

**1. Who is "human" in the concept of modern human rights?**

Constitution of the Russian Federation

**Article 2**

Man, his rights and freedoms are the supreme value. The recognition, observance and protection of the rights and freedoms of man and citizen shall be the obligation of the State.

**Article 17**

1. In the Russian Federation recognition and guarantees shall be provided for the rights and freedoms of man and citizen according to the universally recognized principles and norms of international law and according to the present Constitution.

2. Fundamental human rights and freedoms are inalienable and shall be enjoyed by everyone since the day of birth.

**Article 19**

2. The State shall guarantee the equality of rights and freedoms of man and citizen, regardless of sex, race, nationality, language, origin, property and official status, place of residence, religion, convictions, membership of public associations, and also of other circumstances. All forms of limitations of human rights on social, racial, national, linguistic or religious grounds shall be banned.

**2. How is carried out of the protection of a right which is not regulated in the Constitution in your legal system? What kind of balancing is done when a right uncouncted in the Constitution is conflicted with a constitutional right?**

Constitution of the Russian Federation

**Article 55**

1. The listing in the Constitution of the Russian Federation of the fundamental rights and freedoms shall not be interpreted as a rejection or derogation of other universally recognized human rights and freedoms.

Also, the Constitutional Court interprets unlisted rights in the light of constitutional provisions thus making them constitutional rights. (If you need specific cases, let me know and I'll find them – T.K.).

**3. Do International Human Rights Documents applied in your country represent minimum standards that are already provided or the must-reach aims? Are there any regulations in your legal system above international human rights standards? If there are, would you please explain?**

See Article 17 of the Constitution of Russia: fundamental rights are interpreted in the light of international standards. The Constitutional Court applies them in most cases. But there are exceptions (when it considers that the Constitution offers a better protection of fundamental rights, like in the case of Konstantin Markin, Judgment of the ECtHR, 22 March 2012, Judgment of the Constitutional Court of Russia of 6 December 2013).

Also there occur conflicts between the Russian Constitutional Court and the ECHR: *Anchugov and Gladkov v. Russia* (ECtHR), Judgment of 4 July 2013: prisoners should not be denied the right to vote. But Judgment of the Constitutional Court of Russia of 19 April 2016 No 12-P: Russia does not implement this Judgment of the ECtHR because of an explicit constitutional ban for the prisoners to vote.

**4. In your legal system, is the jurisdiction an actor itself to move forward human rights standards? If it is, would you please explain?**

Sorry, I don't quite understand the question...

**5. Are there values and issues in your country that are not covered by human rights documents but need to be protected under the concept of human rights? If your answer is yes, would you please explain?**

Yes, a lot of them. Mainly minority rights (sexual minorities, a right to gender identity, same-sex marriage, etc.), but also political rights (mainly freedom of assembly (many violations of European standards), a right to criticize the government (free speech), and others).

**6. Are there such human right regulations in the legal system of your country that is protected by the constitution but contradicts social reality and justice?**

See Question 3

**7. Are there any social realities contradicting international human rights concept based on individualism?**

Yes. With an authoritarian political regime (no real elections, no real opposition, no real Parliament, one strong President who stays in power for over 20 years, etc...), the government does not care to protect individual rights, but cares to protect the ruling party: therefore, the state passes laws suppressing free speech, freedom of assembly, etc... An example is the so-called Law on disrespect for the government (Federal Law of March 18, 2019 No 30-ФЗ amending the Federal Law "On information, information technologies and protection of information" establishing administrative liability for openly expressing a "clear disrespect towards the society, the state, official symbols of the state, the Constitution of the Russian Federation or state authorities of the Russian Federation" on the Internet).

**8. In your legal system, are there legal mechanisms to protect human rights if fundamental rights are violated by private persons? Are these mechanisms effective?**

Courts are meant to protect fundamental rights violated by private persons (cases of libel, discrimination, etc.) In civil cases (as opposed to

administrative and criminal cases on matters of political importance) courts may be effective (although discrimination remains a problematic issue).

**9. Are there groups in your country who have their own national, ethnical, religious and linguistic identities? Could you please give some information about them (especially if you feel yourself one of them)?**

Yes. Russia is a multi-national, multi-cultural and multi-lingual state with different religions, so there are a lot of national, ethnical, religious and linguistic groups with their own identities. There is a special Federal Law of 17 June 1996 “On national and cultural autonomy” and a Federal Law of April 30, 1999 “On guarantees of the rights of indigenous peoples of the Russian Federation” aimed at protecting special groups.

**10. What is the definition of the notion “minority” according to your constitutional system? What is your opinion on this concept? Do you think that minority rights should be protected broadly by the constitutional level? Do you think that constitutional regulations that would broaden the rights of minorities will solve the conflicts between majorities and minorities?**

As for cultural and ethnic minorities, see question 9. In law, there is no direct definition of the term, although the Constitution mentions the term “national minority” (Articles 71,72). Of course, broadening the constitutional protection of minority rights could help to ensure the rights of minority groups, but a lot depends also on the position of the Constitutional Court, as well as on the willingness of the legislator to enforce minority rights. With LGBT rights, for example, there is great resistance both in the Constitutional Court, and in Parliament (and also in the society at large).

**11. What do you think on the notion and the concept of minority rights in international law? Could the international regulations/treatments be a response to the reality and problems of the peoples in your country? In other words, do they cover the reality in your country from the view of the state and the view of peoples?**

International instruments in Russia only work to the extent that the legislator, the law enforcement bodies and the courts are willing to implement them. Sometimes the national authorities align their position with international instruments, other times they disregard the high international standards, dwelling on the concept of Russia’s unique “constitutional identity”.

**12. What you think is the most current human rights problem in your country?**

I would say, it is a problem with freedom of assembly. Russian authorities do not allow peaceful protest to take place, they arrest participants of peaceful

gatherings and bring them to liability (administrative and criminal) for Internet reposts about the events, for taking photos, reading the text of the Constitution aloud, etc...

But there are a lot of other acute problems – torture in prisons, discrimination of sexual minorities, free speech, a right to fair elections, to name a few.