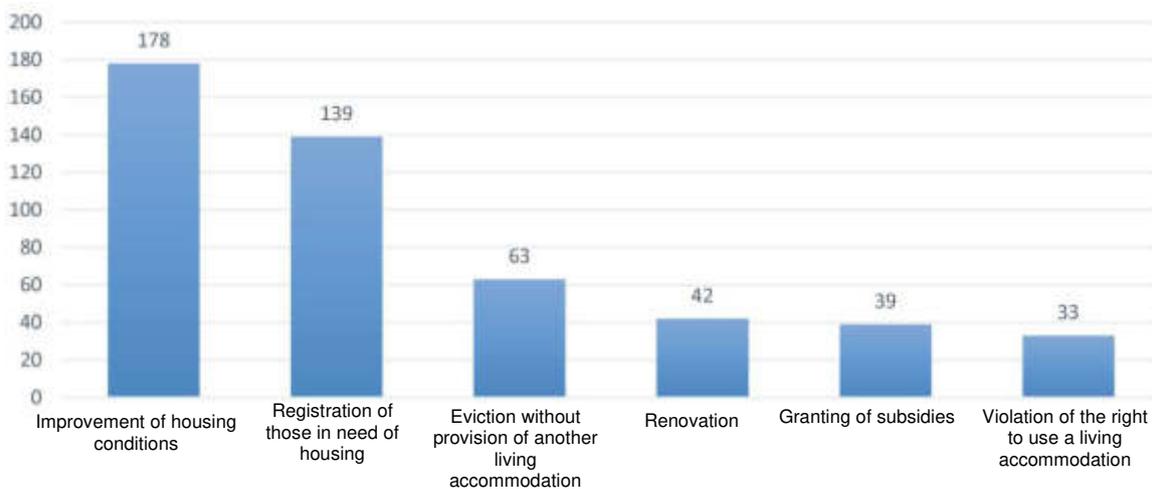
Social protection, issues of civil proceedings, child guidance disputes, human economic and property rights, abuse and exploitation remain in the focus of insecurity.

**Information about the issues raised in appeals  
(12 diagrams)**

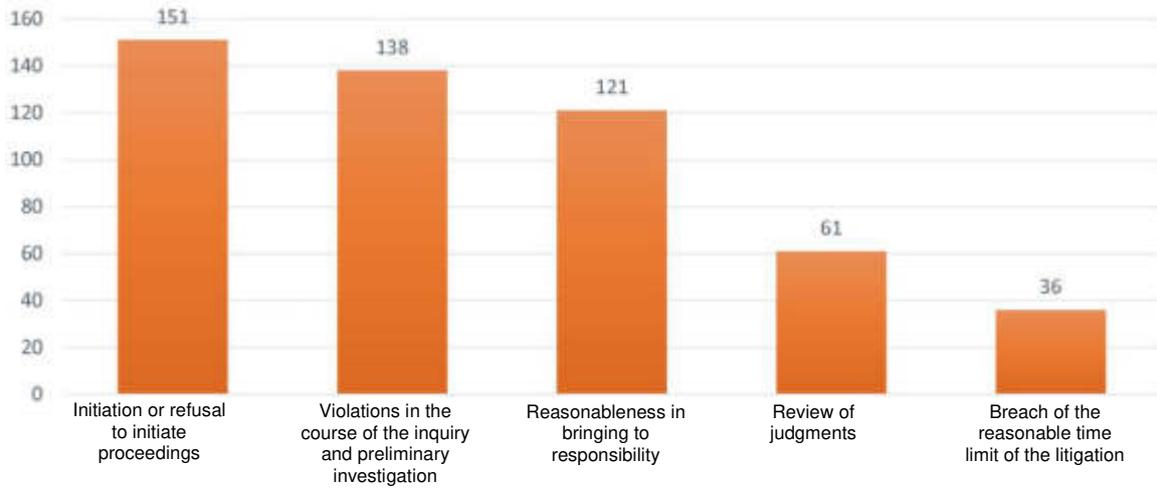


*Given below is the data on the most acute issues raised in the citizens' appeals  
(12 diagrams):*

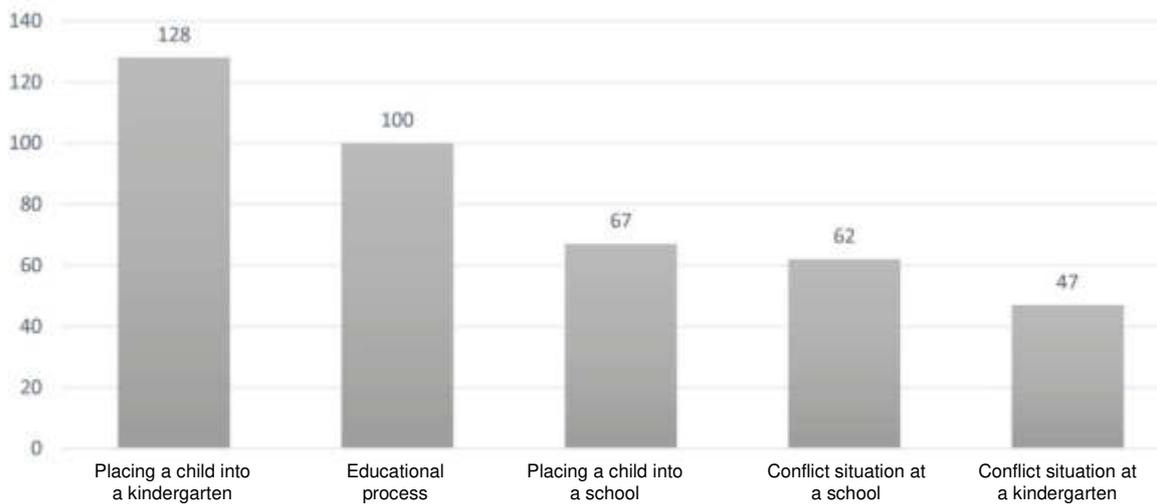
**Exercise of housing rights**



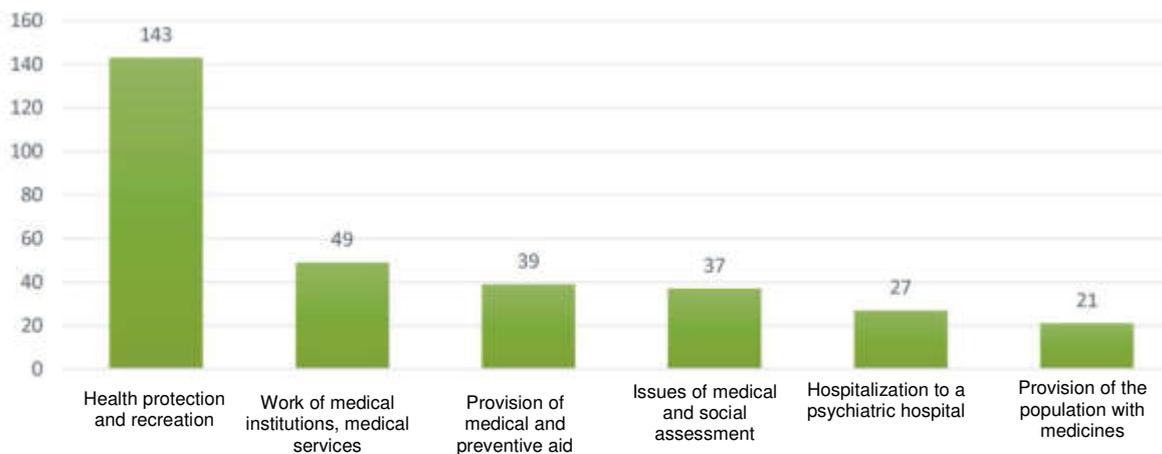
### Respect of rights in the course of criminal proceedings



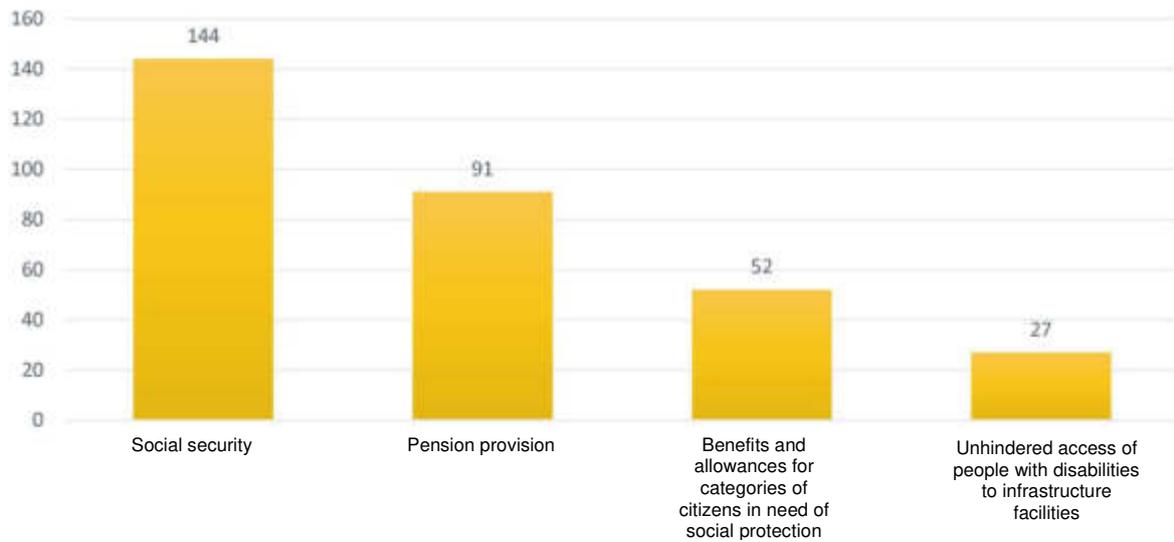
### Exercise of rights in the sphere of education



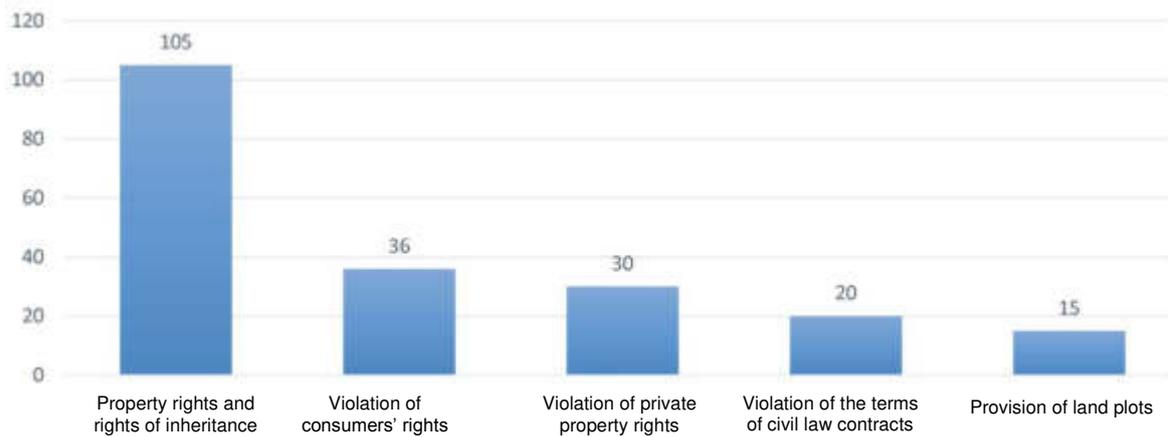
### Respect of rights in the sphere of healthcare



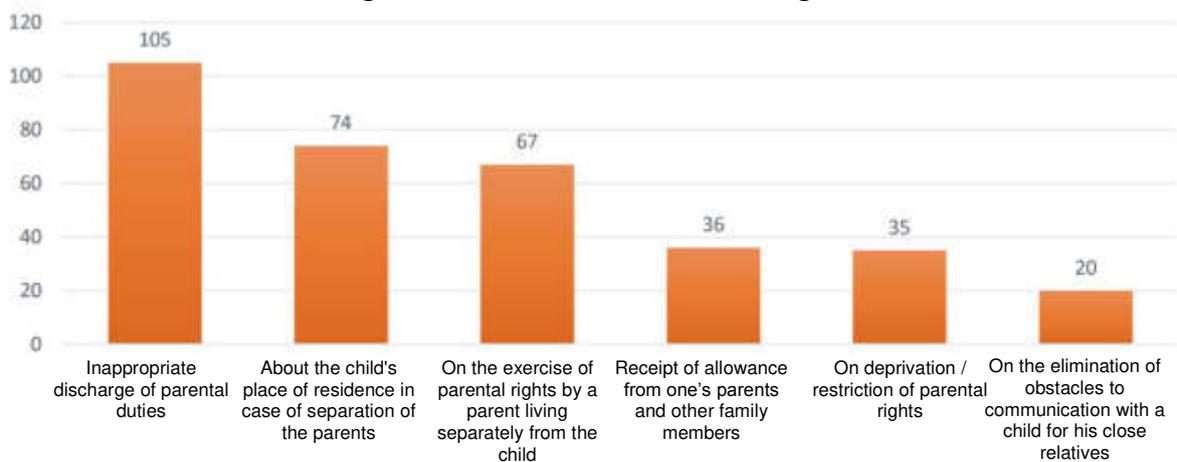
### Exercise of the right to social security



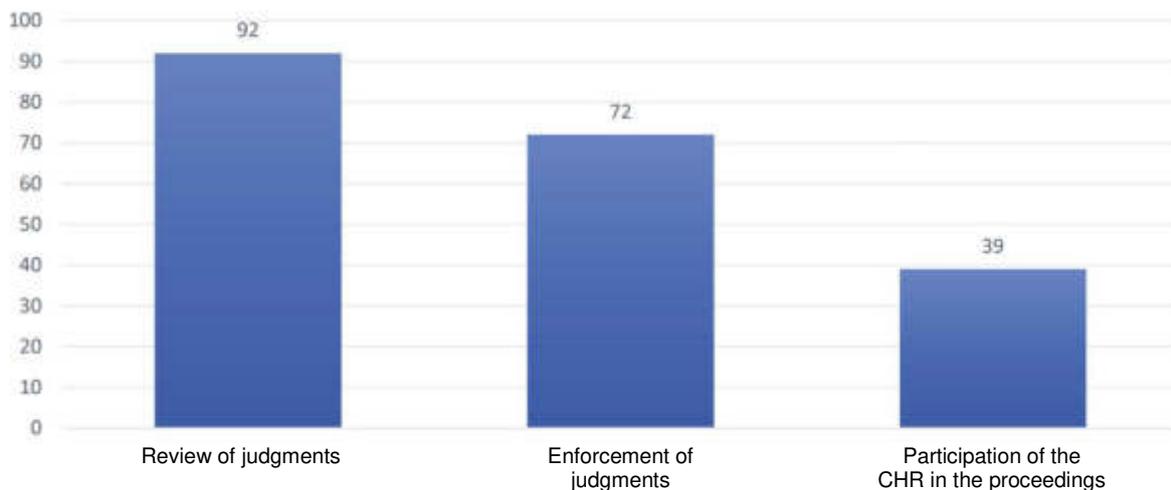
### Exercise of economic and property rights, private property



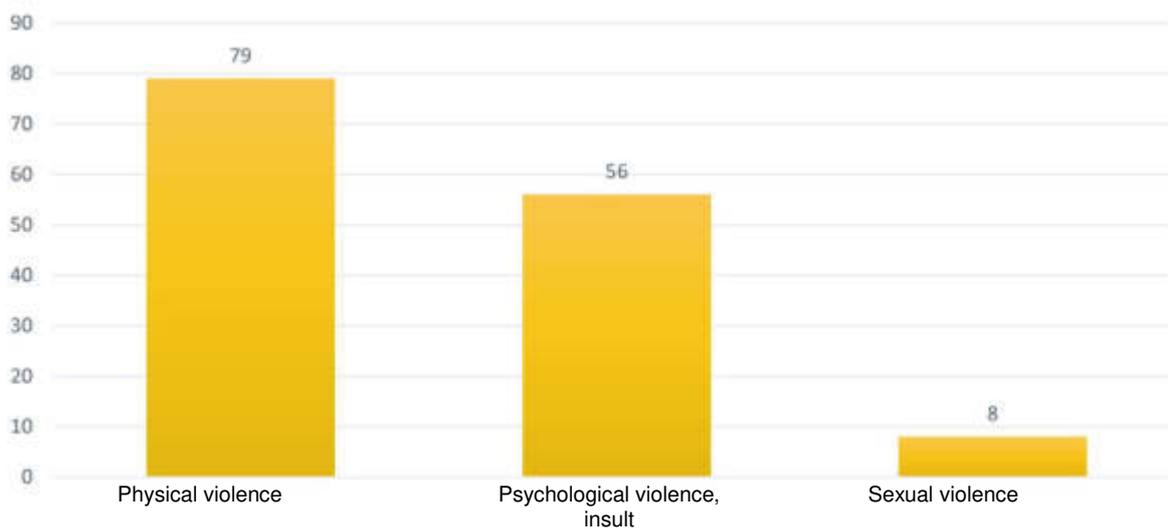
### Legal relations related to child guidance



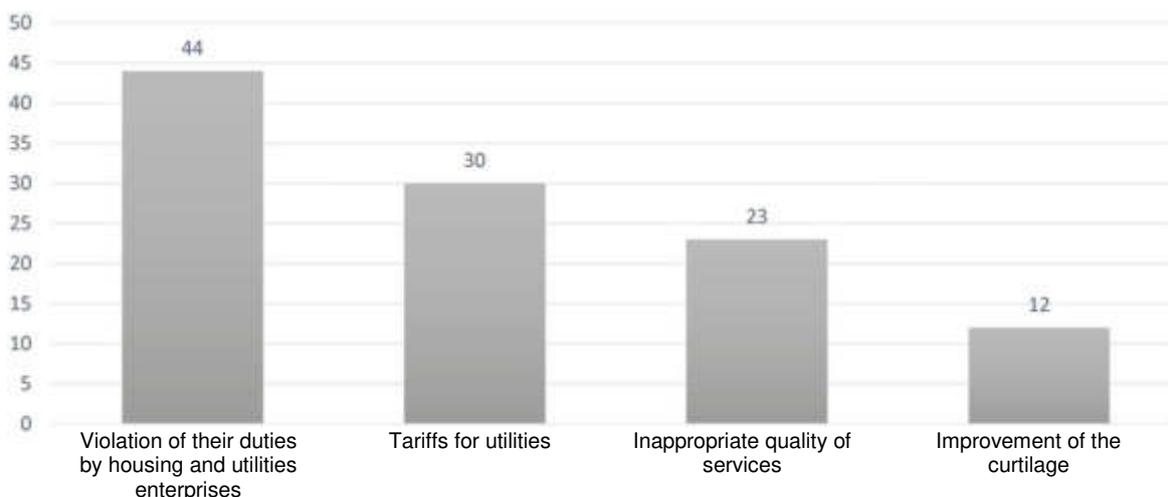
### Respect of rights in civil litigation



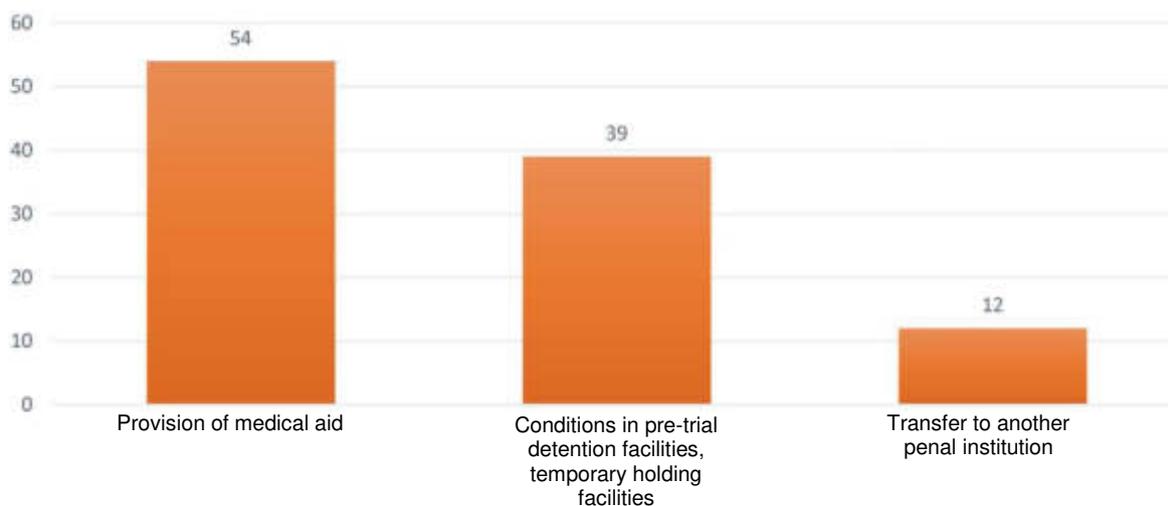
### Abuse and exploitation



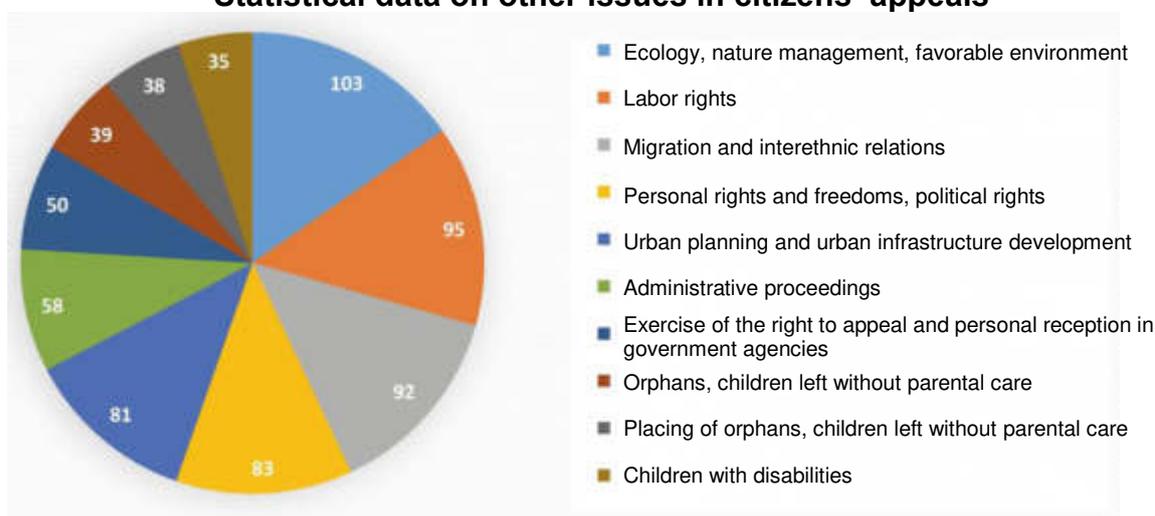
### Respect of rights in the sphere of housing and utilities



## Ensuring human rights in detention facilities



## Statistical data on other issues in citizens' appeals



The rest of the issues referred to topics of neglect, homelessness, juvenile delinquency, the rights of persons of conscription age, issues of establishing the origin of children and a number of others (less than 0.5% of issues per year on each topic).

In order to exercise their powers, in 2019 the Commissioner and her staff made 49 inspection visits to psychoneurological asylums, labor veterans homes, pre-trial detention facilities, general educational institutions, both planned and organized in order to verify the arguments in citizens' appeals.

In 2020, the Moscow Ombudsman plans to create an expert group to conduct special inspections of the respect and protection of citizens' rights and freedoms in social, medical and educational institutions of the city on the basis of citizens' appeals, as well as to provide advisory and expert assistance to the most vulnerable categories of citizens in order to facilitate the implementation and protection of their rights and freedoms.

When receiving citizens' appeals in the reception office of the Commissioner, during mobile receptions and inspection visits, as well as on the official website of the Ombudsman, in 2019 a comprehensive survey (questionnaire) of more than 100 citizens was conducted with a view to exercising their rights to free legal aid. The results of the survey and proposals on this topic are presented in this report.

## V. DEVELOPMENT OF INTERREGIONAL AND INTERNATIONAL COOPERATION IN THE HUMAN RIGHTS SPHERE

Taking into account that interregional and international interaction is essentially also one of the various forms of activities in the field of legal education of the population, i.e. one of the main priorities of the activities, the Commissioner for Human Rights in Moscow continued actively developing this area in 2019.

The central socially significant event of the past year was certainly the Interregional Conference "Protection of Human Rights and Freedoms in Modern Conditions: Experience, Problems, Prospects" which took place on 10 October at the Column Hall of the House of Unions and was organized at the initiative of the Commissioner for Human Rights in Moscow.

The relevance of the Conference is ensured by the implementation of human rights and social guarantees in the context of the present trends in the XXI century, as well as in connection with the 10<sup>th</sup> anniversary of the institution of the Commissioner for Human Rights in Moscow and the 30<sup>th</sup> anniversary of the adoption of the UN Convention on Children's Rights.

Speaking at the plenary session of the Conference, the Commissioner for Human Rights in Moscow summed up the results of the ten-year activities of the institution of the Commissioner over the past time. She drew particular attention to the changes in the work of the Ombudsman in the capital, in particular, the Ombudsman said: "If we go five years back, the significance of the Office of the Commissioner for Human Rights in Moscow was not so great, as evidenced by the data of a survey of citizens of Moscow at the beginning of my work in this capacity: only 10% of respondents were able to answer affirmatively to the question about this institution.

In this context, people faced with violation of their rights in one sphere or another, in most cases did not know where to get the appropriate free assistance, how to engage a lawyer, how to draw up a statement of claim and how to protect their rights in the specific situation for them. Therefore, we focused our activities on popularizing the institution of the Commissioner for the population, on explaining its competencies. The result is obvious: within ten years the number of people who applied to the Commissioner has tripled (today, from 5.5 to 6.5 thousand citizens of Moscow apply to the office annually).

One of the main priority aspects of the Commissioner's activities is legal education of citizens.

In this zone, the Commissioner's staff works with various groups of the population, but today a special emphasis and attention is placed on adolescents because they are the future.

It is necessary to think simultaneously about the development of new approaches and new resources corresponding to the realities of the day, to advance the process of legal education of the population.

---

The Commissioner's Office is also actively involved in serious analytical work, monitoring of social, socio-political processes taking place in the city. The most acute problems of violations of the rights of citizens are identified; with this in mind, special studies are carried out, with their results being posted on the site and being publicly available for everyone. But the quintessence of the significant results of the Commissioner's work is certain to be the annual Report on his activities which is also available to everyone on the website.

Another problematic issue with the largest number of appeals and complaints from citizens of Moscow, especially from large families and disabled people, to the Commissioner is housing issues. The range of problems raised by residents here is huge: these are economic and property rights, these are the problems of large families living in hostels. And practice shows that the housing problems that would seem impossible to resolve directly in a usual way, can be solved in favor of the person with the intervention of the Commissioner and by means of a joint interested search for a compromise.

In order to really help citizens of Moscow in protecting their rights and freedoms, we are convinced that in addition to establishing working interaction with the authorities, constructive cooperation and development of partnerships with various structures of the civil society are necessary. The Office constantly works with the public, human rights activists, with many city structures, as well as with the non-profit sector."

Within the framework of the interregional conference, the participants and invitees learnt about the work of the Labor Veterans Home No. 31, My Career Employment Center and School No. 627 named after General D.D. Lelyushenko State Budgetary Educational Institution, as well as with a specially created exhibition dedicated to the 10<sup>th</sup> anniversary of the institution of the Commissioner for Human Rights in Moscow "Moscow Ombudsman for the Protection of citizens of Moscow' Rights" at Gilyarovsky Center, a branch of the Museum of Moscow.

Based on the results of the Interregional Conference, a resolution was adopted which can be found on the Commissioner's website ([www.ombudsman.mos.ru](http://www.ombudsman.mos.ru)).

The conference was attended by regional commissioners for human rights and children's rights from 27 constituent entities of the Russian Federation, representatives of the Presidential Administration of the Russian Federation, the Human Rights Council, authorities of the Russian Federation and the city of Moscow, as well as a wide range of human rights defenders and the public.

In 2019, great attention was also paid to the further continuation of bilateral international cooperation, including with embassies and delegations of a number of countries, and participation in international events.

**On April 10, 2019, the 45<sup>th</sup> session of the International Women's Forum** created in New York in 1945 **opened in Barcelona (Spain)**. Its main task is to unite women from all over the world to share ideas and experiences in support of their initiatives. The meetings took place in Chicago, Los Angeles, New York, San Francisco, Washington, United Kingdom, the Bahamas, Canada and other countries. Over this time, women managed to create a fundamental organization and prove that women are active, strong, creative, persistent and can achieve brilliant results in all spheres of life. In 2018 the Commissioner for Human Rights in Moscow was admitted to the International Women's Forum and was invited to the 45<sup>th</sup> session as a new member. On this day, more than 800 participants from all over the world registered to participate in the Forum.

At the opening of the Conference the women were welcomed by President of the International Women's Forum Deborah Chenon and Mayor of Barcelona Ada Colau.

On the second day of the Forum, the Commissioner for Human Rights in Moscow took part in the discussion of topical issues of the International Women's Forum: "Environment and the Future", "Woman in Sports", "Women's Health and Factors Affecting It", "Technical Progress and the Role of Women in it".

In the discussion of these issues, emphasis was placed on the following issues: the importance of interdisciplinary positions, the development of critical thinking, the need for professional education and preparation of people for revolutionary changes related with technological progress.

During the discussion on the issue "Woman in Sports", all conference participants noted the high level of the 2018 FIFA World Cup in Russia.

The last day of the International Women's Forum was dedicated to women's employment. Of particular interest was the section led by the President of Mary Kay who spoke about the activities of women in the field of design, planning, marketing, working with customers, with videos with fashion trends shown.

In the evening, the results of the Forum were summed up and opinions were shared at the Maritime Museum. The Commissioner for Human Rights in Moscow discussed the results together with colleagues from the USA, Israel, and Australia. They expressed a common opinion on the need for such meetings and discussions on common problems.

Bilateral meetings with the embassies of foreign countries on the issues of women and domestic violence also continued last year.

**On March 25**, the Public and Parliamentary Center of Moscow hosted a meeting of the Commissioner for Human Rights Ombudsman in Moscow and the staff of the **Office with Social Affairs Advisor of the French Embassy in Russia Daniel Mathieu and Deputy Attaché for Internal Security of the French Embassy in Russia Stephane Barb.**

There was an interesting and open discussion of cooperation in the field of prevention and combating violence against women.

The Ombudsman spoke about the activities of the Commissioner for Human Rights in Moscow, outlined the main issues on which citizens apply to the Commissioner's Office, dwelled on the existing problems.

Natalya Zavyalova, a member of the Public Expert Council under the Commissioner for Human Rights in Moscow, Director of the Crisis Center for Assistance to Women and Children, informed about the activities of the Center, about the new opportunities of the institution to support women in difficult life situations. In particular, about the work of the developed and operating special portal "You are not alone" which a woman experiencing violent actions in the family can contact at any time and get help.

Based on the results of the event, the parties agreed to continue cooperation on this issue.

**November 22, 2019**

**At the invitation of the Swedish Embassy in Moscow** the Commissioner for Human Rights in Moscow **took part in the event dedicated to combating violence against women.**

Ambassador of Sweden to Russia Ms. Malena Mord addressed the participants with an opening speech.

The participants in the discussion shared their experience of working with women that experienced domestic violence, examined the peculiarities of Russian and foreign legislation on the protection of women's rights, and discussed a broader issue: gender equality.

In her speech, the Ombudsman of the capital spoke about the work of the

---

Commissioner with women's appeals on domestic violence in the family, and supported the need to adopt a law on the prevention of crimes in the field of family and domestic relations which is being considered in the State Duma of the Russian Federation.

The event was attended by members of the Federation Council, State Duma deputies, members of the Swedish Parliament, as well as experts in the field of domestic and family violence in the Russian Federation.

The issue of protecting women's rights in 2019 was also actively discussed in the framework of the interaction of the Commissioner for Human Rights in Moscow with the Office of the Council of Europe.

**On January 29**, the Moscow Ombudsman took part in the opening ceremony of the joint project of the Council of Europe and the Russian Federation “Cooperation in the Implementation of the National Action Strategy of the Russian Federation in the Interests of Women for 2017-2022”.

The project is aimed at developing knowledge and skills in two areas of the National Strategy: preventing social deprivation of women and violence against women and women's participation in public life.

The implementation of the project activities is aimed at increasing the knowledge and practical skills of representatives of the relevant authorities and institutions in order to contribute to the improvement of women's position and effective combat against violence to women.

The frames of the opening of the project included **the panel discussion: “Prevention of social deprivation of women and violence against women: causes and ways to overcome it”**. The panel discussion was moderated by the Commissioner for Human Rights in Moscow.

**On August 16, 2019**, the Commissioner for Human Rights received a delegation of the Council of Europe consisting of Deputy Head of the Office in the Russian Federation Evgenia Rosinskaya, experts of the Council of Europe Elizabeth Duban and Maria Davtyan, assistant Maria Belyak.

The issue of the meeting was the discussion of the problem of gender equality and family and domestic violence against women in Russia.

The Ombudsman familiarized the participants with the activities of the Commissioner for Human Rights in Moscow and her staff, aimed at protecting the rights of women in providing legal assistance to victims of various types of violence, told about the joint work with nongovernmental organizations working in this area, about the activities of the Forum of Moscow Women RNGO.

She familiarized the members of the delegation with the research work on “Gender profile of socio-economic problems of the metropolitan region” specially carried out at the initiative of the Commissioner for Human Rights in Moscow, with the annual Reports on the activities of the Moscow Ombudsman, with The Moscow Ombudsman information and legal bulletin on human rights in Moscow which also discusses gender equality issues.

The parties discussed issues of further bilateral cooperation between the institution of the Commissioner for Human Rights in Moscow and the Office of the Council of Europe for the prevention of family and domestic violence.

**On 17 October** in Sochi the Commissioner for Human Rights in Moscow participated in the International Conference “Actions to expand women's participation in public and political decision-making processes” within the framework of the joint project of the

Council of Europe, the Commissioner for Human Rights in the Russian Federation, the Ministry of Labor and Social Protection of the Russian Federation and the Ministry of Foreign Affairs of the Russian Federation on cooperation in the implementation of the National Action Strategy of the Russian Federation in the interests of women (2017-2022).

The joint project of the Council of Europe and the Russian government is aimed not only at preventing domestic violence. First of all, experts suggest improving the social and financial position of women.

The Conference was attended by Petr Zikh, Head of the Program Office of the Council of Europe in the Russian Federation; Jett Christensen, member of the Committee on Equality and Non-Discrimination of the Parliamentary Assembly of the Council of Europe; Jolita Pons, Head of the Political Section of the Delegation of the European Union to the Russian Federation; Caterina Bolognese, Head of the Gender Equality Division of the Council of Europe.

On **4 December**, the Commissioner for Human Rights in Moscow participated in the joint **Conference of the Program Office of the Council of Europe and the French Embassy** organized on the occasion of the end of the French Chairmanship in the Committee of Ministers of the Council of Europe.

The conference consisted of two sections: “The rights of children and adolescents” and “Combating violence against women”.

At the first section, the conference participants discussed the issues of protecting the rights of children, protecting their life and health, as well as the problem of integrating children and adolescents from migrant families.

A special place in the conference was devoted to the discussion of the need for the State Duma to adopt a draft law on the prevention of domestic violence. The French and Russian colleagues shared information on methods of work to prevent domestic violence, on the work of various crisis centers to help women in difficult life situations.

The conference was attended by Ambassador of France to Russia Sylvie Bermann, Director of the Office of the Directorate General of the Council of Europe for Program Activities Verena Taylor, Director of the Directorate for Human Dignity, Equality and Governance of the Council of Europe Claudia Luciani, Deputy Chairman of the State Duma Committee on Family, Women and Children Oksana Pushkina, Deputy Director of the Department of International Cooperation of the Ministry of Labor and Social Protection of the Russian Federation Regina Azizova, Deputy of the Moscow City Duma Evgeny Bunimovich, representatives of international and Russian non-governmental organizations.

The Commissioner for Human Rights in Moscow considers participation in international workshops to be extremely important for sharing experience in the sphere of protection of the rights of special groups of the population. For example, **on 17 June within the framework of Moscow-Berlin workshop** on topical issues in the field of labor and social protection, a panel discussion was held at the Butovo Center for Comprehensive Rehabilitation of Disabled People Budgetary Institution of Moscow to discuss the problems of integrating people with disabilities into the public environment.

In her speech, the Commissioner for Human Rights in Moscow focused on the instruction of President of the Russian Federation V.V. Putin on the wide introduction of digital technologies into the activities of institutions providing services to the population. The Ombudsman emphasized that in the process of long-term cooperation with German colleagues in a mutual mode they succeeded in moving forward in this direction, in

---

introducing new technologies and methods.

Over the recent several years the system of social support for disabled people and the provision of rehabilitation services to them has progressively developed in Moscow: a new type of “rehabilitation and educational” institutions has been created, inclusion is widely used in the work of social institutions, the service of mobile teams is being improved, the principles of early assistance are being introduced, the nature of work of employment centers has changed dramatically. The Commissioner specifically noted the system of providing wheelchair users with specialized apartments: 200 disabled people with severe pathologies of the musculoskeletal system received comfortable housing specially adapted to their specific characteristics and needs.

The Ombudsman also spoke about the work of the Commissioner's Office, stressing that the protection of the rights of persons with disabilities is a subject

of constant attention and monitoring. The Office is involved in close interaction with nongovernmental organizations of people with disabilities, which helps to better understand the problems of concern for people with disabilities and find joint optimal ways to solve them. The main issues related to the rights of persons with disabilities are regularly reflected in special sections of the annual Report on the activities of the Commissioner for Human Rights in Moscow.

In conclusion, the Commissioner thanked her German colleagues for the opportunity to train dedicated specialists in the field of rehabilitation on the basis of modern rehabilitation centers in Germany and expressed her hope for the continuation of this useful practice. The Moscow Ombudsman wished her Russian colleagues not to be satisfied with what has already been achieved, to continue the development of the rehabilitation infrastructure and the introduction of new interesting projects, digital technologies and methods into the practice of rehabilitation institutions.

In 2019, the Commissioner for Human Rights and her staff continued active participation in organizing mass events of international importance held in our capital.

On March 21-23, Moscow hosted the **7th International Scientific and Practical Conference “Social Partnership: Pedagogical Support of Educational Subjects”**. The conference organized by the Institute for the Study of Childhood, Family and Upbringing of the Russian Academy of Education, the Moscow City Pedagogical University and the Big Break charitable foundation was attended by scientists and practical specialists in the field of education and social support, experts and specialists, foster parents, volunteers, representatives of the government and business, non-profit organizations and charitable foundations.

The conference opened with the plenary session report of the Children's Rights Ombudsman in Moscow who spoke about the development of inclusive education in Moscow, about ways to solve the problems of education, upbringing and socialization of orphans, children with disabilities, adolescents with deviant behavior, about the participation of the children's ombudsman in solving these acute problems.

The issues of the work of the sections were the theory and practice of pedagogical support for the socio-cultural rehabilitation of children, support for adolescents in solving school problems, the possibility of social partnership of state, non-profit and commercial structures in supporting the education of children, volunteer activities in the field of education, educational opportunities for the socio-cultural rehabilitation of children and adolescents in difficult life situation, problems of a foster child at school, issues of inclusive education, etc.

The venue of the UN headquarters was attended by diplomats, prominent public figures, representatives of the Office of the Commissioner for Human Rights in the Russian Federation and representatives of the Council of Europe in the Russian Federation. Welcoming speeches were made by Director of the UN Information Center in Moscow Vladimir Kuznetsov and Head of the Council of Europe Program Office Petr Zikh.

In her welcome speech, the Commissioner for Human Rights in Moscow emphasized that today women occupy important positions in the social, cultural, and economic life of Moscow, a large number of women are successfully engaged in business. It is women mothers, women raising a disabled child, single mothers, mothers with many children

who play an important role in the society and are provided with measures of social support from Moscow Government and help in resolving difficult life situations.

In 2019, the Commissioner took part in a number of events dedicated to the 8 March celebration. This was a meeting at the site of the Financial University under the Government of the Russian Federation where issues of gender equality were discussed, and the panel discussion that took place at the Union of Women of Russia, where the Commissioner delivered a report on the appeals of women coming to the Office of the Commissioner.

Problems of the children's well-being in the digital age became the main issue of the plenary session of the **international conference which took place in Moscow on April 11-12**. How does digital technology affect the behavior and health of school children? What opportunities does "the digit" give to teachers and school administrators? Should the children's well-being be a goal of educational policy? What are the main challenges related with digital technologies to the wellbeing of children and adolescents? What actions can be taken to reduce the negative impact of digital technologies on children? How can digital technologies be used to improve the well-being of children and adolescents?

These and other issues were discussed at the meeting by Minister of Education of the Russian Federation Olga Vasilieva, Co-Chair of the Central Headquarters of the ONF Elena Shmeleva, Deputy Chairperson of the Committee on Education and Science of the State Duma Lyubov Dukhanina, Children's Rights Ombudsman in Moscow Evgeny Bunimovich, Scientific Director of the Institute of Education, Higher School of Economics National Research University Isak Frumin, as well as leading scientists from around the world.

"As for the direct use of digital technologies in working with children, the Ministry of Education perceives them as a tool that will allow the maximum number of children and adolescents to receive high quality education. At the same time, no one is going to replace school with online courses, and teachers - with robots and tablets," said Olga Vasilieva, Minister of Education of the Russian Federation, in her report.

Elena Shmeleva, Co-Chair of the Central Headquarters of the People's Front, emphasized that it is necessary not just to selectively use individual technologies but to create a new digital environment in which both children and adults are included. It presupposes a different type of relationship. "In the digital environment, the role of a living person, a teacher, only increases," she said.

In his report the Moscow Children's Rights Ombudsman pointed to the alarming figures of the latest research by Kaspersky Lab which were recently presented to the public by the Moscow Children's Ombudsman and Laboratory staff. By the age of 11-14, almost all teenagers have gadgets. At the same time, unfamiliar adults have already tried to "get into confidence" of every ninth teenager, and every third schoolchild has even met people with whom he got acquainted in social media. The Children's Ombudsman also noted that

cyberbullying remains one of the main dangers of the busy online life of our children.

**On June 25, 2019**, in the Forum pavilion of the Expocentre CEC on Krasnaya Presnya, the leading **international exhibition of rehabilitation equipment and technologies Integration'19 Moscow**, organized by Messe Dusseldorf Moscow LLC in partnership with Leipziger Messe International GmbH, began its work with support of the world's leading exhibitions: REHACARE (Dusseldorf) and OTWorld (Leipzig), as well as nongovernmental organizations: the All-Russian Society of Disabled People, the All-Russian Society of the Deaf, the All-Russian Society of the Blind, the Preodolenie RC, Perspective RSDP, Life without Borders, Angels of Hope.

The main goal of the Integration'19 Moscow project is to improve the quality of life of people with disabilities and to develop social tolerance.

The exhibition presented Russian and foreign manufacturers of the latest technologies for creating a barrier-free environment, effective methods of adaptation into the society, innovative solutions for people with disabilities. Here one could learn the technological innovations of such companies as OTTO BOKK, Vertical, Istok Audio Trading, MAYRA, Metiz, ORTO-S, STREIFENENDER, VITA-ORTO and others.

In 2019, for the first time 21 German companies presented their new products and developments at the national stand of Germany. The industry specialists were also given a unique opportunity to improve their qualifications and exchange experience with foreign colleagues.

The exhibition opening ceremony was attended by the Commissioner for Human Rights in Moscow. Addressing the participants and guests, the Ombudsman said that the issues of protecting the rights of citizens with disabilities have always been, are and will be the main priority in the work of the Commissioner for Human Rights in Moscow and her staff. The Ombudsman emphasized that the exhibition has been held for the seventh year, and every year, participating in its work, one can really observe the ongoing positive changes in the rehabilitation industry, get acquainted with the latest high-tech rehabilitation methods and programs, also using digital technologies. The Ombudsman especially noted the genuine interest in the exhibition of the disabled themselves, as direct users of special equipment and technologies.

**On 4 July** the Commissioner for Human Rights in Moscow participated in the work of **Quality of Life. Projects Changing Cities Moscow Urban Forum 2019** which was held on the venue of Zaryadie Moscow Concert Hall.

Moscow Urban Forum 2019 was dedicated to the discussion of issues and presentations of initiatives of city administrations, businesses, citizens aimed at ensuring a balanced and sustainable development of cities, improving the quality of life through the implementation of large-scale projects.

The plenary session was opened by Mayor of the capital Sergey Sobyenin who noted that the forum being held has become a good tradition in communication between experts and authorities of various cities. For a city to develop, it must first of all take care of a person, stressed Sergey Sobyenin.

Within the framework of the Urban Forum, the Commissioner for Human Rights in Moscow got acquainted with the exhibition in Gostiny Dvor under the My District program which was held within the framework of the Urban Forum.

Speaking at the My District session of the Forum "A City Convenient for Everyone. Creation of conditions for people with limited mobility", the metropolitan ombudsman dwelled on the main issues important for people with limited mobility. She noted that much

is being done in the capital to create a barrier-free environment; however, there are certain problems that need to be addressed. For example, in many apartment buildings in the city, the ramps at the exit-entrance on the stairs for people with disabilities and people with limited mobility are outdated or absent, which creates serious problems for their movement.

The Ombudsman emphasized that in order to seriously study the issue of the accessibility of the urban environment, the Commissioner ordered a special study which made it possible to identify the main trends and problems in this field.

The two days of the Forum's business program were structured around the issues of housing, urban environment, technology and sustainable urban development through improved transport and social infrastructure. The Urban Health Congress integrated in the business program was dedicated to integrating the principles of health - one of the most important indicators of the quality of life - in all areas of urban development.

**On 29 August**, the Commissioner for Human Rights in Moscow took part in the work of **the III Moscow International Forum "City of Education"**: an international platform for the exchange of experience of the development of basic, additional, professional and pre-professional education, demonstration of modern educational technologies, electronic resources, software solutions, computer technology and training equipment.

The main issue of 2019 is "A city that teaches and learns".

The opening ceremony of the City of Education Forum was held on 29 August in the 75<sup>th</sup> pavilion of VDNKh. The forum was opened by Mayor of Moscow Sergey Sobyenin who spoke at the City Pedagogical Council.

**On 22 November**, the staff of the Commissioner's office took part in the **panel discussion on Interaction of the Penal Enforcement System with Civil Society Institutions**:

**Historical-Legal and Theoretical-Methodological Aspects.** The event was held at the Academy of the Federal Penitentiary System of Russia in Ryazan **within the frames of the IV International Penitentiary Forum "Crime, Punishment, Correction"** timed to coincide with the 140<sup>th</sup> anniversary of the penal enforcement system of Russia and the 85<sup>th</sup> anniversary of the educational institution.

Representatives of the bodies and organizations of the Federal Penitentiary Service of Russia, federal executive bodies, state and local government bodies of the constituent entities of the Russian Federation, research, educational and public organizations discussed issues of resocialization of persons released from correctional institutions, current problems in the penitentiary sphere. In addition, the issues of increasing the efficiency of interaction between the state and the society in the field of ensuring human rights in Russia in general and in the penal enforcement system in particular were touched upon.

In the year under review, the Commissioner for Human Rights in Moscow and her staff continued actively developing interregional ties, participating in various events of the relevant level.

**On 14 February** in Ryazan, the Commissioner for Human Rights in Moscow took part in the **Interregional Scientific and Practical Workshop "Ensuring the right of persons under investigation, accused and convicted persons to health protection and medical care in the penal enforcement system"**.

In her report, the Moscow Ombudsman noted the positive experience of medical support for suspects, accused and convicted persons held in institutions of the penal enforcement system in Moscow, as well as the problem issues requiring study and settlement in order to improve the situation of persons in detention facilities.

Based on the results of the meeting, a resolution was adopted which also included

---

proposals from the Moscow Ombudsman on organizing services for persons in custody who need constant outside care, on assisting suspects and accused in obtaining a passport that had previously been lost or which has expired,

and the acquisition of medicines by prisoners or their relatives through an online service (Internet pharmacy), and others.

**On 21 March the Second National Congress with international participation “Physical and Rehabilitation Medicine in Pediatrics: Traditions and Innovations”** organized by the Ministry of Health of the Russian Federation, the Department of Health of Moscow, the National Association of Children's Rehabilitation Therapists of Russia, National Association of Experts on Infantile Cerebral Palsy and Associated Diseases.

In her report the Commissioner for Human Rights in Moscow noted that the Congress brought together professionals from many constituent entities of the Russian Federation, which makes it possible to extrapolate the latest approaches, technologies and methods. The Ombudsman further emphasized that by participating in such events, the Commissioner's office strives to demonstrate the rehabilitation institutions where digital technologies are already fully used. This is also very important because in recent years, the number of disabled children has been growing both in Russia and in Moscow. In this situation, the search for new modern forms and methods of working with children with health problems is very important to improve their quality of life. In conclusion, the Moscow Ombudsman noted that by joining forces, they are doing great good work to improve the lives of children in our country.

The official opening of the event was attended by Adviser to the President of the Russian Federation, Chairman of the Commission under the President of the Russian Federation on the Affairs of Disabled Persons Aleksandra Levitskaya.

In total, 1,253 specialists from all federal districts of the Russian Federation took part in the Congress.

**On 9 April**, the Moscow Ombudsman took part in **the panel discussion on Social Consequences of the Spread of Alcohol in the Society** which took place at the Public Chamber of the Russian Federation. The event was organized by the Russian Federation Public Chamber Commission on Charity, Civic Education and Social Responsibility and the Common Cause Nongovernmental Organization.

The declared goal of the panel discussion was to develop proposals aimed at reducing alcohol consumption in Russia.

The frames of the panel discussion included the presentation of the documentary film “Alcohol. The Invisible Enemy” dedicated to the issue of social consequences of the spread of alcohol in the society, followed by a discussion of the issues of the connection between alcoholism and the crime rate,

social orphanhood and other pressing problems.

In her speech, the metropolitan Ombudsman noted the importance of the issue under discussion and the need to popularize the values of a healthy lifestyle in the society.

The Commissioner for Human Rights in Moscow participated in the **III Forum of Social Innovations of the Regions which takes place from June 19 to June 21 in Moscow at the VDNKh site.**

The Forum was attended by about three thousand professionals from 85 constituent entities of the Russian Federation. These are regional delegations, representatives of socially oriented non-profit organizations, business, institutes of development, science, the

expert community, and the volunteer movement.

More than 60 open lectures, meetings, coaching sessions and discussions were planned within the framework of the forum. The business program included plenary sessions, discussions and open lectures.

The metropolitan Ombudsman took part in the opening of the Forum which began with a plenary session “The role of national projects in the breakthrough development of the social sphere of the regions”.

Within the framework of the Forum, the Commissioner visited exhibitions and stands presenting technologies for innovative development of the social sphere and the best social practices of the regions.

On **24 October**, the Commissioner for Human Rights spoke at the Moscow State Psychological Pedagogical University at the **All-Russian Scientific and Practical Conference with international participation: “Upgrading Social Projects: Startup Stages. Update 2025”**.

The conference was dedicated to the relevant problems of developing the infrastructure of the youth policy as a modern social structure.

The organizers of the conference were Moscow State Psychological Pedagogical University, Department of Social Communication and Organization of Work with Youth with the support of the Russian Foundation for Fundamental Research.

During the work of the sections, both experts and participants made reports on the issues of the youth policy, the specifics of the state of its infrastructure, the role of professional education in the development of social design competencies, practices of program implementation and youth initiatives in education.

Together with the students of the university, the metropolitan Ombudsman discussed the development of inclusive education in universities. An inclusive approach in education is ensured by the order of the modern society and the state, while the effectiveness of such an approach should be the maximum adaptation of persons with disabilities to public life, both social and labor adaptation.

The Ombudsman also spoke about the work of the Youth Expert Council under the Ombudsman in Moscow and invited all interested students to participate in its activities.

The conference was attended by experts, scientists, researchers and teachers of institutions of secondary vocational and higher education, students, undergraduates and graduate students; representatives of nongovernmental organizations working in the field of problems of developing the infrastructure of the youth policy in Russian regions.

It is important to note that in 2019 a new form of bilateral interregional interaction was tested for the first time. On **1 July**, Larisa Sviridova, the Commissioner for Human Rights in the Nenets Autonomous Okrug, took part in a working meeting of the Office of the Commissioner for Human Rights in Moscow.

The meeting discussed the current issues of the work of the Office of the Commissioner in Moscow, as well as the upcoming celebrations on the occasion of the 10<sup>th</sup> anniversary of the establishment of the institution of the metropolitan ombudsman.

In her turn, the Commissioner for Human Rights in the Nenets Autonomous Okrug invited the Commissioner for Human Rights in Moscow to take part in the planned forum on health issues to be held in the city of Naryan-Mar in August.

Within the framework of the meeting, issues of interaction between the Commissioners were discussed and plans for the future were outlined.

---

**On 31 October**, the Commissioner for Human Rights in Moscow welcomed the guests and participants of **the IX Interdisciplinary Scientific and Practical Congress with international participation “Cerebral Palsy and Other Movement Disorders in Children”** held in Moscow under the auspices of the National Association of Children's Rehabilitation Therapists.

In 2019, the main emphasis in the program of the Congress was placed on high-tech methods of diagnosis and treatment of severe diseases of the nervous system in children.

Leading neurosurgeons, orthopedists, specialists in radiology diagnostics of Moscow, St. Petersburg, Kurgan, Kazan, Rostov-on-Don, Omsk, Smolensk and other cities spoke about the modern methods of neuroimaging, neurosurgical correction for severe forms of cerebral palsy, hydrocephalus, pharmaco-resistant epilepsy. The participants of the Congress also received information about the effectiveness of international clinical trials of new drugs in children suffering from orphan and neurodegenerative diseases.

More than 2,000 people took part in the Congress.

**On 31 October** at the Parliamentary and Public Center of Moscow, the Moscow City Health Department, together with the Commissioner for Human Rights in Moscow and the Moscow Women's Forum RNGO, held an **informational educational event dedicated to the World Breast Cancer Day**.

15 October is the World Breast Cancer Day. In 1993, the World Health Organization declared the whole of October a month for the fight against breast cancer. According to statistics, breast cancer is both the most common form of malignant diseases in women and one of those most successfully cured with a timely diagnosis. Early diagnosis of breast diseases can completely cure the disease in 98% of cases.

The purpose of this Day is to focus public attention on global problems related with breast cancer, to raise public awareness of approaches to prevention, early detection and treatment.

Within the framework of the event, a lecture was delivered by an oncologist, head of the branch of the Clinic of Women's Health at the Moscow A.S. Loginov Clinical Scientific and Practical Center of Moscow Health Department Nelly Fedyanina, followed by a master class on breast examination for self-diagnosis of pathological changes in the mammary glands using special models.

**On 1 November**, the Commissioner for Human Rights in Moscow took part in the work of the **3<sup>rd</sup> All-Russian Conference of Hospital School Specialists “We Learn to Know - Caring School 2019”** which took place at the Moscow Center for Education Quality.

The event was attended by President of the European Organization of Hospital Educators (HOPE) Jan Haverkate; Head of Department of the Hamburg Ministry of Education Mikaela Peponis; member of the national HOPE committee Marianti Papadimitrou; Sergey Pevnev, Director for Corporate Projects and Interaction with Government Bodies of Samsung, the general technical partner of We Learn to Know.

Sergey Sharikov, the head of the “We Learn to Know” project, spoke about the retrospective of the Russian hospital pedagogy from the beginning of the 19<sup>th</sup> century to the present.

Director of School No. 109, Academician of the Russian Academy of Education Evgeny Yamburg and President of Dmitry Rogachev National Medical Research Center of Pediatric Hematology, Oncology and Immunology, Academician of the Russian Academy of Sciences Aleksandr Rumyantsev - the co-founders of the Project, recalled in their speeches

how they managed to implement this grandiose educational We Learn to Know project.

In her speech the Commissioner for Human Rights in Moscow noted the importance of the activities of doctors and teachers.

**On 19-20 February**, Ekaterinburg hosted the **I All-Russian Forum of Fathers “The Role of the Father in the Modern Family: State Policy and New Prospects”**. Opening the forum in the house of the Government of Sverdlovsk region, Presidential Commissioner for Children’s Rights Anna Kuznetsova read out the welcoming address of President of the Russian Federation V.V. Putin.

The plenary session was opened by Head of the Council of Fathers under the Presidential Commissioner for Children's Rights Andrey Kochenov who spoke about the interaction of the father's movement with state structures and public associations, about the actions carried out with the participation of fathers' councils: “We are ready”, “Father's patrol”, “Security of childhood”.

At three forum sites, one of which was moderated by the Children’s Rights Ombudsman in Moscow, discussions were held in the format of social project planning which were attended by Children’s Rights Ombudsmen in the regions of Russia, representatives of the Public Councils under the executive authorities, representatives of regional councils of fathers and other parent organizations. An interested discussion of projects of regional councils of fathers in the fields of education, the development of civic patriotism, the formation of an active and healthy lifestyle took place. In his report Chairman of the Council of Fathers under the Children’s Rights Ombudsman in Moscow Aleksey Chegodaev raised topical issues of motivation and involvement of men in the paternal community, analyzed the mistakes that are made in this case.

At the final plenary session, the children's rights ombudsman spoke about the most interesting projects proposed by regional unions of fathers, proving that Russian fathers in the person of their representatives, who came to the forum, are well aware of their role in raising healthy, happy, comprehensively developed children, in the stability and safety of family space. He also dwelled on topical problems and prospects of the father's movement, made a number of proposals for improving the work of the Fathers' Unions in the regions of Russia.

On 11 June, the Commissioner for Human Rights in Moscow spoke **at the panel discussion dedicated to protecting the rights of citizens to a healthy environment in the Russian Federation at the Situation Center for Legal Initiatives of the Department of Law of Moscow State University**.

The event was organized by the Commissioner for Human Rights in the Russian Federation and the Department of Law of Moscow State University.

The participants of the panel discussion, commissioners for human rights in the constituent entities spoke about the existing problems on this issue in the regions. More than 2/3 of the reports of regional commissioners annually have a separate section dedicated to protection of citizens’ rights to a favorable environment.

13 special reports were prepared, 6 of them in 2017-2018.

Speaking at the event, the Commissioner for Human Rights in Moscow dwelled on some issues of the environmental safety of the capital: industrial and domestic pollution of the city, interaction with the authorities of the capital, with human rights defenders, environmental education of citizens.

---

After all, Moscow is a region of the Russian Federation, largely consisting of urban space, densely built up, densely populated, surrounded by highly urbanized territories of Moscow region. The citizens' rights to a favorable environment in Moscow are exercised in the conditions of a high anthropogenic load and the absence of a high-quality natural environment.

Mass protests in the capital took place over the construction of facilities near the parks of Dubki, Kuskovo, Torfyanka. In this regard, the issues of establishing a dialogue with citizens on all controversial issues remain open. There is a need for broader informing of the population, as well as taking account of the opinions of the residents when making certain urban planning decisions. In this regard, the Commissioner believes that to bring down the severity of such conflicts, it is necessary to improve public discussions. In particular, to consider the possibility of such discussions on the information and telecommunications Internet network where citizens could ask questions, quickly receive answers, view information in an easy-to-understand visual form.

**In 2020 the Commissioner will continue constructive international and interregional cooperation, as well as development of interaction with the public sector, in order to increase the effectiveness of the actions aimed at protecting the human and civil rights and freedoms.**

## VI. LEGAL EDUCATION IN ISSUES OF HUMAN AND CIVIL RIGHTS AND FREEDOMS

Analyzing the results of the monitoring conducted by the Office of the Commissioner in 2019, it can be stated that, unfortunately, if necessary, most citizens of Moscow cannot protect their rights due to lack of knowledge of the relevant laws and basic methods of legal protection. As a rule, this led to the violation of the rights of citizens in the social, cultural, political and other spheres. In this regard, the issue of legal education of the population in the reporting year remained one of the relevant and priority areas in the work of the Commissioner for Human Rights in Moscow.

The work on legal education must be focused on the youth audience. As part of the International Human Rights Day on December 10, 2019, the Commissioner for Human Rights in Moscow supported the initiative of the Federal Commissioner for Human Rights to conduct a Single Lesson in "Human Rights" in educational institutions of the city. During the action, employees of the office went to seven Moscow schools to talk with adolescents (SBEIs Nos. 1500, 1409, 2054, 1306, 1287, 1370, 1520, ETS named after Popovich). The meetings were held with students of the senior 10-11 grades in the form of quests, lectures, showing videos about the activities of the Moscow Ombudsman, discussions on the constitutional rights of citizens, stories about interaction with expert and human rights communities. The issue of human rights aroused a sincere interest among the children and many of them expressed a desire to participate in the activities of the Children's Council which has been effectively working under the Commissioner for several years.

The single lesson covered total about 350 students.

There is certainly an understanding that it is necessary to expand this campaign on an ongoing basis for wider coverage of adolescents. **The Commissioner for Human Rights believes that this event should be systematic, and therefore in 2020, together with the Moscow Department of Education and Science, the issue of monthly educational actions in Moscow educational institutions by the Children's Rights Ombudsman in Moscow and by the specialists of the Office of the Commissioner for Human Rights.**

Continuing the theme, in order to form legal literacy among the younger generation, Moscow is implementing the School of Law project of legal education which provides for classes with schoolchildren on a wide range of issues of legal education. The classes with participation of the staff of the Office of the Commissioner for Human Rights in Moscow were conducted by students of the Law Institute of the Moscow City Pedagogical University.

Within the framework of the Project, informational Internet resources of the School of Law Center were developed on the website [www.mgpu.ru](http://www.mgpu.ru) and in social media, 36 legal quests and 40 classes at educational organizations were held.

The target audience of the Project is students of 7-11 grades. The forms of classes are varied: from legal quests to lectures and interactive classes.

The course consists of two stages. The first - introductory lesson - is conducted for students as an educational one. At the second stage, the school chooses the issue of the legal quest or class from the approved list.

---

**The Commissioner will continue developing this area of work with youth.**

The year of 2019 marked the tenth anniversary of the institution of the Moscow Ombudsman. For this event, five episodes of a video were specially edited telling about the activities of the Commissioner for Human Rights in Moscow and her staff in various areas of protecting the rights and freedoms of citizens. The video is posted on the Commissioner's website and is freely available to the public.

By this date, the Museum exhibition at the Gilyarovsky Center (Museum of Moscow) was also prepared and opened to the visitors from September 25 to October 27, 2019 and received the highest appraisal from citizens of Moscow. In the book of reviews, the visitors emphasized the non-standard approach to the design of the exhibition, noted the active use of innovative architectural forms, which made it possible to concentrate and deeply present the history of the creation and development of the institution of the metropolitan ombudsman, detail each direction of her activities, tell about the results of work to protect the rights and freedoms of the human and citizen, as well as the solution of systemic issues in the life of the civil society of the capital city.

The museum exhibition became both a popular information platform and an effective methodological center for legal education of citizens of Moscow. In the formation of the program of the exhibition, the main emphasis was placed on interaction with target groups of the population and primarily with the youth audience. During its work, the City Council of senior counselors of educational organizations of the Department of Education and Science of the city of Moscow presented the Activist's Saturdays and the best projects and creative master classes of the Russian movement of schoolchildren (RMS) of Moscow.

Apart from that, legal quests were organized for college and university students, large families, participants of the Moscow Longevity program, etc. were organized on the site of the exhibition. This form of work with visitors to the exhibition aroused genuine interest among all its participants and confirmed the effectiveness of using innovative techniques in the framework of legal education of citizens of Moscow of different age and social status. It should be noted that familiarization with the activities of the institution of the Commissioner, with the legislation in the field of citizens' rights and freedoms for elderly people 50+ with the help of quests was organized for the first time at this site.

In total, 24 quests on criminal, administrative, family, labor, educational, civil and international law were held at the exhibition site, with 704 people taking part in them.

**Considering the effectiveness and demand for innovative methods in the process of legal education of the population, the Commissioner for Human Rights will further develop the practice of using quests for different categories of citizens on various information platforms.**

**In addition, the Commissioner, together with the Department of Labor and Social Protection of the Population of the City of Moscow, will continue working on the formation of quests for the older generation, as a popular and effective form of legal education for this category of citizens of Moscow, as part of the implementation of the Moscow Longevity city program.**

With a view to legal education of citizens, the Commissioner for Human Rights uses various newsworthy events. For example, within the framework of the Day of Unified Reception of Citizens in the Office of the Federal Bailiff Service in Moscow, the staff of the Office, together with the heads of departments and structural units of the Directorate of the Federal Bailiffs Service of Russia in Moscow and members of the Public Council under the DFBS of Russia in Moscow, held a reception of citizens. This is certainly one of the forms of legal education as citizens of Moscow received legal assistance on the issues of execution

of judicial acts, acts of other bodies and ensuring the established procedure for the activities of courts. In addition, a number of issues were clarified in the area of non-payment of alimony, failure to comply with court decisions related to the residence and the procedure for communication of a child with parents, as well as other issues related to the protection of children's rights.

At the same time, the Commissioner is aware of the need to search for new forms of education for children.

In this context, the first meeting of the teams of Moscow schools was held within the framework of the Debates of Moscow Schoolchildren project. The project is being implemented on the initiative of the Moscow Commissioner with the support of the Moscow Department of Education and Science and the Moscow City Pedagogical University. The debates were attended by the teams of the Moscow City Educational Complex, schools Nos. 2075, 1095, 305 and the Artem Borovik School. Opening the debates the Children's Rights Ombudsman in Moscow told the children about the meaning and purpose of the event, about the work of the Children's Council under the Children's Rights Ombudsman in Moscow and answered questions from the participants. The schoolchildren were offered relevant issues formulated in an acutely polemical form. The participants of the competing teams were to offer three arguments "for" and "against", as well as ask each other questions and make a closing speech. The performances of the teams were evaluated by the spectators in the hall, as well as by a professional jury which included the heads and staff of the university and the Moscow children's rights ombudsman. Holding such events is extremely important, because, firstly, here one can hear the opinion of adolescents firsthand, their reasoned opinions on the most pressing issues of education, upbringing, legal protection in our new digital age, and secondly, it is an additional source of knowledge in the field of protection of human rights.

The development of the next new area of legal education which started in 2018 continues: holding of legal seminars for civil servants of Moscow on the protection of citizens' rights. For these purposes, a special 20-hour educational program for advanced training was specially developed on the issue of "Protection of human and civil rights and freedoms in the city of Moscow: implementation practice". The seminars are held on the basis of Moscow University of Management of the Moscow Government for employees of the structural divisions of the Government. The specially designed thematic cases offer specific examples from the work of the Commissioner for the Protection of the Rights and Freedoms of citizens of Moscow. In 2019, training seminars were continued for specialists from the Department of Labor and Social Protection of Moscow and its subordinate institutions.

The Commissioner for Human Rights believes that the pace of development of the rule-of-law state and civil society largely depends on the level of organization of the education and information system in the field of human rights and freedoms, forms and methods of protection. Until now, teaching of a human rights course in secondary schools and universities was not stipulated by educational standards. It is conducted only at certain educational institutions owing to enthusiastic teachers. **The Moscow Ombudsman insists on the formation and implementation of an integral system of legal education and information in the field of human rights at the federal level, and the Office of the Commissioner for Human Rights in Moscow will continue working purposefully in this direction.**

An important block in creating a system of legal education is the publication and wide free distribution of legal literature, including international and legal acts in the field of human rights and others. In 2019, work continued on the formation of blocks related to the activities of the institutions of Commissioners for Human Rights in the city's state libraries. For

---

example, in April, the All-Russian Library Night-2019 action began at the Library named after A.P. Chekhov with the opening of a legal library prepared at the initiative of the Commissioner for Human Rights in Moscow for residents and guests of the capital. The exhibition was presented by the Moscow Children's Rights Ombudsman who noted the importance of legal education both for adults and children, presented the books donated to the library. The long-term plans of the Office of the Commissioner in collaboration with the Anton Chekhov Library involve creation of a special library fund of legal literature for city residents, making the library a center of legal information.

At the same time, work continued to replenish the collection of the Legal Library headings already created in 2018 in city libraries and in the library of the Moscow City Duma.

In 2019, an updated version of the Commissioner's handbook was updated and published on paper. It provides information on the mechanism for the protection of human and civil rights and freedoms in the Russian Federation, on the status, tasks, powers, on organizing personal reception on issues of the competence of the Commissioner, the rules of executing and the procedure for submitting a written appeal (complaint) with recommendations to applicants, the working procedure of the Commissioner with an appeal (complaint); it also clarified the cases in which the appeal is not subject to consideration and provided contact information. The handbook is actively disseminated directly during personal receptions of the Commissioner and the specialists of the Office by mail with responses to requests to applicants, in the framework of panel discussions, conferences, forums, meetings and other events organized by the Commissioner or attended by the Commissioner or the specialists of the Office.

An important role in legal education is assigned to The Moscow Ombudsman information and legal bulletin on human rights in Moscow initiated by the Ombudsman. The bulletin's permanent headings created in 2018 were further developed: "legal educational program", "legal practice", "question-answer", where questions frequently asked in appeals to the Commissioner are raised, and possible ways of solving the problems are given. The jubilee issue of The Moscow Ombudsman has been published accumulating all the activities of the Moscow Commissioner institution for ten years.

Personal reception of citizens is also one of the forms of legal education, during which residents get acquainted with the norms of the law, ways of protecting their rights. In 2019, special emphasis was placed on clarifying the legislation on holding elections to legislative bodies and the procedure for holding mass events, rallies and demonstrations.

The Commissioner for Human Rights in Moscow alone received 315 citizens of Moscow at a personal reception in 2019.

In the reporting year, other areas of legal education of the population that have already become traditional continued. This is the work of a permanent "hot line", mobile receptions held both in certain districts of the capital and at venues of socially significant events (in 2019, in special demand was the mobile reception organized by the parents of children with disabilities organized within the Fifth Congress of the Moscow City Association of Parents of Children with Disabilities (MGARDI).

An open platform for legal education with the participation of the general public and discussion of issues of respect of human rights and freedoms was the jubilee Interregional conference "Protection of human rights and freedoms in modern conditions: experience, problems, prospects" timed to coincide with the 10<sup>th</sup> anniversary of the establishment of the Institution of the Commissioner for Human Rights in Moscow.

As in previous years, the Commissioner for Human Rights in Moscow pays great attention to the reflection of the Ombudsman's activities in the media.

The system of interaction with the media in 2019 included: an interview with the Commissioner on topical issues of human rights, participation in press conferences, live broadcasts. In the past year, more than 100 publications and live broadcasts of the Commissioner were released, there were more than 3,000 mentions in the press and appearances on television.

The Commissioner provided comments and explanations to all inquiries from the editorial offices of Moscow and federal media outlets.

The Commissioner took part in programs on the TV channels "Russia 1", "TV Center", "Moscow 24", collaborated with such media as TASS, Interfax, Mowcow agency of city news, the news agency "Russia Today", The Izvestia, RBK, The Moskovsky Komsomolets, The Vechernyaya Moscow, The Moskovskaya Pravda.

On April 4, 2019, Commissioner for Human Rights in Moscow Tatyana Potyaeva took part in a live broadcast of the Moscow 24 TV channel, in the Right and Now program.

The broadcast was devoted to the problem of the safety of children's playrooms located in public places.

On September 11, 2019, the Ombudsman of the capital, together with Head of the pre-trial detention center No. 2 Sergey Telyatnikov and Executive Secretary of Moscow Public Monitoring Commission Ivan Melnikov, discussed the problems of keeping detainees and accused in Moscow pre-trial detention centers.

On October 3, 2019, a press conference was held at the press center of the Moscow City News Agency on the issue: "10 years of the institution of the Commissioner for Human Rights in Moscow: the history of development and modern challenges".

The speakers were the Commissioner for Human Rights in Moscow Tatyana Potyaeva and Chairperson of the Public Expert Council under the Commissioner for Human Rights in Moscow, lawyer Lyudmila Aivar.

At the press conference, the main attention was focused on the significant role of the Commissioner for Human Rights in promoting the protection of human rights and social guarantees, given the many challenges in the modern society, including in demographic development, in the economy, in the social sphere, in the field of environmental protection, in the formation of the labor market, etc.

On March 18, 2019, Commissioner for Human Rights in Moscow Tatyana Potyaeva spoke at the press center of the Russia Today MIA "Sociocultural Inclusion and Early Career Guidance of Adolescents with Disabilities" dedicated to the presentation of a new social project to develop an early career guidance system for adolescents with disabilities.

As before, the Commissioner maintains an official page on the Facebook social media through which everyone has the opportunity to address their questions and problems if their rights have been violated or they find themselves in a difficult life situation.

The Commissioner sets the task of increasing the efficiency of interaction with the media, using various forms and newsworthy events.

The Commissioner for Human Rights in Moscow is open to media representatives and expresses her readiness to assess events related with the violation of rights and legitimate interests as well as affecting the general well-being of the city residents.

## X. HUMAN RIGHTS PROTECTION IN CRIMINAL PROCEEDINGS AND DETENTION FACILITIES

### 1) On respect of human rights in detention facilities of Moscow

One of the foundations of the human inner nature, his natural state is none other but freedom.

The Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights (art. 1).

At the same time, being inalienable and owned by everyone from birth, the right to freedom by virtue of Article 22 (part 2) of the Constitution of the Russian Federation can be lawfully limited during arrest, detention and custody.

Having been deprived of freedom by a court decision, a person inevitably ends up in places of detention where one of the measures to ensure the respect of the rights, freedoms and legal interests of a person and citizen is the control by the Commissioner.

As of December 25, 2019, with the limits of **8,657** places the institutions of Moscow Directorate of the Federal Penitentiary Service of Russia had **9,244** people (**9,625** in the same period last year (hereinafter the SPLY). Of the said number of persons held in pre-trial detention centers: **8,336** were males (SPLY – **8,720**), **874** were females (SPLY - **858**), **34** minors (SPLY - **47**). The overlimit value was **6.7%**, which is lower than last year, when it was **11.1%**.

In 2019, within the framework of monitoring the provision of human rights in detention facilities the Commissioner and her staff visited 26 pre-trial detention centers of the penal system, 11 - temporary detention centers of the internal affairs bodies, 3 - special reception centers for holding persons subject to administrative arrest, and the Center for temporary detention of foreign citizens of the Main Directorate of the Ministry of Internal Affairs of Russia in Moscow.

In 22 cases the Commissioner personally visited the pre-trial detention centers of the Federal Penitentiary Service of Russia in Moscow and the central subordination of the Federal Penitentiary Service of Russia.

Most visits were based on appeals from suspects, accused and convicted persons, from whom 648 complaints were received by the Moscow Ombudsman's office in 2019, which is 12.0% more than in 2018 (565 appeals).

A significant volume of correspondence from persons in custody and convicted persons is related to criminal proceedings: 564 appeals. 153 complaints relate to ensuring human rights in places of detention (141 in 2018 or + 7.8%), of which: provision of medical assistance - 91 appeals against 66 in 2018.

Unfortunately, there are frequent situations when a citizen deprived of his liberty and having certain diseases, he did not apply to doctors before being taken into custody. In the conditions of compulsory detention, the diseases are aggravated, and as a result, the institution is faced with a stream of numerous requests for medical assistance.

According to the information of the Federal Penitentiary Service of Russia in Moscow, in 2019, total 225,789 outpatient appointments of citizens were held in institutions, 3,215 people were treated at hospitals.

The administration of the institution does not always cope with such a flow of appeals, which leads to complaints from persons under investigation and convicted persons to various instances, including the Commissioner.

As can be seen from the statistics, the number of letters on the subject of medical support received by the Commissioner's office increased by 27.4% in 2019.

In one of his appeals, convict K. appealed to the Commissioner with a complaint about the failure to receive medical assistance, as well as a refusal to get familiarized with medical documents.

Based on the results of consideration of the letter by the Commissioner in the interests of Primary Healthcare Unit 77 FGHI, the Federal Penitentiary Service of Russia informed the applicant about the results of the examination and treatment, as well as about the organization of treatment in a specialized institution of the Moscow City Health Department.

The issue of medical assistance to prisoners takes place in the reports of the members of the Public Monitoring Commission of Moscow (hereinafter - the PMC of Moscow), which do not go unnoticed by the Commissioner, either.

In 2019, the Commissioner received 7 reports from members of the PMC of Moscow on the results of visits to places of detention.

After receiving one of these reports in August, the Commissioner visited the Pre-trial Detention Center 6 FSI of the Federal Penitentiary Service of Russia in Moscow in order to check the conditions of detention, as well as to organize medical assistance for suspects and accused, who, according to members of the Moscow PMC, were not provided with appropriate assistance.

Together with Head of the Federal Penitentiary Service of Russia for Moscow S.A. Moroz and the administration of Primary Healthcare Unit 77 FGHI of the Federal Penitentiary Service of Russia, the Commissioner conducted a personal reception of suspects and accused, including those stated in the report of Moscow PMC. The situations related to medical support were analyzed in detail and a decision was made to provide the necessary assistance to all women who applied in a short time.

At the same time, following the results of the inspection, the Commissioner sent an appeal to the Federal Penitentiary Service of Russia for Moscow with a request to take measures necessary to eliminate the identified deficiencies and prevent cases of improper response by the employees of the pre-trial detention center, including medical workers, to appeals from suspects and accused on the issues of medical and sanitary provision.

Following the consideration of the appeal the Federal Penitentiary Service of Russia in Moscow, informed the Commissioner that in order to eliminate the shortcomings a number of measures were developed, including for filling the vacancies in the branch of Medical Unit No. 6 of the Primary Healthcare Unit 77 FGHI of the Federal Penitentiary Service of Russia, a mobile medical team was formed consisting of specialist doctors: therapist, neurologist, surgeon, psychiatrist, gynecologist, infectious disease specialist and ultrasound diagnostics doctor. The specified medical team was sent to the Pre-trial Detention Center 6 FSI of the Federal Penitentiary Service of Russia in Moscow to organize medical care for persons from among the special contingent, as well as to provide practical assistance in bringing medical documentation in accordance with the current regulatory legal acts of the Russian Federation.

---

In addition, as part of the work carried out on the appeal of the Commissioner to the Pre-trial Detention Center 6 FSI of the Federal Penitentiary Service of Russia in Moscow, interaction was organized between the regime service and medical workers to carry out the unhindered and timely withdrawal of suspects, accused and convicted persons for medical assistance.

According to one of the letters of the Moscow PMC members, the Commissioner visited the Pre-trial Detention Center 6 FSI of the Federal Penitentiary Service of Russia in Moscow, where she conducted a personal reception of 17 women accused of committing relevant crimes.

In general, the applicants raised questions about assistance in checking the legality and validity of convictions, criminal prosecution, as well as changing the preventive measure in the form of detention to a milder one.

Written requests were received from all 17 women, in connection with which the Commissioner applied to the prosecution and investigation authorities with a request to verify the applicants' arguments in the manner prescribed by law. Based on the results of consideration of 2 appeals, the Commissioner was informed about the change of the measure of restraint in the form of detention for house arrest for the accused.

The problem of transporting suspects and accused by police escort squads in special vehicles not equipped with an air conditioning system in the summer was highlighted in one of the appeals of Moscow PMC members to the Commissioner.

According to the information of the Main Directorate of the Ministry of Internal Affairs of Russia in Moscow, 15% of the total number of special vehicles are equipped with an air conditioning system at the disposal of the subdivisions of the Moscow police, which is an extremely small indicator, taking into account the fact that special vehicles are also used to escort minors, persons with disabilities, pregnant women, senior citizens.

In order to prevent the deterioration of the health of those under investigation and convicts falling into the risk group, the Commissioner sent an appeal to the Main Directorate of the Ministry of Internal Affairs of Russia in Moscow to take measures to minimize the consequences of transporting people in hot weather.

Based on the results of the consideration, the Commissioner was informed about the adoption of additional measures by the Main Directorate of the Ministry of Internal Affairs of Russia in Moscow aimed at preventing emergencies when guarding and escorting suspects and accused in hot weather.

The Commissioner attaches great importance to cooperation with the Public Monitoring Commission of Moscow, one of its tasks being exercise of public control over the provision of human rights in places of detention.

Assistance to people deprived of their liberty in protecting their rights and freedoms must be provided in a timely manner. For this, among other things, it is important for the administrations of detention facilities to provide assistance to the members of the PMC of Moscow within the competence stipulated by the law.

In one of the appeals to the Commissioner, a member of the PMC of Moscow reported that the employees of the Temporary Detention Center of the Internal Affairs Directorate for the North-Eastern Administrative District of the Main Directorate of the Ministry of Internal Affairs of Russia for Moscow refused to provide the members of the commission with the documentation on medical examinations of detainees upon their admission for review, as well as the documentation regarding ensuring their rights in terms of providing them with three meals a day, first aid and sanitization.

At the request of the Commissioner at the Main Directorate of the Ministry of Internal

Affairs of Russia in Moscow, an audit was carried out, as a result of which it was established that officials of the Temporary Detention Center of the Internal Affairs Directorate for the North-Eastern Administrative District of the Main Directorate of the Ministry of Internal Affairs of Russia for Moscow violated the requirements of the order of the Ministry of Internal Affairs of Russia, providing for the provision of members of the Public Monitoring Commission with documentation for review. On the revealed violation, in order to establish the reasons, nature and circumstances of the misdemeanor committed by the employees of the isolation ward, an official check was ordered.

Since, in addition to the reported circumstances of obstruction of general public control, a member of the Moscow Public Monitoring Commission informed about a violation of the conditions of detention in the aforementioned detention center, the Commissioner also sent a relevant appeal to Moscow prosecutor's office.

Based on the results of the inspection, the city prosecutor's office established violations of the federal legislation on the detention of suspects and accused, as well as the sanitary and epidemiological well-being of the population, in connection with which the head of the Internal Affairs Directorate for the North-Eastern Administrative District of the Main Directorate of the Ministry of Internal Affairs of Russia in Moscow received an instruction to eliminate the violations of the law.

In 2019, due to the expiration of the term of office, the fourth Moscow PMC ceased its activities, through whose efforts, according to the report received, it was possible to achieve many positive changes in the conditions of the forced detention of suspects, accused and convicted in Moscow.

In order to facilitate the implementation of the state policy in the field of ensuring human rights in places of detention, in 2020 the Commissioner will continue strengthening partnerships with members of the Moscow PMC, including for taking measures within the competence to assist in improving the condition of cells in pre-trial detention centers.

In November, the Commissioner made an inspection visit to the territory of the 3<sup>rd</sup> regime building of the Pre-Trial Detention Center-1 FSI of the Federal Penitentiary Service of Russia in Moscow to check the conditions of detention, as well as the measures taken after recommendations for repair work given on the results of a joint visit with members of the PMC of Moscow which took place in March 2017. At the time, it is worth recalling, the Commissioner drew the attention of the administration of the institution and the Moscow Directorate of the Federal Penitentiary Service of Russia to the need for a major overhaul of this regime building of Matrosskaya Tishina where decent conditions of detention were not provided.

As the control check showed, some of the cell rooms were repaired, and in another part of the cells, repair work was underway. However, much remains to be done, in connection with which the Commissioner will continue keeping control over the issue of capital repairs in the 3-regime building of the Pre-Trial Detention Center-1 FSI of the Federal Penitentiary Service of Russia in Moscow until its completion.

The Matrosskaya Tishina Pre-Trial Detention Center is known to have a hospital for suspects, accused and convicted persons who require appropriate medical assistance, including in connection with refusal to eat.

In March, the Commissioner and the Head of the Federal Penitentiary Service of Russia in Moscow S.A. Moroz made a visit to the Pre-Trial Detention Center-1 of the Federal Penitentiary Service of Russia in Moscow in order to identify the reasons for refusal of pre-trial detainees to eat.

Following the conversation with the Commissioner and the measures taken by the management team of the Federal Penitentiary Service of Russia in Moscow to tackle the issues raised, three out of five detainees who went on a hunger strike expressed their intention to resume eating.

---

Interaction with the Moscow Prosecutor's Office in matters of respect for human/civil rights and freedoms in places of detention is one of the priority of the Commissioner's activities.

One of inspections carried out in March in the Pre-Trial Detention Center-2 of the Federal Penitentiary Service of Russia in Moscow by the Commissioner's Office representative together with the Moscow Prosecutor's Office representative revealed non-conformity to the legal requirements in terms of housing conditions as well as medical and sanitary support of suspected and accused inmates, including the fact that two inmates with disabilities were not provided with medicines prescribed by a doctor.

Based on the results of reviewing the application containing the findings of the inspection, the management team of the Pre-Trial Detention Center-2 of the Federal Penitentiary Service of Russia in Moscow (hereinafter referred to as the Pre-Trial Detention Center-2) reported to the Commissioner that medical assistance was duly provided to the relevant persons, and all radio outlets in detention cells of the Center, night lighting fixtures and plumbing equipment were repaired.

In addition, according to the results of the above inspection in the Pre-Trial Detention Center-2, nine inmates were recognized as disabled in the prescribed manner. However, only two of them have individual programs for rehabilitation/habilitation of the disabled person (hereinafter referred to as the IPRH).

According to the Commissioner, since suspected, accused and convicted inmates detained in the institutions of the Federal Penitentiary Service of Russia in Moscow have no IPRH, they cannot be fully provided with conditions for rehabilitation or use rehabilitation appliances and services prescribed by the IPRH. In view of the above, the Commissioner forwarded an application to the Federal Penitentiary Service of Russia in Moscow requesting to take special care as regards compliance with the laws governing the rights and legitimate interests of disabled detainees and convicted inmates, and to take additional measures in order to ensure that detainees have IPRH. The Commissioner's application was granted.

In May 2019, the Commissioner's Office representative together with representatives of the Moscow Prosecutor's Office and the Moscow State Labor Inspectorate carried out inspection in the Pre-Trial Detention Center-2 to check compliance with labor legislation requirements when engaging suspected, accused and convicted inmates in different work.

The inspection revealed non-conformities to labor legislation, including failure to familiarize the inmates with labor protection requirements, safety instructions, and failure to brief them in safe operational methods and techniques, etc.

To eliminate non-conformities, the Federal Penitentiary Service of Russia in Moscow was notified of their detection. At the same time, the Commissioner requested the management team of the Federal Penitentiary Service of Russia in Moscow to provide clean clothing for the employees of the catering service of Pre-Trial Detention Center-2, arrange first aid rooms, provide first aid kits and establish a shift work regime for convicted inmates involved in the boiler room, in order to correctly determine their hours of work and rest periods.

According to the information of the Federal Penitentiary Service of Russia in Moscow, the issues raised by the Commissioner were fully satisfied.

The suspected and accused inmates address the Commissioner for assistance in recovery of violated rights, where the administrations of correctional system institutions fail

to comply with the procedure for applying incentives and penalties.

In 2019, the Commissioner's applications with respect to 6 applicants were positively granted: the penalties to 1 applicant were canceled; erroneously attached materials on the levy applied to another accused inmate were removed from the personal file of 1 convicted inmate; materials on encouragement, which had not previously been drawn up and not attached to personal files, were sent to 4 applicants at the correctional facility.

A positive settlement of issues related to encouragement and punishment is extremely important for convicted inmates applying for release on parole or replacement of the remnant with a softer type of punishment.

In general, based on the results of complaint investigation, the assistance in rights protection was provided to 310 suspected, accused and convicted inmates.

In December, the Commissioner's Office representative together with the representative of the Public Order Protection Department of the Main Directorate of the Ministry of Internal Affairs of Russia for Moscow checked the conditions of detention in temporary detention centers, special reception facilities for detainees subjected to administrative arrest and the temporary detention center for foreign citizens.

Based on the results of the inspection, the leadership of the administrations of places of detention was given appropriate recommendations regarding the material-everyday issues of detention of suspected and accused inmates, as well as persons subjected to administrative arrest.

In the course of the Commissioner's activities in 2019, systemic problems were identified that require resolution, both at the legislative and law enforcement levels.

In the past year, the institution of the Federal Penitentiary Service of Russia in Moscow faced two cases of poisoning the inmates caused by the use of drugs.

Meanwhile, the use of narcotic drugs, psychotropic substances or their analogues (hereinafter referred to as narcotic substances) by suspected and accused inmates endangers not only their lives and health, but also the personal safety of other persons in custody, as well as the personnel of correctional system institutions.

To prevent such situations in the future, the Commissioner considers it necessary to take additional measures. In view of the above, a proposal was sent to the Federal Penitentiary Service of Russia in Moscow to develop and approve an order jointly with the Main Directorate of the Ministry of Internal Affairs of Russia for Moscow prescribing the internal affairs bodies to inform the institutions in Moscow about persons prone to the use of narcotic substances, in whose respect a pre-trial restraint in the form of detention was imposed.

According to the Commissioner, in case of timely informing the correctional system institutions about drug-addicted persons, the detention center's administration will be given the opportunity to conduct targeted work with the suspected and accused inmates, such as: psychological testing, conversation, examination by a narcologist, in accordance with the established procedure for preventive registration to prevent violations.

According to the response received from the Federal Penitentiary Service of Russia in Moscow, the issue on the possibility and feasibility of developing and approving a corresponding joint order with the Main Directorate of the Ministry of Internal Affairs of Russia for Moscow will be considered at the next Coordination Meeting of the heads of Moscow law enforcement agencies.

In support of the appeal of a member of the Public Council under the Federal

---

Penitentiary Service, in December 2019 the Commissioner sent a letter to the Ministry of Justice of the Russian Federation on the issue of improving the Russian legislation in terms of ensuring the rights of pre-trial detention centers' inmates to freedom of religion.

Although the response of the Ministry of Justice of Russia was not received at the time of the Report preparation, the Commissioner expects a positive reaction in connection with his appeal in the interests of persons in custody.

In the course of the established long-term practice, during their visit to the remand prison of the correctional system, clergymen walk around up to 50 cell rooms, talk with dozens, and sometimes hundreds, of people in custody. However, this practice does not fully ensure the implementation of the constitutional right of a person in a pre-trial detention center to freedom of conscience and freedom of religion, since the requirements of paragraph 103 of the Internal Regulations of Investigative Detention Facilities of the Penitentiary System, approved by Order of the Ministry of Justice of the Russian Federation dated 14 October 2005 No. 189 oblige the suspected and accused in need of spiritual assistance to obtain permission from the person or body in charge of the criminal case.

As a result, paragraph 103 of the Order of the Ministry of Justice not only fails to ensure the full respect of the rights of the suspected and accused, but does not exclude, due to the untimely spiritual assistance, such threats as suicide, aggression, offenses, involvement in non-traditional trends related to radical extremist and destructive activities, widespread use of violent, including terrorist, means.

In addition, the current version of paragraph 100 of the Order of the Ministry of Justice does not allow the suspected and accused persons to participate in public prayers and rituals, which are an inseparable and essential part of traditional religions.

The Commissioner supports the idea of simplifying the access of priests to pre-trial detention centers and finds the consideration of this issue important from the point of view of the unimpeded exercise of the right to freedom of conscience and freedom of religion by persons in custody.

On June 18, in the office of the Human Rights Commissioner in the Russian Federation, a meeting of the interdepartmental working group was held to monitor the respect of civil rights in places of detention to defend and to obtain qualified legal assistance.

During the meeting, which was attended by the Commissioner, it was fairly noted that the lack of timely and systematic legal assistance not only leads to non-respect of the right to defense, but also contributes to the emergence of a depressed state of the suspected (accused),

Subsequently, in support of the proposals of the Federal Chamber of Lawyers of the Russian Federation, the Commissioner forwarded an application to the Federal Penitentiary Service of Russia related to the issues of enhancing guarantees for respect of rights of persons in custody to defend and obtain qualified legal assistance, as well as the right of lawyers to access principals in pre-trial detention centers and development of feelings of anxiety and hopelessness.

According to the reply received, the Legal Department of the Federal Penitentiary Service of Russia did not find an opportunity to support the proposals of the Federal Chamber of Lawyers of the Russian Federation submitted by the Commissioner. The Commissioner will continue monitoring the respect of the right of suspected and accused detainees to obtain qualified legal assistance.

In 2019, the Commissioner received a complaint from the accused against violation of his rights, since he was detained in a small-sized escort room of the Moscow City Court for a long time with another person.

Following the Commissioner's request, the Main Directorate of the Ministry of Internal Affairs of Russia for Moscow carried out an inspection, which demonstrated that the defendant was brought to the Moscow City Court, where he was detained for over 7.5 hours in a cell with an area of 1.7 square meters together with another defendant.

In a similar case, the European Court of Human Rights revealed a violation of Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms with regard to the conditions of detention in the escort premises of the Moscow City Court (Judgment dated 9 October 2008 "Case of Moiseyev v. Russian Federation" (Complaint No. 62936/00)).

The Commissioner appealed to the Moscow City Court with a request to consider the possibility of improving the conditions of detention in the escort facilities, but, unfortunately, the Court is currently not justified in satisfying the Moscow Commissioner's request.

The problem related to employment of former convicted persons is still urgent and important.

Various aspects of resocialization of persons released from correctional institutions, including difficulties in finding a job, were discussed in November at the Academy of the Federal Penitentiary Service of Russia within the framework of the IV International Penitentiary Forum "Crime, Punishment, Correction", which was also attended by the Commissioner's representative.

According to the Department of Labor and Social Welfare, in 2019, 621 people who were released from institutions executing sentences of imprisonment applied for assistance in finding a suitable job, 190 people were employed on a permanent basis. The number of citizens who applied for assistance in finding a job in 2018 was 705; those who found a job – 164. In 2017, these indicators were 789 and 209, respectively.

As is evident from the foregoing, the total number of citizens in this category who applied in order to find a suitable job is generally small, while over the past three years there has been a certain decrease in such appeals to the employment service. The reasons for this dynamics remain to be clarified. One of the Commissioner's tasks determined for 2020 is to study the problem of persons released from correctional institutions related to the exercise of their right to work.

---

### XIII. RIGHT TO FAMILY LIFE

#### 1) Protection of children's rights in difficult life situations. Activities of the Working Group under the Children's Rights Commissioner in Moscow related to protection of orphans' rights

According to Article 77 of the Family Code of the Russian Federation, in case of an immediate threat to the life of a child or his health, the Child Protection Service has the right to immediately take the child away from his parents (one of them) or from other persons in whose care he is.

The removal of a child with an immediate threat to his life or health is an exceptional measure to protect his rights and interests. It applies only in cases where there is an immediate threat to the life and health of the minor. The immediate nature of the threat is manifested in the fact that it is direct and explicit and does not raise doubts about the onset of negative consequences.

The further actions of the Child Protection Service's officers (immediate notification of the prosecutor and the obligation, within 7 days after the local government issues an act on the removal of a child, to apply to the court with a claim to deprive parents of parental rights or to restrict their parental rights) suggest that, at the time the decision was made to take the child away from the Child Protection Service, there were indisputable grounds for such actions. The value of the removal procedure lies precisely in its efficiency.

At present, the state policy in the field of family relations is aimed at preserving the family for a child. In this regard, in Moscow, the removal of children from a blood family in recent years has been extremely rare, but, unfortunately, such cases do happen.

In 2019, four meetings of the Working Group on monitoring respect of rights and legitimate interests of children and families (hereinafter referred to as the Working Group) were held. The meetings were focused on the situations that developed in foster families, life issues of children without parental care, as well as one case of children removal in accordance with Article 77 of the Russian Federation Family Code.

Thus, one of the Working Group's meetings was dedicated to the situation related to removal of children from family P.

According to the information presented at the meeting, in order to verify the information received from the educational organization about violation of the rights of the minor P., born in 2008, guardianship specialists together with officers from the Department of the Ministry of Internal Affairs of Russia, Commission on Juvenile Affairs and Protection of Their Rights, Center for Family and Children Care, visited the place of child's residence.

During the survey it was found that Mr./Mrs P. and their three minor children live in the apartment: a son (10 years old), a daughter (3 years old) and a daughter (3 months old). The dwelling does not comply with sanitary standards: the apartment is unsanitary, contains a large number of cats, cockroaches, garbage, "fetid odor". The room is not ventilated. There is no food in the apartment, including baby food, or personal hygiene products for children.

The youngest daughter have no registration at the place of residence, she is not attached to the clinic to receive medical care. At the moment of inspection, she had a large abrasion on her forehead.

Based on the survey results and the fact that children were found in the environment that interferes with their normal upbringing and development, guardianship specialists made a decision to remove children from their parents in accordance with Article 77 of the Russian Federation Family Code. The children were hospitalized to medical institutions. Later, after the placement of children in one of the organizations for orphans and children left without parental care, the parents did not visit the children.

Previously, preventive work was carried out with this family. Disinfection, disinsection and deratization were carried out in the living quarters. The administration offered financial assistance for repair, which Mr./Mrs. P. refused in writing. The preventive work carried out with the family did not give positive results due to the family's refusal to make contact and the refusal of the offered help.

The members of the Working Group examined all the circumstances of the case and, based on the results of the consideration, decided on the justification for removal of children.

Later, by a court decision, Mr./Mrs. P. were limited in parental rights in relation to children.

Meanwhile, the situations occur, where initial family examinations reveal the facts of improper performance by parents of their parental responsibilities. In such cases, leaving a child in the family is quite dangerous, for example, when the parents are intoxicated, the house is unsanitary and there is no food. However, removal of a child followed by the obligatory filing of a claim to deprive parents of parental rights or to restrict their parental rights is currently impractical, since the family's trouble is just revealed and, accordingly, no work with the family has been yet carried out.

In such cases, the parents are offered to place the child in a temporary residence facility. In Moscow, for example, these are family and childhood support centers. The basis is the personal statement of the parents (one of them). During the period of the child's stay in such a center, parents are provided with assistance aimed at resolving the problems that have arisen and the early return of the child to the family. Children undergo rehabilitation measures.

However, not all parents agree to write such a statement or are able to write one. Unfortunately, the applicable legislation does not provide for the temporary removal of children from the family in these circumstances.

Back in 2017, the Commissioner appealed to the Ministry of Education and Science of the Russian Federation with a request to consider the need to make appropriate amendments in the Russian Federation Family Code, and also repeatedly announced the existing problem at various events dedicated to this issue. However, unfortunately, until now this issue has not been settled, which creates certain difficulties in the law enforcement practice. In this regard, the efforts to resolve the current situation will continue.

Another situation, which was considered at the Working Group's meeting in 2019, was related to the life of a child without parental care.

According to clause 5 of Article 145 of the Russian Federation Family Code, the transfer of brothers and sisters under guardianship or trusteeship to different persons is not allowed, unless such transfer is in the interests of children.

Spouses B., who wanted to adopt a male child aged 7 to 16 into the family for raising, addressed the authorized trusteeship, guardianship and patronage body. The health group did not matter.

---

After reviewing the documents and taking into account the wishes of the candidates, but neglecting the provisions of paragraph 5 of Article 145 of the Russian Federation Family Code, on the same day spouses B. obtained a referral to visit foster child D. who resided in one Family Promotion Center.

However, as it turned out, two younger brothers are being raised together with D. The Family Promotion Center applied to the authorized trusteeship, guardianship and patronage body with a request to consider the possibility of separating brothers when transferring D. to B.'s family.

When the Working Group considered this issue, it was found out that, after admission to the Family Promotion Center, the brothers were placed in the same group, but they were constantly in conflict provoked by the younger brothers throughout the entire period of adaptation.

Communication between the brothers is superficial; they do not perceive each other as blood brothers and treat each other in the same manner as any other child around them, which was confirmed by an extract from the minutes of meeting of the psychological, medical and pedagogical council held by the Family Promotion Center.

The juveniles' character references submitted by the Family Promotion Center's tutors demonstrated that the brothers feel no affection to each other and did not manage to enhance their relations while staying in the Family Promotion Center, despite regular joint classes conducted by a psychologist and a social teacher under the family welfare program.

The younger brothers do not explicitly express any desire to live in a family, while D. passionately looks forward to living in a family, which he repeatedly stated to the Family Promotion Center's specialists. D. repeatedly expressed his desire to be raised in a family and requested the Family Promotion Center's specialists to choose a replacement family for him.

Having studied all the circumstances, the Working Group members recommended to place D. in B.'s family separately from the two younger brothers, provided that a regular communication between the brothers is arranged later on. This situation was settled taking into account the interests of the minor.

Placing orphans and children without parental care in a family is a priority practice, since it best meets the needs of the child and creates optimal conditions for his upbringing and development.

Meanwhile, an increased number of disrupted adoptions has recently become an urgent problem. The return of a child from a foster family is a psychological trauma for a child of any age. In the future, this can lead to such problems as loss of trust in people, inability to create a full-fledged family, refusal to raise their own children.

According to the Department of Labor and Social Welfare, in 2019, 426 children were returned from foster families, as compared to 199 children in 2018. Among them:

- 115 children returned from foster families (vs. 55 children in 2018),
- 255 children from guardianship or trusteeship (vs. 117 children in 2018),
- 49 children from preliminary care centers (vs. 22 children in 2018),
- 7 children – cancellation of adoption (vs. 5 children in 2018).

The secondary orphanhood exists all over the world. You cannot be sure in advance that foster parents will cope with difficult children, and will be able to accept their past and understand their needs. In this regard, the main task is to reduce the risk of disrupted

adoptions.

To do this, first of all, it is necessary to amend the legal acts of the Russian Federation in terms of ensuring protection of rights of this category of children in the event of their adoption into a family. The Report 2017 reflected the Commissioner's proposals to amend the applicable legislation aimed at protecting the rights of this category of citizens and preventing cases of their removal from substitute families. The proposals were forwarded to the Ministry of Education of the Russian Federation and taken into account while preparing the draft Federal Law on *Introducing Amendments to Certain Legislative Acts of the Russian Federation on Protection of Children's Rights*.

In 2018, the draft Federal Law was submitted for public discussion to the Public Chamber of the Russian Federation. Following the discussion, the round table participants expressed their recommendations and proposals in connection with the document that were submitted to the Ministry of Education of the Russian Federation for further work. However, unfortunately, the situation has not yet changed, and the efforts to resolve this problem will continue.

In addition, according to the Commissioner, improving the system of selecting and training potential foster parents with subsequent professional support of adoptive families will help to change the situation disrupted adoptions.

Unfortunately, the legislation of the Russian Federation does not prescribe the requirement for future foster parents to undergo socio-psychological diagnostics. Meanwhile, non-constructive motivation, psychological and emotional unpreparedness for the role of a substitute parent, and a mismatch in expectations of reality are among the most common factors resulting in disrupted adoptions that could be identified at the stage of psychological preparation.

In this regard, it is necessary to consider the issue of introducing compulsory socio-psychological diagnostics for all candidates wishing to adopt a child without parental care into a family. At the same time, it is necessary to establish a requirement for compulsory consideration of the results of socio-psychological diagnostics when issuing a certificate of training for persons wishing to adopt a child without parental care into their family.

In practice, situations arise when future candidates submit a certificate of training, that was issued to them many years ago, to the authorized trusteeship, guardianship and patronage bodies, and it is likely that all the knowledge that was acquired in the course of training has long been lost, therefore, with a high degree of probability, it can be assumed that under the current circumstances, children are adopted into the family by unprepared, unprofessional citizens.

In this regard, it is necessary to consider the issue of introducing a period during which a certificate of training for persons wishing to adopt a child without parental care into their family will be considered valid.

And of course, at the stage of adopting a child into a family, it is necessary to consider the issue of the obligatory conclusion of an agreement on family support. After the conclusion of the agreement, it is important that the family constantly interacts with specialists, trusts them, so that in the event of difficult situations, the foster parents are not afraid to seek help. And of course, it should be noted that the persons accompanying the family must be high-level specialists.

---

The lack of a requirement for the obligatory conclusion of an agreement leads to the fact that foster families are extremely reluctant to do so. In 2019, out of 15,346 foster families in Moscow, only 1,925 families entered into a support agreement.

In this case, in order to prepare proposals for changing the current situation, it is necessary to analyze all cases of disrupted adoption, the facts whether a support agreement was concluded with these families, and the reasons why families do not want to conclude it.

In 2019, 24 children were returned to Moscow due to improper fulfillment of upbringing, care and education responsibilities by foster parents, and 3 children were returned due to child abuse.

The Working Group meeting was focused on the case related to removal of K. from the duties of a guardian in relation to the minor R.

During the discussion, it was found that the situation is ambiguous. On the one hand, there was a violation of R.'s property rights by K., who rented out the apartment owned by the child under guardianship without permission of the Child Protection Service, and embezzled money.

Meanwhile, in the pre-trial procedure, K. refused to reimburse the child under guardianship for the money, and when the claims for recovery of money from her were satisfied, she complied with the court's decision only after the Department of Social Welfare applied to the bailiff service.

Besides, K., on the basis of a simple power of attorney, repeatedly entrusted outside foreign citizens to take the child from the preschool educational organization.

K. did not react to warnings from the authorized trusteeship, guardianship and patronage body, including written ones, about prevention of the minor's rights infringement. In this regard, it was decided to remove her from the duties of a guardian.

On the other hand, during the diagnostics of the minor R. it was established that the child has an affection towards the guardian, and removal from the family could cause psychological trauma.

Any additional documents confirming the facts of improper performance by the guardian of his duties, for example, an act on the identification of a homeless and neglected person, a protocol against K. on bringing her to administrative responsibility under Article 5.35 of the Administrative Code of the Russian Federation were not drawn up.

K. personally explained at the meeting that she did not know about the rules for renting an apartment belonging to the child under guardianship, and she only left the child once with outsiders for a good reason. She assured of her readiness to meet the requirements of the authorized trusteeship, guardianship and patronage body in the future.

Based on the results of consideration, the Working Group members recommended that the authorized trusteeship, guardianship and patronage body consider the issue of canceling the decision to remove K. from the duties of a guardian in relation to the minor R.

In view of the above, it would be advisable for the Department of Labor and Social Welfare and the territorial trusteeship, guardianship and patronage bodies to submit such controversial cases for consideration by the Working Group before a decision is made to remove or release guardians (trustees) from their duties in relation to minors. This will allow considering intricate situations from different angles and avoiding hasty decisions.

## XIV. RIGHT TO HOUSING

### 1) Implementation of housing policy in the city of Moscow

The constitutional right of citizens to housing refers to fundamental human rights and consists in providing a guaranteed legal opportunity for everyone to be provided with permanent housing, the possibility of stable use of existing housing, in providing housing from state, municipal and other housing funds to the poor and other specified legislation categories of citizens in need of housing, in assisting citizens to improve their living conditions, in guaranteeing the inviolability of their home, as well as inadmissibility of arbitrary deprivation of housing (Articles 25, 40 of the Constitution of the Russian Federation).

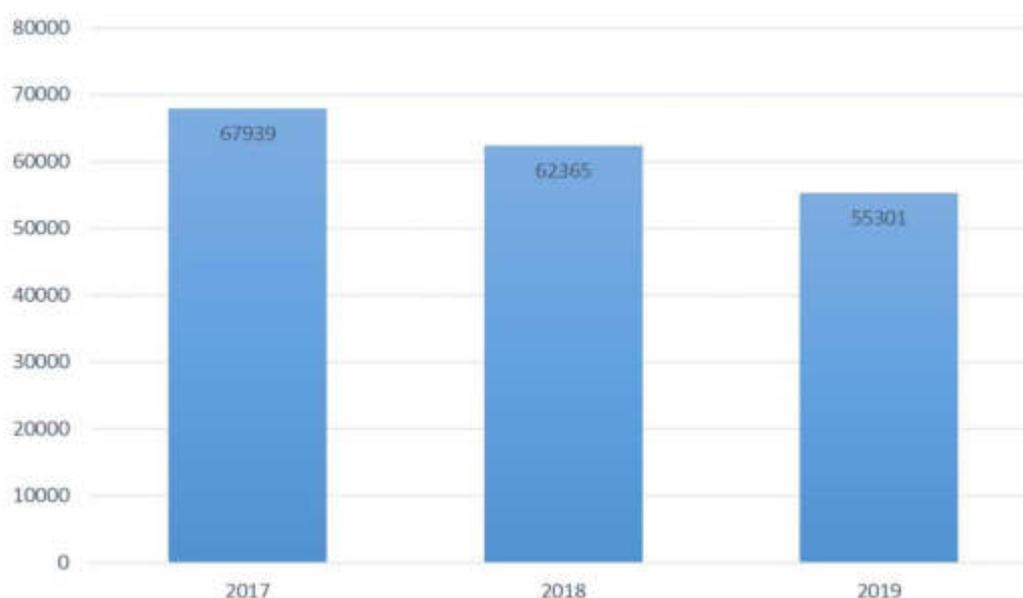
In 2019, as in previous years, applications related to the exercise of housing rights accounted for the bulk of the total number of applications received by the Commissioner's Office (14.7% of the total number of applications received).

It should be noted that the number of such applications has decreased as compared to the previous year. In 2018, applications related to housing accounted for 17% of the total number of applications received by the Commissioner's Office.

As in previous years, the most pressing issues that concern residents of the capital in the housing sector are the issues of improving housing conditions (25% of the total number of applications on housing issues) and housing registration (20%).

According to the Municipal Estate Department, as of 31 December 2019, 55,301 families (188,107 people) were registered with housing in Moscow, including 43,304 families (144,554 people) registered before 01 March 2005.

*Number of families registered with housing*



---

The analysis of the above statistical data shows that there is a gradual reduction in the number of families registered with housing in the capital.

Based on the results of the Municipal Estate Department's efforts in 2019, the following indicators were achieved:

- 484 families (2,857 people) were registered with housing
- 984 families (3,015 people) were reinstated to the housing register on various grounds, including in connection with refusal to conclude contracts for residential premises provided to them or return of the subsidy provided for acquisition or construction of residential premises (hereinafter referred to as the subsidy)
- 8,945 families (28,860 people) were removed from the housing register on various grounds, including:
  - 3,026 families (12,297 people) have improved their housing conditions in various ways, namely:
    - 950 families (3,046 people) were granted subsidies for a total amount of 2,353,448.32 thousand rubles;
    - 533 families (3,437 people) were granted compensations for purchase or construction of housing in accordance with Moscow Government's Resolution dated 24 May 2016 No. 271-PP on *Organization of Provision of Residential Premises to Certain Categories of Citizens from the Housing Stock of the City of Moscow* (hereinafter referred to as Resolution No. 271-PP), as amended by Moscow Government's Resolution dated 31 July 2018 No. 864-PP, - large families of different years of registration with housing
  - 797 families (3,113 people) were provided with residential premises under sale and purchase agreements, including with the use of the mortgage lending mechanism
  - 746 families (2,701 people) improved their housing conditions by other methods (under social rental contracts, housing certificates, etc.).

Within the framework of the State Program of the City of Moscow "Housing", in 2019 the Department, in accordance with Law of the City of Moscow dated 21 November 2018 No. 30 on *Budget of the City of Moscow for 2019 and Planning Period of 2020 and 2021* was allocated 8,000,000.00 thousand rubles for expenditures under the item "Social payments to residents of the city of Moscow registered with housing, for construction or purchase of residential premises".

The funds were used to provide subsidies for acquisition or construction of residential premises and compensation payments for acquisition or construction of residential premises for large families in exchange for the provision of a land plot for free.

Those removed from the housing register without municipal support in terms of resolving the housing issue, include:

- 23 families (75 people): due to identification of previously hidden dwellings owned by citizens and their family members
- 352 families (2,186 people): due to personal applications of citizens
- 706 families (1371 people): due to changes in the composition of the family
- 4,838 families (12,931 people): in connection with independent improvement of their living conditions by citizens and provision of living quarters according to the provision rate established by the legislation of the city of Moscow, including as a result of favorable economic conditions created by the city for solving housing issues, i.e. commissioning of a large volume of housing, creation of mass housing development areas with affordable housing prices, development of a housing mortgage lending system.

Thus, according to the results of the Municipal Estate Department's efforts in 2019, the queue decreased by 11% as compared to the indicators as of 31 December 2018.

In 2020, the Municipal Estate Department plans to maintain the volume of improvement in the living conditions of citizens registered with housing both by providing subsidies and by providing residential premises under various types of contracts.

The issues of exercising the housing rights by citizens of privileged categories in the past year were under special attention of the Commissioner.

In 2019, the Municipal Estate Department continued its efforts to provide specialized residential premises, under social tenancy agreements, to citizens registered with housing who are disabled, or have families with disabled children, children with persistent disorders of the musculoskeletal system, using wheelchairs and who, in accordance with the IPRH, are recommended to live in specially equipped residential premises, in accordance with Moscow Government's Resolution dated 24 May 2016 No. 271-PP on *Organization of Provision of Residential Premises to Certain Categories of Citizens from the Housing Stock of the City of Moscow* (hereinafter referred to as Resolution No. 271-PP).

According to the Municipal Estate Department, in 2019, within the framework of this Resolution, they considered housing issues of 108 families having wheelchair users:

- 62 families were provided with specially equipped living quarters under social tenancy/exchange contracts or, according to their personal applications, their housing conditions were improved in other ways (under the program for resettlement from houses subject to demolition, under sale and purchase agreements using a mortgage loan or using a subsidy)

- 46 families were removed from the housing register or did not confirm the privilege entitling them to provision of specialized housing.

As of 31 December 2019, 113 families (471 people) are registered with housing in the city of Moscow, including wheelchair users, among them:

- 22 wheelchair users were notified of the need to adjust the individual rehabilitation and habilitation program for a disabled person for further consideration of the issue of improving housing conditions

- 16 families received offers for specially equipped living quarters (visits to the offered apartments are provided)

- 18 families are not subject to provision of residential premises in the current year in connection with the commission of actions that led to deterioration of housing conditions (civil transactions with residential premises, which led to a decrease in the size of occupied residential premises or to their alienation, in the five years preceding the provision of residential premises)

- 1 family refused from the specially equipped living space under a social rental agreement occupied under a free use agreement

- 56 families did not submit the documents required for re-registration of registration files.

Moscow Government's Resolution dated 06 December 2019 No. 1636-PP on *Amendments to Moscow Government's Resolution dated 24 May 2016 No. 271-PP and dated 21 September 2016 No. 588-PP* extended the period for providing citizens of this category with housing premises under social tenancy agreements until 2023.

Families with many children belong to a special social category that needs social support from the state.

---

It should be noted that applications from large families to the Housing Commissioner's Office tend to decrease. Thus, in particular, the number of applications on improving housing conditions and providing subsidies in 2019 decreased by 40% as compared to the previous year.

This is primarily due to the fact that in the capital, since 01 August 2018, large families who are registered with housing, upon their application, are provided with a compensation payment for purchase or construction of housing in exchange for providing them with a land plot for free.

Moscow Government's Resolution dated 31 July 2018 No. 864-PP introduced the Procedure for providing certain categories of citizens with compensation payments for acquisition or construction of residential premises, which prescribes that compensation payments will be provided to large families once under the Municipal Estate Department's order based on the date of submission of the application to the Department following the results of verification of the grounds that allow residents of the city of Moscow to be registered with housing and give them the right to receive for use or acquire ownership of residential premises with the help of the city of Moscow, at the expense of funds provided by the Municipal Estate Department under the law of the city of Moscow on the budget of the city of Moscow for the corresponding financial year and planning period for the specified purposes.

According to the information provided by the Municipal Estate Department, as of the beginning of 2020, 3383 large families (20,241 people) are registered with housing in the city of Moscow.

In 2019, compensation payments were provided to 533 large families for a total amount of 3,871,051.63 thousand rubles. 3 597 962.15 thousand rubles were transferred to registered blocked allocated accounts of citizens.

In addition, the grounds for staying on the housing register were checked and another 13 large families applied for compensation payments. Decisions on the provision of compensation payments to these families will be made in accordance with the established procedure.

#### **As to handling citizens' complaints, it is noteworthy to comment some situations.**

Mrs. P. requested the Commissioner's Office representatives to explain how to protect the housing rights of her family.

During the admission, it was found that Mrs. P.T. with a family of 4 people (herself, daughter, son, granddaughter) is registered at the place of residence and occupies, on the basis of a social rental agreement, a two-room apartment with an area of 53.2 sq.m.

Since 2004, the applicant's family has been registered in need of better housing conditions.

Under the Municipal Estate Department's order, Mrs. P.T. and her family members were removed from the register of those in need of better housing conditions, since they were recognized as provided with the required living space area according to the dwelling rates per person in compliance with Part 2 of Article 6 of Federal Law dated 29 December 2004 No. 189-FZ on *Enactment of the Housing Code of the Russian Federation* (hereinafter referred to as Law No. 189-FZ), Part 2 of Article 1, Para 2 of Part 1 of Article 15, Part 5 of Article 16, Part 3 of Article 20, Para 2 of Part 1 of Article 15 of Law of the City of Moscow No. 29 dated 14 June 2006 on *Ensuring the Right of Residents of the City of Moscow to Residential Premises* (hereinafter referred to as Law No. 29).

The removal from the housing register of P.T.'s family was based on the fact that they were provided with the area of living quarters according to the dwelling rates, taking into account the area of the living quarters owned by the daughter's husband Mr.ED, who was not registered with the applicant's family in the housing register.

Taking into account that the time frames for appealing the Municipal Estate Department's order were expiring, the applicant was recommended to apply to the court for protection of her housing rights. She was put wise to the procedure for involving the Commissioner to participate in a civil case in accordance with Article 47 of the Code of Civil Procedure of the Russian Federation.

The Commissioner's representatives took part in the consideration of a civil case in court at the suit of Mrs. P.T. to the Municipal Estate Department on recognition of the Municipal Estate Department's order on deregistration from housing as illegal and reinstatement to the housing register from the date of initial statement.

In his opinion, the Commissioner supported the applicant's claims and noted that since the daughter's husband Mr. E.D. is not registered in the housing register together with Mrs. P.T.'s family, and he did not move in and did not live together with the family of those on the waiting list in the dwelling they occupied, and had acquired a dwelling space before marrying the applicant's daughter, the area of dwellings belonging to him was not subject to consideration when determining their housing matter.

The fact of Mr. E.D.'s ownership of the residential premises did not entail any change in the living conditions of Mrs. P.T. and her family members.

Thus, there were no changes in the living conditions of P.T.'s family, which was registered in the housing register, and the grounds giving them the right to receive housing under a social tenancy agreement were not lost, so their dwellings should have been assessed based on the area of the residential premises they owned at the time of adoption of the contested Municipal Estate Department's order.

The court agreed with the Commissioner's opinion, and the Presnensky District Court of Moscow satisfied Mrs. P.T.'s claims: the Municipal Estate Department's order on deregistration of housing was declared illegal, Mrs. P.T.'s family was reinstated to the housing register since 2004, and, by the decision of the Judicial Collegium for Civil Cases of the Moscow City Court, the decision of the Presnensky District Court of Moscow was left unchanged, while the Municipal Estate Department's complaint was not satisfied.

Following the reception at the 3<sup>rd</sup> Congress of the Moscow City Association of Parents of Disabled Children, the Commissioner's Office received an application from Mrs. A.O. on the issue of assistance in protecting the housing rights of her family living in a communal apartment registered with housing since 2010 and having a disabled daughter, born in 1999.

In December 2017, the Commissioner held a personal reception for the applicant, where she was given explanations about the procedure for exercising her rights to housing benefits for health reasons, and she was recommended to contact the medical institution of the state health care system of the city of Moscow in order to establish housing benefits for the applicant's daughter.

In December 2017, Mrs. A.O.'s daughter - Ms. A.E. received medical certificates confirming that she has housing benefits, including that she has a severe form of a chronic disease specified in the List of Severe Chronic Diseases Which Makes it Impossible for Citizens to Live Together in One Apartment, approved by Russian Federation Government Resolution dated 16 June 2006 No. 378, which gives the right to an extraordinary receipt of residential premises.

---

The above certificates were submitted by the applicant to the Municipal Estate Department and registered on 27 December 2017.

In its letter to the Commissioner dated 31/08/2018, the Municipal Estate Department notified that, according to the information received by the Municipal Estate Department from the medical institution, A.E.'s right to housing benefits for health reasons was confirmed, and a notification was sent to the applicant dated 16 January 2018 requesting to re-register the registration file and declaring that the issue of improving living conditions of A.O.'s family will be reviewed in accordance with applicable law upon the receipt of the requested documents.

In 2019, Mrs. A.O. again applied to the Commissioner's Office with a complaint about the Municipal Estate Department's actions because the housing issue of her family was not resolved.

Based on the results of the consideration of her complaint, it was established that in June 2018, the re-registration of the applicant's family's registration file was completed.

The Municipal Estate Department's answer to A.E. dated 30/11/2018 states that according to the medical report dated 01/06/2018, issued by the state budgetary health care institution of the city of Moscow, her privilege for extraordinary provision with living quarters under a social rental agreement has not been confirmed, since A.E.'s disease is not included in the List of Diseases established by Order of the Ministry of Health of Russia dated 29 November 2012 No. 987n on *Approval of the List of Severe Chronic Diseases Which Makes it Impossible for Citizens to Live Together in One Apartment*, and therefore there are no grounds for the extraordinary provision of housing.

Based on the results of A.O.'s complaint consideration, the Commissioner qualified the case as A.E.'s housing rights infringement, taking account of the following.

In fact, since 01 January 2018, the List of Severe Chronic Diseases Which Makes it Impossible for Citizens to Live Together in One Apartment, approved by Order of the Ministry of Health of Russia dated 29 November 2012 No. 987n (hereinafter referred to as the List), has been in effect.

A.E.'s disease is not included in the specified List.

At the same time, the right to extraordinary provision of living quarters was accrued by A.E. before amendments in the applicable legislation. Housing legislation acts are not retroactive and are applied to housing relations that arose after it was put into effect (Part 1 of Article 6 of the Housing Code of the Russian Federation).

The right to receive housing under a social tenancy agreement in accordance with Clause 3, Part 2 of Article 57 of the Russian Federation Housing Code was accrued by A.E. at the moment she was diagnosed in October 2017 when undergoing medical and social examination, that is, before the List entered into force.

The applicable housing legislation (Clause 3, Part 2, Article 57 of the Russian Federation Housing Code) does not prescribe that the right to extraordinary provision with housing be dependent on the presence or absence of other persons entitled to receive housing out of turn, or be dependent on provision of housing to others on a waiting list, or be dependent on time of registration as those in need of housing, or be dependent on inclusion in the list of citizens entitled to receive housing out of turn.

The absence in the legislation of an indication of the period during which housing should be provided to citizens eligible for its extraordinary provision, testifies to the fact that residential premises of this category of citizens should be provided immediately after appearance of the corresponding subjective right, i.e. the right to receive residential premises out of turn.

Thus, amendments in legislation after emergence of the right is not a reason for refusing to provide A.E. with residential premises under a social rental agreement out of turn.

The Municipal Estate Department did not support the Commissioner's opinion. Since A.O.'s housing problem was not settled administratively, A.O. and A.E. applied to court for protection of housing rights. The Commissioner was involved in the case in accordance with Article 47 of the Code of Civil Procedure of the Russian Federation and submitted his opinion to the court, which was taken into account by the latter.

The Presnenskiy District Court of Moscow satisfied A.O. and A.E.'s claims in terms of recognition of A.E.'s right to obtain living quarters out of turn due to the fact that at the time of submitting an application for taking into account her right to housing benefits to the Municipal Estate Department, she actually did have a severe chronic disease which made it impossible for citizens to live together in one apartment (Clause 3, Part 2 of Article 57 of the Russian Federation Housing Code, Clause 2, Part 2, Article 17 of Law No. 29).

In 2019, the Commissioner took part in the civil investigation in the Presnenskiy District Court of Moscow arising from the action filed by Mrs. E.L. and E.V. against the Municipal Estate Department. The suit applied for recognition of the right to purchase a dwelling under a sale and purchase agreement in addition to the occupied dwelling, for obligation to consider the issue of providing dwelling space under a sale and purchase agreement in addition to the occupied dwelling, and for recognition of E.L. and E.V.'s family housing calculation as illegal.

Based on the results of studying the civil case files, it was established that E.L.'s family consisting of 4 people is registered and lives at the place of residence on the basis of a social lease agreement for residential premises in a two-room apartment with an area of 44.7 sq. m.

E.L. and E.V. have been registered since 1994 in need of better housing conditions. The rest of the family members are not registered with housing and do not have the right to improve their living conditions.

In order to improve living conditions, E.L. and E.V. selected a paid way of improving housing conditions by acquiring residential premises owned by the city of Moscow under a sale and purchase agreement using a mortgage loan, which is accounted for in the information system of the Municipal Estate Department.

According to the results of the re-registration of the accounting file, E.L. and E.V. were sent a notification with a proposal to provide a subsidy for acquisition or construction of residential premises in accordance with Part 7 of Article 22 of Law No. 29.

The application with refusal from the option proposed by the Municipal Estate Department to improve housing conditions through provision of a subsidy, sent to the Municipal Estate Department, was taken into account.

However, the Municipal Estate Department's letters sent to the applicants informed that their housing issue can be legally settled in accordance with Articles 4, 20, 22, 31 of Law No. 29 through provision of a subsidy for construction or purchase of residential premises, since the living space size to be provided to E.L. and E.V. in addition to the occupied dwelling is such that it does not allow them to be provided with an isolated living space due to design features of apartment buildings.

In addition, when calculating the need for living space to be provided to E.L. and E.V. according to the applicable rates, the Municipal Estate Department took into account the

---

surplus area in use by E.Yu., who is not registered in the housing register.

The Commissioner submitted a conclusion to the court where he supported E.L. and E.V.'s claims considering the following.

According to Article 35 of Law No. 29, residential premises acquired by residents of the city of Moscow recognized as needing to improve their living conditions under a sale and purchase agreement, including using borrowed (credit) funds, must be at least the size of the provision rate determined in accordance with the procedure established by Article 20 of Law No. 29. If possible, the seller may provide the living space so that each family member resides in one room.

In accordance with Article 20 of Law No. 29, the housing rate is 18 square meters of living space per person (Part 3).

The area of the living quarters to be provided to citizens jointly registered in the housing register by a decision of the authorized body of the city of Moscow is determined as the product of the number of citizens registered in the housing register in accordance with this decision and provision rates per person. In this case, one room may be occupied by persons of different sex, with the exception of spouses, only with their consent (Part 4 of Article 20 of Law No.29).

Due to design features of residential premises provided to citizens registered in the housing register, the size of the living space determined in accordance with Part 4 of Article 20 of Law No. 29, cannot exceed:

54 sq. m two-room apartment for a family consisting of two citizens who are not spouses (Clause 2, Part 6, Article 20 of Law No. 29).

Thus, Article 20 of Law No. 29 in conjunction with Article 35 of Law No. 29 prescribes that citizens registered in the housing register be provided with residential premises whose area is more than the provision rate per person, under a sale and purchase agreement using a mortgage housing loan.

In accordance with Part 1 of Article 17 of Law No. 29, residents of the city of Moscow registered in the housing register, have the right to take for use or own residential premises with the help of the city of Moscow in order of priority against the submitted application for the form of security starting from the time of their housing registration.

Part 7 of Article 22 of Law No. 29 prescribes that if the size of the dwelling area provided in addition to the occupied one is such that it is impossible to provide an isolated dwelling due to design features of apartment buildings in the city of Moscow, the citizens recognized as needing to improve their housing conditions should be granted a subsidy against their written consent in the manner prescribed by law, with the simultaneous removal from the housing register.

By virtue of Article 31 of Law No. 29, residents of the city of Moscow recognized as in need of better housing conditions have the right, on the basis of their own application, for a subsidy in accordance with federal legislation and legislation of the city of Moscow.

E.L. and E.V. selected a paid way of improving their housing conditions by acquiring housing under a sale and purchase agreement using a mortgage loan. They did not apply for a subsidy to the Municipal Estate Department, and they did not give consent to improve their family's living conditions through a subsidy. In addition, they sent a written waiver of the subsidy, which was taken into account.

Considering the above, the Municipal Estate Department is not limited in the right to consider the issue of providing E.L. and E.V. with residential premises under a sale and purchase agreement in addition to the occupied ones.

As for the calculation of the need for living space, the Commissioner noted that since E.Yu. is not registered in the housing register together with E.L. and E.V., and does not pretend to improve housing conditions, and since E.L. and E.V. did not acquire an independent right to use the household shares owned by E.Yu., the area of the residential building owned by E.Yu. is not subject to accounting when determining their housing provision.

The Commissioner's opinion was taken into account by the court. The Presnensky District Court of Moscow made a decision to partially satisfy the E.L. and E.V.'s request: the Municipal Estate Department is obliged to:

- Disregard the living space owned by E.Yu. when calculating the need for living space to provide to E.L. and E.V.
- Reconsider the issue of providing E.L. and E.V. with residential premises under a sale and purchase agreement in addition to the occupied ones (taking into account the size of the occupied living space).

The Judicial Collegium of the Moscow City Court left the Presnensky District Court's decision unchanged.

After the decision of the Presnensky District Court of Moscow entered into legal force, the applicant was offered an option of a one-room apartment under a sale and purchase agreement in addition to the occupied living space.

However, according to the results of re-registration of the accounting file, E.L.'s family, by Municipal Estate Department's order dated 15 November 2019, was removed from the register of those in need of better housing conditions as provided with the area of living space at housing provision rates per person in accordance with Part 2 of Article 6 of Law No. 189-FZ, Part 2 of Article 1, Clause 2 of Part 1 of Article 15, Part 5 of Article 16, Part 3 of Article 20 of Law No. 29.

The reason for removal from the housing register was the fact that they were provided with living space according to the housing provision rates, taking into account the area of the living space available on the right of ownership and on the right of use with E.V.'s wife – Mrs. E.E. who is not registered in the housing register.

The Municipal Estate Department's order to deregister from the housing register was appealed by E.L. and E.V. in court in presence of the Commissioner.

By the decision of the Presnensky District Court of Moscow, E.L. and E.V.'s claims to recognize the Municipal Estate Department's order on deregistration dated 15 November 2019 as illegal, to restore them on a waiting list as those in need of better living conditions while maintaining the date of registration since 1994, were satisfied.

In 2019, Mrs. A.N. applied for assistance in protecting the housing rights of her family.

Based on the results of the applicant's appeal consideration, it was found that the Municipal Estate Department's claim against A.N.'s family, which includes 2 minor children, for eviction without providing another comfortable living quarters is pending in court.

Due to the fact that the housing issue of A.N. was under consideration in court, she was explained the procedure for involving the Commissioner in the civil process, and since the results of consideration of submitted documents revealed an infringement of the A.N.'s housing rights, a letter was sent to the applicant stating the Commissioner's opinion on her housing issue, with a view to its possible attachment to the civil case files.

A.N.'s application and the documents submitted demonstrated that in 2011 A.N. and owners of the living quarters, namely T.E., T.A. and T.N., concluded an agreement for

---

unlimited free use of the apartment, which at the time of civil case consideration in court was valid, and, consequently, A.N.'s right to use the specified living quarters was not terminated.

Since 2013, A.N.'s family consisting of 3 people is registered in need of residential premises provided under a social employment agreement (free use).

In accordance with Moscow Government's Resolution dated 27 September 2011 No. 454-PP on *Approval of State Program of the City of Moscow "Housing"*, house 22, building 3 at Molodogvardeyskaya street is to be demolished under Moscow Government's Order dated 14 January 2003 No. 30-RP on *General Reconstruction of Quarters No. 7, 20, 45-56, 18, 47-48 and Settlement of Rublevo, Kuntsevo Region, Western Administrative District of Moscow*.

In view of the above, the owners of the aforementioned residential premises in the manner of in-kind compensation for residential premises in the house subject to demolition were offered to take possession of a separate two-room apartment under an ownership transfer agreement.

The controversial residential building passed into the ownership of the city of Moscow.

In this connection, the Municipal Estate Department filed a claim with the Kuntsevsky District Court of Moscow to evict A.N.'s family from the dwelling occupied under the free use contract without providing another dwelling, since, in the Municipal Estate Department's opinion, there were no legal grounds for providing A.N. with living quarters when moving from a demolished house.

At the same time, in accordance with Part 1 of Article 700 of the Civil Code of the Russian Federation, the lender has the right to alienate the thing or transfer it for paid use to a third party. In this case, the rights under a previously concluded contract for free use are transferred to the new owner or user, and his rights in relation to the thing are encumbered with the rights of the borrower.

Consequently, the rights and obligations under the contract for free use concluded between A.N. and T.E., T.A. and T.N. passed to the new owner, i.e. the city of Moscow represented by the Municipal Estate Department.

The conditions and procedure for ensuring the rights of citizens in case of resettlement, vacating of residential premises (residential buildings), providing with residential premises, compensation or redemption price to owners in the city of Moscow are established by Law of the City of Moscow dated 31 May 2006 No. 21 on *Ensuring the Housing Rights of Citizens During Resettlement and Vacating of Residential Premises (Residential Buildings) in the City of Moscow* (hereinafter referred to as Law No. 21).

According to Part 1 of Article 2 of Law No. 21, citizens, when resettling from residential premises (residential buildings), as well as when vacating them, have the right, in accordance with the established procedure, to seek for provision of comfortable residential premises under contracts for social tenancy, rent, and free use.

Pursuant to Article 13 of Law No. 21, in case of resettlement of citizens or vacating of residential premises occupied by them under contracts for social tenancy, rent, and free use, such citizens shall be provided with another comfortable living space in the housing stock of the city of Moscow, respectively, under a contract for social tenancy, rent, and free use.

The size of the living space provided to citizens under contracts for social tenancy, rent, and free use must correspond to the size of the living space provided with the help of

the city in accordance with the legal acts of the city of Moscow.

Citizens who vacate, on the grounds provided for by Law No. 21, living quarters occupied by them under contracts for social tenancy, rent, and free use, and who are registered in the housing register, are to improve their living conditions, with their consent, in the order of priority. When making this decision, the date of their recognition as needing better living conditions or housing is taken into account.

When improving housing conditions, these citizens recognized as needing housing may be provided with residential premises under contracts for social rent or free use on the grounds and in the manner prescribed by the law of the city of Moscow.

Considering the above, taking into account that before the Municipal Estate Department went to court, the right to use the residential premises on the terms of a free use agreement was not disputed by anyone, as well as the fact that the city of Moscow has obligations to provide A.N.'s family with living quarters as they are on a waiting list, the Commissioner considers that the requirement to evict A.N. from the occupied dwelling without provision of another dwelling is not based on the applicable legislation.

By its decision, the Kuntsevsky District Court of Moscow refused to satisfy the Municipal Estate Department's claim.

Another case is E.A.'s application for assistance in protecting the housing rights of his family.

According to the application and submitted documents, E.A. and his family, which includes two minor children, live in a residential building at the address: Bolshaya Filevskaya str., 59, apt. 2, which is located in the basement and is not suitable for living.

In accordance with Russian Federation Government's Resolution dated 28 January 2006 No. 47 on *Approval of Regulation for Recognition of Premises as Living Quarters, Residential Premises as Unsuitable for Living, Apartment Buildings as Emergency and Subject to Demolition or Reconstruction, Garden Houses as Residential Buildings and Residential Buildings as Garden Houses*, Moscow Government's Resolution dated 21 December 2017 No. 1072-PP on *Procedure for Recognizing a Dwelling as Suitable/Unsuitable for Living in the City of Moscow and Introducing Amendments, Invalidating Legal Acts (Certain Provisions of Legal Acts) of the City of Moscow*, by the Order of the Prefecture of the city of Moscow 12 dated July 2018 No. 299-RP, based on the residential premise inspection report dated 31 May 2018, by the Prefecture's order dated 16 June 2000 No. 1098-RP, and by the decision of the Interdepartmental District Commission of the city of Moscow on recognition of residential premises as suitable/unsuitable for living (hereinafter referred to as the Interdepartmental District Commission) dated 29 June 2018, the residential premise located at the address: Bolshaya Filevskaya str., 59, apt. 2, was declared unfit for habitation and not subject to major repairs or reconstruction.

On 24 May 2019, during the Interdepartmental District Commission meeting, the issue of recognizing residential premises in question as unfit for living was re-examined, and, in accordance with the Municipal Estate Department's requirement, it was decided to recommend E.A. to submit additional documents to the Interdepartmental District Commission, namely, the conclusion of a specialized organization that it is impossible to eliminate or minimize the identified harmful factors of the human environment in the apartment using engineering and design solutions.

In addition, the letter sent by the Municipal Estate Department to the applicant said that, according to Clause 44 of Section IV of the Regulation for Recognition of Premises as Living Quarters, Residential Premises as Unsuitable for Living, Apartment Buildings as

---

Emergency and Subject to Demolition or Reconstruction, Garden Houses as Residential Buildings and Residential Buildings as Garden Houses, approved by Decree of the Government of the Russian Federation dated 28 January 2006 No. 47 (hereinafter referred to as the Regulation), the Interdepartmental District Commission has the right to determine the list of additional documents required to make a decision on recognizing residential premises as complying (incompliant) with the established requirements and, if a corresponding opinion is provided, the issue will be re-submitted for consideration of the Interdepartmental District Commission.

Meanwhile, by the Interdepartmental District Commission's decision dated 29 June 2018, residential premises located at the address: Bolshaya Filevskaya str., 59, apt. 2, were already declared unfit for habitation and not subject to major repairs or reconstruction.

Based on the Interdepartmental District Commission's decision, by order of the Prefecture of the city of Moscow dated 12 June 2018 No. 299-RP, the indicated residential premises were recognized as unfit for habitation and not subject to major repairs or reconstruction. The Municipal Estate Department recommended to provide E.A.'s family with suitable living space for the period of 2018, and then use the above residential premises for non-residential purposes in the future.

Thus, the dwelling in which the applicant's family lives has been recognized as unfit for living in accordance with the established procedure.

Clause 44 of Section IV of the Regulations referred to by the Municipal Estate Department provides for determination of the list of additional documents necessary for making a decision on recognizing a dwelling as complying (not complying) with the established requirements when carrying out the procedure for assessing the conformity of premises to the established requirements before, but not after the decision on recognizing the dwelling as unsuitable for living is made.

In addition, according to the Moscow R&D Typology and Experimental Design Institute's conclusion dated 12 May 1999, based on the results of inspecting a residential apartment located at the address: Bolshaya Filevskaya str., 59, building 2, as well as an act of examining residential premises dated 31 May 2018, it was established that the apartment at the above address is located in the basement of the building.

In accordance with Clause 5.5 of CP 54.13330.2016 – Code of Practice – Residential Multi-Apartment Buildings – Updated Edition of Building Code SNiP 31-01-2003 approved by Order of the Ministry of Construction of Russia dated 03 December 2016 No. 883/pr, Clause 23 of the Regulations, the placement of living quarters (apartments or living rooms) in the basement and basement floors is not allowed.

Taking into account the stated legal standards, it is not clear how it is possible to eliminate or minimize the identified harmful factors of the living environment in an apartment located in the basement of a residential building, where the placement of residential premises is not allowed.

According to Clause 1 of Part 2 of Article 57 of the Russian Federation Housing Code, citizens whose living quarters are recognized as unsuitable for living in the established manner and cannot be repaired or reconstructed, will be provided with living quarters under social rent agreements out of turn.

Based on the results of E.A.'s complaint consideration, the Commissioner submitted appeals to the Municipal Estate Department, and to the Moscow Government with a request to consider the issue of providing E.A.'s family with residential premises in accordance with Clause 1 of Part 2 of Article 57 of the Russian Federation Housing Code. These appeals were rejected.

At present, an appeal to the prosecutor's office is being prepared.

## XV. RESPECT OF RIGHTS TO HEALTH CARE AND SOCIAL WELFARE

### 3) Respect of disabled persons' rights

The Convention on the Rights of Persons with Disabilities was approved by the UN General Assembly on 13 December 2006 and entered into force on 03 May 2008 after ratification by 50 states. Russian Foreign Minister Sergey Lavrov signed the Convention on 24 September 2008 in New York, and in April 2012, the Federal Law on ratification of the Convention in Russia was adopted in accordance with the established procedure.

The Convention is aimed at ensuring the full participation of persons with disabilities in the civil, political, economic, social and cultural life of society, eliminating discrimination on the basis of disability, protecting persons with disabilities and their exercise of all human rights and fundamental freedoms, as well as creating effective legal mechanisms to ensure these rights.

The Commissioner for Human Rights in the city of Moscow, in his practical activities to protect the rights and freedoms of persons with disabilities, is guided by the provisions of this Convention, as well as the regulatory legal and legislative framework in force in the Russian Federation and in the city of Moscow.

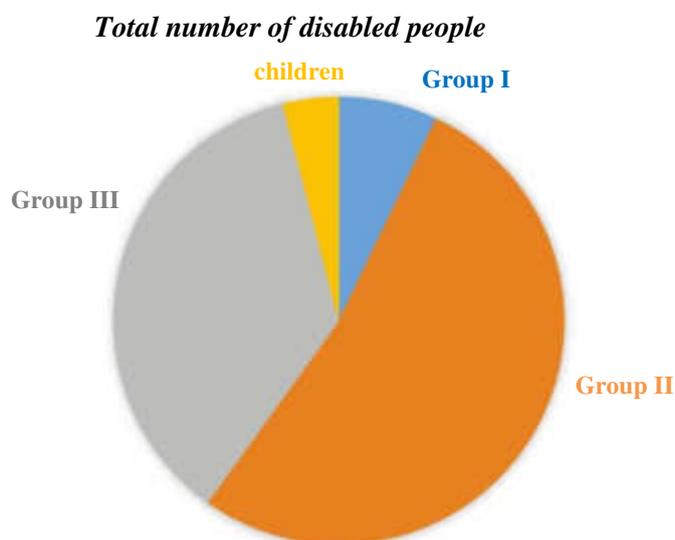
There are 1.039 million disabled people in Moscow, including over 41 thousand (4.0%) children with disabilities. In the total number of disabled people, 7.1% – group I; 52.8% – group II; 36.1% – group III.

In 2019, the Human Rights Commissioner in Moscow received 251 appeals from people with disabilities (0.2% of the total number). Meanwhile, the number of people with disabilities who submitted applications as compared to the previous year, remained practically the same. 53% of applications (or 143) were considered positively. *A gratitude for assistance in obtaining rehabilitation appliances was received (applicant Shibalov S.I., resp. Pavlova E.S.).*

The greatest number of requests was received on the following issues: provision of rehabilitation appliances (16), creation of a barrier-free environment (15), improvement of living conditions (14), medical and social expertise (10), and provision of sanatorium treatment (5).

The majority of appeals from people with disabilities on the problem of providing rehabilitation appliances contain complaints about untimely payment of compensation for independently purchased technical means (mainly the purchase of high-tech prostheses) and its size. A number of requests concern the provision of wheelchairs with electric drives, as well as their more comfortable modifications, taking into account the individual characteristics of a disabled person.

The disabled people are provided with rehabilitation appliances under the agreement for transfer of partial federal powers to the Moscow Government concluded between the Ministry of Health and Social Development of the Russian Federation and the Moscow Government, and approved by Russian Federation Government's Order dated 31 December 2008 No. 2065-r.



---

To exercise the delegated powers through subventions, approx. 2.2 billion rubles are allocated annually. In view of the existing deficit of allocated federal funds, the Moscow Government will co-finance the activities in a larger amount.

In 2018, the volume of funding from the municipal budget amounted to 2.8 billion rubles, in 2019 to approx. 3 billion rubles, and by the end of 2020, it is expected to be approx. 3.4 billion rubles.

The increase in funding made it possible to provide 252.5 thousand people with rehabilitation appliances in 2019, out of which 198.2 thousand people were provided in kind, and 54.3 thousand people received compensation for self-purchased rehabilitation appliances.

According to the Department of Labor and Social Protection of Population of the City of Moscow, to improve the efficiency of providing the disabled people with rehabilitation appliances in 2020, a number of measures are planned. It is planned to complement the procedure for providing rehabilitation appliances with clarification of the reasons and procedure for returning referrals issued to disabled people for manufacture of prosthetic and orthopedic products.

In addition, the Department's information system will be finalized in terms of monitoring the sequence of providing disabled people with directions and products, as well as reasons for refusing disabled people by enterprises that manufacture prosthetic and orthopedic products. More broadly, work will be carried out to inform disabled people in advance about the current procedure for providing them with technical and social resources on the basis of the issued individual rehabilitation or abilitation program.

It is also planned to introduce into the Regulation for paying compensation for rehabilitation appliances acquired independently by a disabled person, clarifications in terms of changing the criteria for checking received documents from disabled people and making a prompt decision on payment of compensation. In addition, it is planned to make changes to approve the amount of compensation for the financial year, but not lower than the amount established by federal law.

The Department also informed that in 2020 the service "Assigning compensation for purchase of rehabilitation appliances for disabled people at the expense of the budget of the Moscow city" is expected to be launched (payment for the purchase of rehabilitation appliances: bath board, transfer board, toilet attachment, bath seat, bedside table, chair for bath and shower, step for bath). This service will help to submit electronic applications for compensation of the acquired rehabilitation appliances using the Portal of public and municipal services (functions) of the city of Moscow.

**Meanwhile, the Commissioner for Human Rights in Moscow, noting that complaints about non-payment of compensations for rehabilitation appliances independently purchased by disabled people were received by the Commissioner's Office, mainly at the end of the year, considers it necessary to recommend that the Department of Labor and Social Welfare of the City of Moscow more properly schedules spending of financial resources, taking into account a significantly increased number of people with disabilities applying for compensation in quarter IY.**

**The Commissioner also recommends, in order to increase the efficiency of providing disabled people with rehabilitation appliances, taking into account the individual characteristics and wishes of a disabled person, to accelerate the introduction (at the federal level) of a certificate for acquisition of rehabilitation appliances included in the federal list of rehabilitation appliances.**

As for the appeals on formation of a barrier-free environment, they generally touch upon specific problems that require prompt intervention of the Commissioner. These are matters requiring assistance in speeding up the settlement of the issue related to installation

of an electric lift and a ramp to quit the building and exit to the street; assistance in installing an expanded door in the elevator during overhaul; assistance in providing access to the store (high curb), etc.

Some of the issues concerned the problems of organizing new bus routes, lack of parking spaces for the disabled, and the use of old-style trams with high steps.

The matters on improving housing conditions occupy the third position and consist mainly of a request for assistance in the provision of specialized housing.

**As for the above-mentioned problems, the Commissioner believes that their settlement requires strict public control and participation of the Commissioner's institute. At the same time, the issues of creating a barrier-free infrastructure and a specialized housing stock for disabled people with limited mobility remain under the constant control of the Commissioner.**

The success of the integration of persons with disabilities into society depends to a large extent on the availability of comprehensive rehabilitation services.

Comprehensive rehabilitation services, including measures for social rehabilitation (social and environmental, socio-psychological, socio-cultural rehabilitation or abilitation, social adaptation) and medical and social rehabilitation, are provided to people with disabilities, including disabled children, in non-stationary and stationary form, and also with mobile rehabilitation services with a visit to your home or at specially created sites.

To provide rehabilitation services in the system of the Department of Labor and Social Protection of Population of the city of Moscow, there are **11** centers for social rehabilitation of disabled people, **8** rehabilitation and educational institutions, **98** rehabilitation departments, out of which **38** departments for disabled children at territorial social service centers, family and childhood support centers, and social assistance centers for families and children.

Rehabilitation and educational institutions provide training for **1,830** disabled children and children with disabilities. A single, continuous rehabilitation and educational space has been created here for children with disabilities. The educational process is adapted to students through the use of special educational methods, the introduction of innovative approaches to rehabilitation and socialization, new technologies of teaching, upbringing, continuous psychological support.

Rehabilitation centers in their practice emphasize the use of the latest methods and techniques of rehabilitation, focused on early intervention.

Today, these institutions are equipped with high-tech rehabilitation equipment and have mostly highly qualified specialists in their staff.

In 2019, over 31.7 thousand people with disabilities and disabled children were provided with about 59 thousand services (courses) for complex rehabilitation in departments and centers of social rehabilitation. At the same time, about 21.6 thousand people were provided with non-stationary services; in a stationary form - over 8.9 thousand people; mobile rehabilitation service - over 1.2 thousand people.

As part of the implementation of the State program "Social support for residents of the city of Moscow" in 2019, in accordance with government contracts, 3.1 thousand people with disabilities were provided with additional services for comprehensive rehabilitation in non-state institutions. Every year disabled children and adolescents with disabilities (from 3 to 35 years old) are provided with on-site rehabilitation services in the health resorts of the Black Sea coast. The duration of the on-site rehabilitation course is 18 days.

---

In 2019, following the results of the concluded government contracts, as well as within the framework of a subsidy provided to a non-profit organization, over 11.7 thousand people received comprehensive rehabilitation services (out of which over 6 thousand disabled children and young disabled people and over 5.7 accompanying persons) in health resorts of the Republic of Crimea and Krasnodar Territory (Anapa, Sochi, Gelendzhik).

It should be noted that the measures taken by the Moscow Government generally satisfy the need for people with disabilities and disabled children in rehabilitation services. In 2019, the Commissioner's Office did not receive any requests on this issue.

**Meanwhile, the Commissioner draws attention to the need to move from the declarative principle of providing rehabilitation services to the revealing one. It is necessary to develop the rehabilitation process routing for each disabled person.**

**Particular attention should be paid to the development of the early assistance system, because the earlier the rehabilitation of the child begins, the greater the likelihood of the maximum removal of existing restrictions on life.**

Since January 2019, in the Departmental List of public services (works) provided (performed) as the main types of activities by state institutions of the city of Moscow, which are under the jurisdiction of the Department of Labor and Social Protection of the Moscow City, the state service "Providing early assistance to children aged birth up to 3 years old (in some cases up to 8 years old)" is provided.

This service has been included in the state task of the Moscow Scientific and Practical Center for Medical and Social Rehabilitation named after L.I. Shvetsova since 01 March 2019. During 2019, early assistance services were provided to 51 families (61 children). The specialists of the institution have developed and approved in the prescribed manner the staff and financial standards for this service.

In addition, on the basis of 7 institutions of the labor system and social protection of the population of the city of Moscow, departments for providing early assistance to children have been created and are functioning.

Besides, rehabilitation services for young children can be provided in the departments of social rehabilitation of disabled children at the territorial centers of social services and centers for helping families and children, and non-governmental organizations.

**Considering that the Expert Council under the Commissioner for Human Rights in Moscow includes the heads of the city's most significant public organizations of disabled people and disabled children, the Commissioner will jointly keep under special control the issue of further development of the rehabilitation infrastructure, including the early assistance system.**

Today, the issue of employment of young disabled people with severe multiple disabilities remains relevant in order to socialize them.

Within the framework of this direction, assistance is provided to adolescents with developmental disabilities in preparing them for an independent life or living with an accompaniment, so that they can lead a full and dignified life when, for one reason or another, they can no longer live in their parental home.

This is an opportunity, with the support of specialists, to try to live independently, plan your free time and implement your plans. Every day, adolescents learn to solve everyday problems: go to the store, cook food, clean the apartment, use transport.

So, during 2018-2019. in Moscow, the project "Step to independence" was carried out to train adolescents with disabilities aged 18 to 45, inclusive, due to psychophysical disorders, in everyday skills for independent living. Disabled people were trained in courses

at the Moscow City Scientific Practical Center for Protection of Children "Childhood". In 2019, 288 adolescents with disabilities took part in the project.

The efforts of the Center "My Career" of the Department of Labor and Social Protection of the Moscow City is noteworthy. The specialists of the center, implementing various services, help to identify the individual needs of each applicant, determine the difficulties he faced when looking for a job, provide comprehensive support in employment, starting with drawing up a CV and ending with preparing for an interview and support for a trial period. The main task in this case is to improve the quality of life of people through self-realization in professional activities.

Commissioners for human rights and children's rights from various constituent entities of the Russian Federation got acquainted with the work of the center "My Career" within the framework of the Interregional Conference, timed to coincide with the 10<sup>th</sup> anniversary of the Moscow Institute of the Commissioner for Human Rights, at the initiative of the Commissioner in Moscow. Regional commissioners highly appreciated the activities of the Center.

---

## XIX. RIGHT TO EDUCATION

### 1) Use of modern technologies in the urban education system

In accordance with the Decree of the President of the Russian Federation dated 04/02/2010 "National educational initiative "Our new school"; by order of the Government of the Russian Federation dated 04/04/2011 on *Implementation of Project for Modernization of Regional Systems of General Education*, by order of the President of the Russian Federation following the results of the State Council for the development of general education dated 23 December 2015 No. Pr-15Gs (electronic school), the state program "Digital Economy of the Russian Federation", the development of e-school, as an innovative part of modern education, is in the area of attention of the executive and legislative authorities of the city of Moscow and many public organizations.

**The Commissioner pays special attention to the Moscow Electronic School (MES) as a dynamically developing innovative project of the capital's education system.** The MES concept is the result of the collective creativity of the city pedagogical community, parents and students of Moscow schools, everyone who cares about the high quality of school education. Currently, 1,469 school buildings, 21,000 high-tech classrooms, 55,000 teachers, out of whom 931 have received grants for their contribution to the development of the MES project, are connected to the project.

The development of the digital educational environment in our country is one of the priority projects of both the Ministry of Education of the Russian Federation and the Department of Education and Science of the city of Moscow. This project is in the spotlight of all interested parties. Close attention is paid to its content, methodological component, technical support. Commissioner for human rights in the city of Moscow Tatyana Potyaeva, within the framework of monitoring the preparation of the city educational system for the beginning of the new academic year, visited the Moscow Education Quality Center and got acquainted with its key activities. Deputy Director, Head of the Regional Information Processing Center A.V. Postulgin presented the work of the Moscow Education Quality Center in the field of organizing and conducting the State Final Attestation in the capital, demonstrated innovative tools for monitoring and diagnosing the educational achievements of each Moscow schoolchild and educational organizations in general, talked about how a student can get an independent assessment of the quality of knowledge in each subject, try his strength in passing exams in conditions as close as possible to the uniform state exams and common state exams. The Moscow Commissioner visited the territory of the Preschooler's Laboratory created using innovative developmental technologies, and also got acquainted with educational projects that are being implemented at interregional and international platforms with the participation of the Moscow Education Quality Center, highly appreciated the results obtained by Moscow education in international comparative quality studies.

The high degree of interest of the Institute of the Commissioner in the development of modern schools is due to the attention paid to the use of various innovations in the Moscow educational environment. The issues of technical support and methodological component of the Moscow Electronic School (MES) are one of the priority areas in the work of the Ombudsmen.

Particular attention is paid to the assessment of the MES by Moscow schoolchildren. Thus, for example, after discussing the issue of the dangers and benefits of using smartphones in schools at a meeting of the Children's Public Council under the Commissioner for the Rights of the Child in Moscow, the arguments presented by the children became the basis for the Commissioner's appeal to all interested executive bodies of the Moscow Government with a proposal to develop a standard Russian e-school, as an integral part of the state system of Russian education and the current Federal State Educational Standards (FSES). This will eliminate the identified risks and will help all participants in the educational system to fully use the innovative educational and educational component of the e-school.

The MES platform provides automation of most organizational, methodological, pedagogical tasks, is designed to implement modern educational methods – mixed, distance, and e-learning. The Moscow Department of Education and Science supported this initiative and proposed to discuss an algorithm for resolving this issue. At the same time, the Office of Rospotrebnadzor for the city of Moscow (Office), after a quality check of the technical equipment of the MES educational classrooms, reported that the set of equipment used in the educational institutions of the capital for the implementation of the Moscow Electronic School includes Wi-Fi access points, server equipment, teachers' laptops, interactive panels. In classrooms, interactive whiteboards are equipped in parallel with chalk and whiteboards. To carry out laboratory research, the Department engages specialists from the Center for Hygiene and Epidemiology in Moscow. It should be noted that the Department does not have information on scientific research carried out in the Russian Federation by specialized organizations on the impact of the learning process using interactive panels on the body of schoolchildren. Requirements for the placement of Wi-Fi wireless Internet points in educational institutions are not regulated by sanitary rules and regulations. During the planned inspections of educational organizations in the 2018/2019 academic year, laboratory tests of the factors of the school environment were carried out: noise levels, electric field strength, magnetic flux density, surface electrostatic potential of the video monitor screen, concentration of air ions, illumination and microclimate parameters, other measurements and studies. When unsatisfactory results of laboratory tests were detected, administrative measures were applied to officials and legal entities and instructions were given to eliminate the identified violations. At the suggestion of the Commissioner, the Office of Rospotrebnadzor for the city of Moscow is constantly monitoring the educational process using personal computers and interactive whiteboards.

**The Commissioner supports the development of the content component of the MES** and initiated the creation of a section (page) for legal education of schoolchildren, which is filled with both thematic projects prepared frequently and lessons developed by teachers of secondary and high schools in conjunction with police officers, prosecutors, and the office of the Commissioner for Human Rights in the city of Moscow.

The issue of developing the Moscow Smena program, which is popular among citizens of Moscow, is effectively resolved by creating a kind of databank of the best programs implemented during the summer holidays. It is also possible to accumulate this information using the resource of the Moscow Electronic School.

Innovations and electronic forms are used both in the educational process and in the organization and conduct of the State Final Attestation. In educational institutions of the Moscow education system, where Exam Points are organized, Test and Measurement

---

Materials are printed in examination rooms, and appeals are conducted remotely. The use of forms of communication familiar to the younger generation with elements of electronic interaction is designed to ensure equal rights of graduates when passing the State Final Attestation.

***It seems expedient to amend the joint Order of the Ministry of Education of the Russian Federation and the Federal Service for Supervision in Education and Science dated 07/11/18 No. 190/1512 on Approval of Procedure for Conducting State Final Certification for Educational Programs of Secondary General Education and the joint Order of the Ministry of Education Of the Russian Federation and the Federal Service for Supervision in the Sphere of Education and Science dated 07/11/18 No.189/1513 on Approval of Procedure for Conducting State Final Certification for Educational Programs of Basic General Education.***

It is necessary to formalize the possibility of using information and communication technologies and multimedia equipment at all stages of the preparation and conduct of the State Final Attestation, namely to provide the option of submitting applications by the graduates for participation in the State Final Attestation, universal state exam, final composition (brief description) using information and communication technologies from any workstation equipped with a computer connected to the Internet. Instructions for participants and demonstration of a sample of filling out registration fields of forms, reproduction of CMM tasks, as well as familiarization with the results of the State Final Attestation, including those for previous years, should be carried out using information and communication technologies.

It is required to organize the filing and consideration of appeals of the State Final Attestation participants using information and communication technologies. It is also advisable to differentiate the duration of the appeal for different subjects.

Taking into account the growing use of information and communication technologies and multimedia equipment at all stages of the preparation and conduct of the State Final Attestation, it is necessary to ensure the presence of one or more technical specialists working with the software, providing information and technical assistance to the head, organizers of the exam condition areas and State Examination Board members, as well as to regulate the availability and use of communication means in the event of emergency situations.

**Proposals for amendments to the current procedure for conducting the State Final Attestation.**

The graduate has the right to a deliberate choice of exams, and this often takes more time than provided for in the Procedure. We suggest changing the deadline for submitting an application for participation in the State Final Attestation and submitting an application not before 01 March, but no later than 2 weeks before the main or early examination period.

It is necessary to provide graduates who have already passed the exam in the basic level of mathematics in grade 10 to pass the exam in mathematics at the profile level. The deprivation of students of the opportunity to pass the exam in mathematics of the profile level in the XI (XII) grade in the presence of a valid universal state exam result in mathematics, passed in the X grade, limits the right of students to professional self-determination.

In order to exercise the right to a professional choice, it is necessary to clarify the procedure for re-admission of graduates who received unsatisfactory grades in the current

year, as well as the possibility of re-taking the compulsory subjects by them when passing the State Final Attestation.

Also, the procedure for retaking a State Final Attestation participant who could not complete the exam due to a technical failure is not regulated. Participants of the foreign language exam in the "Speaking" section must be given the opportunity to pass the exam again, on the same day, if a technical failure occurs. Transferring the exam to a reserve day deprives the graduate of the right to use the reserve day to pass another exam canceled for health reasons or other objective reasons.

**A separate category of graduates is the participants of State Final Attestation GIA-11 and GIA-9, who refused to process personal data.**

The organization and conduct of State Final Attestation for them are not regulated in the Procedure, therefore, it seems necessary to include in the powers of the relevant executive authorities the rights to determine the procedure for organizing and conducting the final interview, essay (presentation), examinations, processing, checking examination materials, filing and considering appeals of disagreement with points set for participants who refused to process personal data.

**For graduates with disabilities**, the Procedure should provide for the procedure for conducting a final interview in the Russian language for students with disabilities, students with disabilities and disabled children (hearing impaired and late deaf, blind, visually impaired and late-blind, fluent in Braille, deaf, with mental retardation, with severe speech impairments, with autism spectrum disorders) and its duration. Considering that for participants with disabilities (when providing a recommendation from the psychological, medical and pedagogical commission), participants with disabilities and children with disabilities (when providing a certificate of disability), the state final examination is carried out orally at will, it seems appropriate to provide, among other things, when a participant provides a certificate of disability and the conclusion of the psychological, medical and pedagogical commission, which lacks recommendations for oral state final examination.

It is also necessary ensure the presence of a teacher at the exam in the academic subject that the graduate with disabilities is taking. Currently, the organizers and assistants include only assistants – visual impairment specialist and teacher of the deaf and hard of hearing, however, knowledge of the subject is required to explain tasks, translate text into ordinary forms.

It is advisable to empower the relevant executive authorities to determine an additional deadline for filing an application for participation in the State Final Attestation, the final essay (presentation) by participants with disabilities upon presentation of documents confirming valid reasons for filing an application after the established deadline.

**Proposals for changes in the schedule of the State Final Attestation.**

In order to provide the possibility of timely retaking of compulsory subjects on reserve days, it is necessary to provide for the passing of exams at an earlier date.

In addition to a single reserve day, it is necessary to organize a reserve day for all subjects. This will allow exam participants who did not appear for valid reasons, who completed the exams ahead of schedule for health reasons or due to technical failures, to retake the exam and exercise their right to quality control of knowledge.

**Security of State Final Attestation organization.**

Taking into account the equipment of all examination conduction areas and examination rooms with video surveillance cameras, the issues of violation of the order of

---

the State Final Attestation and the corruption component during its conduct in Moscow have lost their relevance. However, the right to safety and its provision in full remain a priority when organizing the State Final Attestation in the organizations of the city education system. In this regard, it seems necessary to amend the Procedure and provide for the involvement of employees of educational organizations as leaders and organizers, who are teachers of students who pass the exam in this examination conduction area. Since they are well-versed in the building of their schools, in the event of an emergency and the need for evacuation, both workers and exam participants will act much more coherently and efficiently. In addition, the teachers participating in the State Final Attestation at the examination conduction area in their schools easily identify the "doubles" of the State Final Attestation participants who are trying to pass the exam using other people's documents.

The organization of catering in the examination conduction area, as an integral part of the safe delivery of the State Final Attestation, remains under the working control of the Commissioner. There have been more cases of appeals to the Moscow Commissioner regarding the forced termination of exams due to the lack of opportunity for graduates to eat, which leads to dizziness, fainting and temporary hospitalization. It is necessary to provide for and equip with video surveillance separate rooms in the examination conduction area for organizing meals for participants of the State Final Attestation and employees of the examination conduction area.

The issue of improving the State Final Attestation remains one of the priority areas in the work of the Commissioner. Interaction of the Commissioner with the Department of Education and Science of the city of Moscow, Federal Education and Science Supervision Agency and the Ministry of Education of the Russian Federation is aimed at improving its regulatory framework in accordance with the technical and technological development of our country and is called upon to realize the right of every citizen of Moscow to objective and high-quality control of knowledge.

## XX. CONCLUSION

At the meeting of the President of the Russian Federation V.V. Putin with the regional commissioners for human rights at the end of 2019, the head of the state noted: "...100 Commissioners that the Commissioners have the opportunity, abstracting from the positions of officials, the number of telephones on their desks, other attributes of power, to work directly with people, and then seek solutions to their problems through the relevant authorities".

The information presented in this report was prepared precisely on the basis of working directly with citizens, which reflects not only problematic issues of increased public importance and requiring special attention, but also includes proposals for law enforcement, recommendations for the improvement of the city, as well as new tasks to ensure protection rights of residents of the capital.

Summing up the results of 2019, it is necessary to note a special impetus in the development of Moscow, associated with the improvement of the city's transport infrastructure.

Traffic is open on the first Moscow central diameters, which include 132 kilometers of tracks and 57 stations, from 19 of which you can make transfers to the metro, the MCC and radial directions of the Moscow Railways.

The city authorities paid much attention to the return of the Moskva River to the urban space. A lot of efforts have been made to transform the embankments into new community centers with a comfortable urban environment. The renovation program is being successfully continued to move about 1 million citizens of Moscow into new apartments, living in five-storey residential buildings, and to create an urban environment of a new quality: balanced, attractive, open and comfortable.

According to the Mayor's Office, 10.4 million square meters of real estate have been built, including 4.5 million square meters of housing, 35 schools and kindergartens, 5 buildings of medical institutions, 12 sports facilities, 4 cultural objects have been built.

New areas of the city are not lagging behind the set rates. According to the Department for the Development of New Territories, the main result of the outgoing year is the positive dynamics in the creation of the entire infrastructure in the Troitsky and Novomoskovsky Administrative Districts. 1.5 trillion rubles were invested in the development of the annexed territories, 13 million square meters of housing, 74 social facilities, 8 metro stations were built.

Improvement of urban infrastructure is undoubtedly aimed at realizing the rights of citizens to comfortable housing, education and health care.

Considering the relevance of the integration of people with limited mobility into society, the formation of a barrier-free space for independent life, the Commissioner's Office monitored the improvement of an accessible environment for people with disabilities in the city of Moscow, as well as special attention was focused on the problem of providing people with disabilities with rehabilitation services on a continuous basis.

Considering the near future, the priority tasks of the Commissioner's activities for 2020 are formulated as follows:

- In the year of the 75<sup>th</sup> anniversary of the victory in the Great Patriotic War, to monitor the provision of home-based social services to veterans of the Great Patriotic War, the work

---

of the nursing service

- To monitor changes and additions to the Constitution of the Russian Federation, as well as the organization and conduct of a nationwide vote in Moscow on these amendments

- To study the procedure and quality of the provision of primary health care services in healthcare institutions of the city of Moscow

- To take control of the situation with secondary orphanhood in the capital and analyze the issues of training potential foster parents with subsequent professional support of these families

- To conduct systematic monitoring of the safety level in educational institutions of the city of Moscow

- In connection with the 75<sup>th</sup> anniversary of the founding of the UN, together with the Office of the UN High Commissioner for Human Rights, to conduct:

- Round table on the participation of women in government, business and social projects, etc.

- Interregional conference on the legacy of the 2018 FIFA World Cup

- Interregional Forum for the Protection of the Rights of Persons with Disabilities

- To monitor the implementation of the project of the Department of Education and Science of the city of Moscow "School of high school students"

- To participate in the educational program "Conflict-free school" jointly with the Moscow region

- To continue work on legal education of youth of educational organizations, colleges and universities of the city of Moscow in order to form legal knowledge of adolescents

- To get acquainted with the new remand prison and colony-settlement located in Zelenograd, transferred from January 1, 2020 to the Russian Federal Penitentiary Service in Moscow, to study the conditions of detention of suspects, accused and convicted persons and compliance with the requirements labor legislation when attracting these persons to work

- To analyze the situation in the city of Moscow on the issues of the implementation of convicts and persons released from prison.

At the end of 2019, I would like to express my gratitude to the city executive authorities and the Moscow City Duma for their joint work to solve problems of concern to residents of the capital.

I highly appreciate the prospects for cooperation with the Council under the President of the Russian Federation for the Development of Civil Society and Human Rights, the Commissioner for Human Rights in the Russian Federation, the Children's Commissioner under the President of the Russian Federation.

I hope for further fruitful cooperation with the MIA of Russia for Moscow, the Prosecutor's Office and the Investigative Committee of the city, the Federal Penitentiary Service of Russia for Moscow, the Federal Bailiff Service of Russia for Moscow and other territorial authorities on the basis of cooperation agreements.

In conclusion, I would like to note the most important component in the work of the Commissioner and his office - the establishment of high-quality feedback with citizens of Moscow on promoting the protection of their rights and legitimate interests.

**“Today in our society there is a clear demand for change. People want development and strive to move forward in their profession, knowledge, in achieving prosperity, they are ready to take responsibility for specific deeds. Often, they know better what, why and how to change where they live, work - in cities, districts, villages, throughout the country.”**

*From the Address of the President of the Russian Federation V.V. Putin to the 2020 Federal Assembly*



**T.A. Potyaeva**

