

**APPLICATION FOR ACCREDITATION
OF THE OFFICE OF THE COMMISSIONER FOR HUMAN RIGHTS IN THE RUSSIAN FEDERATION
TO THE INTERNATIONAL COORDINATING COMMITTEE OF NATIONAL INSTITUTIONS FOR
THE PROMOTION AND PROTECTION OF HUMAN RIGHTS**

- November 2008 -

I. BACKGROUND

The Office of the Commissioner for Human Rights in the Russian Federation (CHR) has submitted application for accreditation to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). The formal application for A status accreditation was received on 20 June 2008.

The CHR is currently accredited with B status accreditation, obtained in 2000 and re-confirmed in 2001.

The following sections provide background information on the CHR based on supporting documentation submitted by the CHR to the Secretariat of the ICC, in accordance with Article 3 of the ICC Rules of Procedure.

II. DOCUMENTATION PROVIDED IN SUPPORT OF THE APPLICATION

To permit the ICC to make a determination as to the compliance of the CHR with the Paris Principles, the following documentation has been submitted by the CHR in support of its application:

- The Federal Constitutional Law on the Commissioner on Human Rights in the Russian Federation
- Organigram (in hard copy only)
- List of names of staff (in hard copy only)
- Budget (in Russian only)
- 2007 Report of the Commissioner on Human Rights in the Russian Federation (in Russian with an unofficial translation in English, in hard copy only)
- Statement of compliance

Additional documentation received by the ICC Secretariat includes:

- Resume of Mr. Lukin

III. CHARACTER OF THE NHRI

1. Establishment

The CHR was established by the Federal Constitutional Law "On the Commissioner for Human Rights in the Russian Federation" on 22 May 1998 (hereinafter referred to as "the Law"). It is also stipulated in article 103 of the Constitution of the Russian Federation.

2. Independence

Article 2 (1) of the Law states that "the Commissioner in discharging his duties is independent and is not accountable to any state bodies or officials".

Article 4 of the Law states that the "imposition of a state of emergency or of martial law over all the territory of the Russian Federation or a part of it does not cancel or interrupt the activities of the Commissioner and does not entail the restriction of his competence".

Article 11 (1) of the Law states that the Commissioner "cannot simultaneously hold the post of a deputy of the State Duma, a member of the Federation Council or a deputy of a legislative

(representative) body of a subject of the Russian Federation, cannot be involved in public service, be engaged in any other paid or unpaid activity, with the exclusion of creative or lecturing activity". Article 11 (2) forbids the Commissioner to engage in political activity, to be a member of a political party or other public association that pursues political goals. Article 11 (3) states that the Commissioner must cease the activity incompatible with his status, within 14 days from taking his post. If during this period the Commissioner does not fulfill the prescribed requirements, his duties shall be terminated, and the State Duma shall appoint a new Commissioner.

Article 12 (1) of the Law addresses the Commissioner's immunity: "the Commissioner possesses immunity during all of his term of office. Without the approval of the State Duma he cannot be made answerable before the courts in criminal or administrative cases, detained, arrested, subjected to a search (excluding the cases of being detained in the act of committing a crime), as well as be subjected to personal inspection, excluding cases provided for by federal law for ensuring the security of other individuals. The Commissioner's immunity applies to his living and office premises, private and service transport, correspondence, communication facilities, and also to the documents belonging to him".

Article 12 (2) of the Law states that "in case of the detention of the Commissioner in the act of committing a crime, the official responsible for the detention shall immediately inform the State Duma that must make the decision about the approval for the continuation of this measure. In the case of non-reception of the approval of the State Duma of the detention within 24 hours, the Commissioner shall be released immediately".

Article 24 (2) states that the Commissioner has the right to refuse to be a witness in a criminal or civil court and testify about the circumstances revealed during the carrying out of his duties.

Article 36 states that interference in the activities of the Commissioner with the aim to influence his decision; non-execution by officials of their duties prescribed by the present law; obstruction of the Commissioner's activity on other forms, carry the responsibility defined by the legislation of the Russian Federation.

Article 37 creates the Office of the Commissioner to support the activities of the Commissioner and to provide legal, organizational, analytical, informational and other support. The Commissioner and his Office represent a state body and have the rights of a legal person, a pay account and other accounts, its own seal and official letterheads with the image of the State Arms of the Russian Federation.

Financial independence

Article 38 states that:

1. the activities of the Commissioner and his Office shall be financed out of the federal budget;
2. a special clause in the federal budget shall be prescribed annually to finance the activities of the Commissioner and his Office;
3. The Commissioner independently composes and executes the estimate of his expenditures
4. The Commissioner provides financial accounting according to the procedures established by the legislation of the Russian Federation
5. The assets required by the Commissioner and his Office to carry out their activities are in their operating control and are state property. The Commissioner is provided by the documents adopted by the Chambers of the Federal Assembly, the documents and other information materials officially distributed by the Administration of the President of the Russian Federation, the Government of the Russian Federation, the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, the Supreme Arbitration Court of the Russian Federation, the Procurator General of the Russian Federation, by other state bodies, public associations, as well as other information and reference materials.

Article 40 (1) states that guarantees of the financial independence of the Commissioner, concerning payment, medical care, social welfare, are defined accordingly to the guarantees provided by the law and other legal norms and documents of the Russian Federation for the officials occupying public posts in the Russian Federation.

The CHR has an annual budget of 158,639,500 rubles, which is approximately 6,610,000 US dollars (source: statement of compliance). The CHR states that this amount was approved in the Federal Law "On the Federal Budget for 2008 Year and for Planning Period 2009 and 2010 Years" in a separate budget line. It also states that the CHR manages his budget, independently composes and executes the estimates of his expenditures.

3. Appointments processes and organisational infrastructure

3.1 Composition of the NHRI's membership and appointment processes

Article 1 (2) of the Law states that "the Commissioner shall be appointed to his post and shall be dismissed from his post by the State Duma of the Federal Assembly of the Russian Federation".

Article 6 of the Law states that the "post of the Commissioner shall be occupied by a citizen of the Russian Federation, not younger than 35 years, with expertise in the sphere of human rights and freedoms, as well as experience in their protection".

The current Commissioner is Mr. Vladimir Lukin, who was elected on 13 February 2004, with the term of office expiring on 13 February 2009.

Appointment process

Article 7 (1) of the Law states that the "candidates to the post of the Commissioner can be nominated for the consideration by the State Duma by the President of the Russian Federation, by the Federal Council of the Federal Assembly of the Russian Federation, by the deputies of the State Duma and by the associations of the deputies in the State Duma". Article 7 (2) of the Law states that the "candidates to the post of the Commissioner are nominated for the consideration by the State Duma one month before the expiry of the term of office of the previous Commissioner".

Article 8 (2) of the Law states that the "Commissioner shall be appointed to the post and dismissed from the post by the State Duma by a majority vote of the total number of the deputies of the State Duma by secret ballot". Article 8 (2) of the Law states that the "State Duma issues a decree on the appointment to the post of the Commissioner within 30 days after the expiry of the term of office of the previous Commissioner". Article 8 (3) of the Law states that "every candidacy submitted to secret ballot during the appointment of the Commissioner and nominated in accordance with article 7 of the present Constitutional law, shall be included in the list for the secret ballot by two-thirds of the total number of the deputies of the State Duma".

Article 9 of the Law states that upon assuming the office, the Commissioner takes the following oath: "I swear to protect human rights, to fulfil my duties honestly, following the Constitution of the Russian Federation, the legislation of the Russian Federation, justice and the voice of conscience". The oath shall be taken at the session of the State Duma immediately after the appointment of the Commissioner to his post. The Commissioner is considered as having assumed his office from the taking of the oath.

The term of office of the Commissioner is 5 years, renewable once. The expiry of the term does not entail the cessation of the authority of the Commissioner.

Dismissal

Article 11 (1) of the Law states that the Commissioner "cannot simultaneously hold the post of a deputy of the State Duma, a member of the Federation Council or a deputy of a legislative (representative) body of a subject of the Russian Federation, cannot be involved in public service, be engaged in any other paid or unpaid activity, with the exclusion of creative or lecturing activity". Article 11 (2) forbids the Commissioner to engage in political activity, to be a member of a political party or other public association that pursues political goals. Article 11 (3) states that the Commissioner must cease the activity which is incompatible with his status, within 14 days from the taking of his post. If during this period the Commissioner does not fulfill the prescribed requirements, his duties shall be terminated, and the State Duma shall appoint a new Commissioner.

Article 13 of the Law states:

“(1) the Commissioner shall be relieved of his post before the expiration of his term of office in the following cases: 1) violation of the requirements of article 11 of the present Federal Constitutional law; 2) coming into force of a court sentence indicting the Commissioner;

(2) The Commissioner’s term of office may be terminated by the State Duma in the case of his inability to carry out his duties for a long period of time for health or other reasons (not less than four months in succession);

(3) The Commissioner can be dismissed from his post in the case he presents a request for retirement of his own accord;

(4) The dismissal of the Commissioner from his post before the end of the specified term of office shall be executed by the decree of the State Duma of the Russian Federation.”

Article 14 specifies that “in the case of dismissal of the Commissioner before the specified term of office runs out, a new Commissioner shall be appointed by the State Duma within two months from the day of the retirement of the previous Commissioner in accordance with the procedure established by articles 6-10 of the present Federal Constitutional Law.”

3.2 Pluralism

In its statement of compliance, the CHR mentions that at present the CHR has 180 staff members (40% male and 60% female), of various ethnic origin, religious confession and age (from 20 till 60).

In its statement of compliance, the CHR mentions that the Council of Experts includes representatives of major NGOs, law scholars and experts, prominent human rights activists.

3.3 Organisational infrastructure

3.3.1 Organisational infrastructure

Article 37 creates the Office of the Commissioner to support the activities of the Commissioner and to provide legal, organizational, analytical, informational and other support. The Commissioner and his Office represent a state body and have the rights of a legal person, a pay account and other accounts, its own seal and official letterheads with the image of the State Arms of the Russian Federation.

Article 39 specifies that the Commissioner determines the structure of his Office, approves its statute and the regulations concerning the status of its elements and directly oversees its work.

In its statement of compliance, the CHR mentions that there are two Assistant Commissioners in charge of four departments (Department for Organisation and Analysis; Department for Children Rights; Department for Human Rights Protection; Finance and Maintenance Department), as well as a Head of the Secretariat.

The organisational structure as submitted in the CHR application is as follows:

- Department for Organisation and Analysis
 - State Bodies and NGOs Liaison Desk
 - Regional Ombudspersons Liaison Desk
 - Freedom of Conscience Protection Desk
 - Monitoring and Analysis Desk
 - Annual and Special Reports Desk
 - International Liaison Desk
 - Human Rights Education Desk
 - Immigration and Ethnic Rights Protection Desk
- Department for Children Rights
 - Children Rights Protection Desk
- Department for Human Rights Protection
 - Civil Rights Protection Desk
 - Housing Rights Protection Desk
 - Labour Rights Protection Desk

- Social Rights Protection Desk
- Military Servicemen Rights Protection Desk
- Political Rights Protection Desk
- Penal Procedure Desk
- Prisoners and Detainees' Protection Desk
- Human Rights Legislation Amendments and Legal Information Desk
- Finance and Maintenance Department

3.3.2 Staffing

Article 39 specifies also that within the limits of the estimate, the Commissioner defines the number of the staff and the personnel arrangements. Also, the Commissioner issues orders on issues connected with the guidance of his Office.

Article 40 (2) states that the rights, duties and responsibility of the staff of the Office of the Commissioner, as well as the conditions of their service, are defined by the federal laws and other legal norms and documents about the federal public service and by the labor legislation of the Russian Federation.

In its statement of compliance, the CHR mentions that at present the CHR has 180 staff members (40% male and 60% female), of various ethnic origin, religious confession and age (from 20 till 60). Eighty-five staff members have higher legal education, and there are no seconded officers on the staff. It also states that the Government has imposed a staff limit of 200 persons.

The statement of compliance mentions that vacancies for staff members are published in central newspapers and at the website of the CHR. Applications should be considered for 30 working days from the moment of publishing. It mentions that there are no restrictions for people of different sex, age, race, or ethnic and religious background.

3.1.1. Regular meetings

In its statement of compliance, the CHR states that the CHR Office is a regular scale state body which functions on a permanent basis. Meetings of senior officers (Department Directors and Desk Officers) are convened weekly.

4. Relations with Civil Society and human rights institutions

4.1. Formal relationships with civil society

In its statement of compliance, the CHR states that formal relations with civil society are assured through the Council of Experts and the State Bodies and NGOs Liaison Desk. It mentions that on the Council of Experts the following NGOs are represented:

- "Memorial"
- The Moscow Helsinki Group
- The Committee "Civil Assistance"
- The Union of the Committees of Soldier's Mothers of Russia
- "Civil Control", the Socially-Ecological Union
- The Movement for Human Rights
- The Center of International Protection
- The Moscow Center for Prison Reform
- The Center for the Development of Democracy and Human Rights
- The SOVA Center for Information and Analysis
- "Social Initiative"
- The Center "Demos"
- The Perm Civil Chamber
- The Consumer Societies Confederation
- The Coalition "For Democratic Alternative Civil Service"
- The Independent Council of Legal Expertise, the Institute of Human Rights

In its statement of compliance, the CHR mentions that it works closely with the coalition of Russian NGOs for the protection of the rights of military servicemen (cases of alleged rights violations, taking up the matter with the Government and Military Prosecutors Office).

4.2 Regular Consultations

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4.3 Cooperation with the United Nations, regional and national institutions

Regional Commissions (in the Russian Federation)

Article 5 of the Law states that posts of regional Commissioners for human rights can be established in every subject of the Russian Federation. In its statement of compliance, the CHR mentions that at present there are 47 regional CHRs, not subordinate to the federal CHR. They act independently within their respective regional mandates. For coordination of activities of regional ombudsmen, a Coordination Council has been established by the federal CHR, convening sessions at least 3 times per year.

It also states that the federal CHR strives to encourage the establishment of regional CHR's offices in every subject of the Russian Federation (currently there are 83 subjects). In 2008, the regular sessions of the Coordination Council deals with the whole range of human rights issues in the Russian Federation and its subjects (recent examples include the rights of migrants, military servicemen, housing rights). Regular consultations are also taking place through the Regional Ombudspersons Liaison Desk and through travel of CHR and its staff members (statement of compliance).

Regional and international institutions

In its statement of compliance, the CHR mentions that it contributes to the country report on Russia in the framework of the Universal Periodic Review.

It mentions that "whenever necessary, the CHR confers with the UN High Commissioner for Human Rights, representatives of the UN Committee on the Rights of the Child, UN High Commissioner for Refugees, UN High Commissioner for minorities [*sic*], UNESCO, UNDP and others, including through their country offices in the Russian Federation" (statement of compliance).

In its statement of compliance the CHR mentions that it has interacted with the following Special Rapporteurs during their country visit: "Special Rapporteur on violence against women, its causes and consequences; Special Rapporteur on Human Rights [*sic*]; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; and the Special Rapporteur on the independence of judges and lawyers".

It states that it regularly informs relevant UN Treaty Bodies and Special procedures mandate holders on the current human rights situation through the Ministry of Foreign Affairs of Russia and Russian representatives in the UN and the Council of Europe (statement of compliance).

The CHR also interacts with the European Union and the European Commission, the Committee of Ministers and the Parliamentary Assembly of the Council of Europe, the Organization on Security and Cooperation in Europe and other international organizations. The CHR took part in the preparation of the Second National Report in the execution by Russia of the Council of Europe Convention on National Minorities (statement of compliance).

In its statement of compliance, the CHR mentions that it actively takes part in international conferences and meetings under the aegis of the UN and the Council of Europe. It also states that it has concluded bilateral cooperation agreements with NHRIs of other countries, such as the ombudsmen of Azerbaijan, Argentina, Mexico, the Netherlands, Peru, Poland, Uzbekistan,

Ukraine, Czech Republic, as well as with the OSCE Office for Democratic Institutions and Human Rights of the OSCE (statement of compliance).

5. Accessibility

5.1. Procedures and mechanisms to ensure accessibility

Article 42 of the Law states that the Commissioner permanently seats in the city of Moscow. In its statement of compliance, the CHR mentions that its premises have special access for people with disabilities.

The CHR mentions in its statement of compliance that it encourages and supports the setting up of “public human rights consultations”, run by volunteers under the aegis of the CHR. Currently, there are 7 human rights consultations, in Moscow, Ryazan, Kostroma, Smolensk, Voronezh, Volgograd and Kurgan. Their advice and advocacy are available free or charge.

5.2. Procedures and mechanisms for addressing public opinion

Article 30 states that the Commissioner may publish his conclusions. The article also states that the periodicals with the financial share of the state, a municipality, an institution of local self-government, a state-owned enterprise or organization or fully (partly) financed from the federal budget or the budget of a subject of the Russian Federation may not refuse to publish the Commissioner’s conclusions or other documents.

In its statement of compliance, the CHR mentions that all documents and correspondence of the CHR are available in Russian. Regional ombudspersons in multi-ethnic territories may publish their documents in other languages as well if such provisions are stipulated in the legislation of a subject of the Russian federation (statement of compliance).

It also states that the CHR often takes part in radio and TV broadcasting, answering questions of the population and informing them about current problems and possible solutions (statement of compliance).

5.3. Working Groups

Article 41 of the Law specifies that a Council of Experts, consisting of specialists in the field of human and civil rights and freedoms, may be established under the auspices of the Commissioner in order to provide consultative support.

In its statement of compliance, the CHR states that the Council of Experts has the following sections, each of which convey meetings usually 2 or 3 times a year;

- Observance of the rights of the person by law-enforcement authorities;
- Protection of the rights of military servicemen and conscripts;
- Judicial-legal reform and lawmaking in the field of human rights;
- Support of socially vulnerable groups of the population;
- Problems of migration, counteraction to xenophobia, ethnic or religious discrimination;
- Protection of civil rights and political freedoms;
- Observance of housing, labour, ecological and other social-economic rights;
- Facilitation of NGOs activity in their interaction with authorities;
- Legal and human rights education;
- Children rights;
- Special section on human rights in the Chechen Republic

The candidates are proposed either by CHR or current Council members. The Council can co-opt any person by a majority vote, which decision the CHR can not overrule. In its statement of compliance, the CHR mentions that the Council of Experts includes representatives of major NGOs, law scholars and experts, prominent human rights activities.

IV. COMPETENCE AND RESPONSIBILITIES

6. General Jurisdiction and Functions

6.1. Mandate to promote and protect human rights

Article 1 (1) of the Law states that the post of the Commissioner is established in accordance with the provisions of the Constitution of the Russian Federation with the aim of providing the guarantees of the protection by the state of civil rights and freedoms, their observance and respect by state bodies, institutions of local self-government and officials.

Article 1 (3) of the Law states that the Commissioner “contributes to the restoration of the violated rights, to the improvement of the legislation of the Russian Federation on human rights and bringing it into line with the universally recognized principles and norms of the international law, to the development of the international cooperation in the sphere of human rights, to the legal education in the matters of human rights and freedoms, forms and methods of their protection”.

Article 2 (2) of the Law states that “the Commissioner is guided by the Constitution of the Russian Federation, the present Federal Constitutional Law, the legislation of the Russian Federation, as well as by the universally recognized principles and norms of international law and international agreements of the Russian Federation”.

Article 3 states that the activity of the Commissioner “supplements the existing means of protection of human rights and freedoms, does not revoke and does not entail the revision of the competence of state bodies that provide the protection and restoration of violated rights and freedoms”.

Article 31 states that “the Commissioner, based upon the scrutiny and analysis of the information about the violation of the rights and freedoms of citizens, and the generalization of the investigation of complaints, has the right to:

- (1) deliver his remarks and proposals of a general character dealing with the safeguarding of the rights and freedoms of citizens and the perfection of administrative procedures to state bodies, institutions of local self-government and officials;
- (2) address the subjects of legislative initiative with proposals about amendment and supplementing the federal legislation, legislation of the subjects of the Russian Federation or with proposals to fill in the blanks in the federal legislation and in the legislation of the subjects of the Russian Federation, if in the opinion of the Commissioner actions (inaction) of state bodies, institutions of local self-government or officials that violate the rights and freedoms of citizens, are based either on federal legislation and legislation of the subjects of the Russian Federation or on blanks in the federal legislation and the legislation of subjects of the Russian Federation, or if the legislation contradicts the universally recognized principles and norms of international law and international agreements of the Russian Federation”.

Article 35 states that the state body, the institution of local self-government or the official that receives the Commissioner’s conclusion with his recommendations, must consider them within a month and inform the Commissioner in writing about the measures taken.

6.2. Mandate in Practice

In its statement of compliance, the CHR mentions that it usually monitors the human rights situation in the country and in case of mass or gross violations visits such regions. As a rule, the CHR works in close contact with regional ombudspersons, regional state bodies and NGOs (statement of compliance).

6.3. Functions regarding national legislations

The mandate of the Commissioner for this activity is contained in article 31 of the Law (see par 6.1).

6.4. Encouraging ratification and Implementation of international standards

According to article 8 of the Federal Law “On the International Agreements of the Russian Federation”, the CHR may advocate the signature of international agreements on the matters of his competence (statement of compliance).

In its statement of compliance, the CHR mentions that it “promotes the ratification of international documents concerning human rights”. It has prepared a “legal judgement” which advocates for Russia’s accession to Protocol 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the ratification of the UN Convention on the Rights of Persons with Disabilities.

6.5. Programmes for teaching and research

Article 1 (3) of the Law states that the Commissioner “contributes ... to the legal education in the matters of human rights and freedoms, forms and methods of their protection”.

In its statement of compliance, the CHR mentions that in cooperation with legal experts, law scholars and human rights activists, the CHR recently published curriculums “Human rights in modern Russia”, “Tolerance and human rights”, “Observance of human rights in disputed situations”, which have passed approbation in Moscow high schools. Mandatory pre-graduate practice for students of a number of Moscow universities is also organized at the CHR’s office.

The CHR also works to promote tolerance to foreign nationals, in particular from Asia, Africa and Latin America. It states that with this purpose, the program of protection of the rights of foreign students at Russian universities has been introduced (statement of compliance).

6.6. General powers

Reports on the National Situation of Human Rights

Article 32 of the Law states that in the case of gross and mass violations of human rights and freedoms the Commissioner may make a report to a session of the State Duma. The Commissioner may address the State Duma with a proposal to set up a parliamentary commission charged with the investigation of the facts of a violation of human rights and freedoms and to hold parliamentary hearings, and either personally or through a personal representative to participate in the work of the commission and in the hearings.

Article 33 (1) states that at the end of a calendar year, the Commissioner sends a report on his activities to the President of the Russian Federation, the Federation Council of the Federal Assembly, the State Duma of the Federal Assembly, the Government of the Russian Federation, the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, the Supreme Arbitration Court of the Russian Federation and the Procurator General of the Russian Federation.

Article 33 (2) mandates the Commissioner to send special reports to the State Duma of the Federal Assembly on specific issues of human rights and freedoms safeguarding.

Article 33 (3) states that annual reports of the Commissioner shall be published officially in the “Rossiyskaya Gazeta” newspaper; the Commissioner may decide to publish his special reports on specific issues in the “Rossiyskaya Gazeta” newspaper or other periodicals.

In its statement of compliance, the CHR lists the special reports that have been released by the current CHR during his term of office:

- “Problems related to the introduction of the trial by jury system in modern Russia”
- “Human Rights and modernization of the Russian education”
- On the rights of disabled children”
- On the constitutional right to peaceful assembly in the Russian Federation”
- On the practice of withdrawal of Russian passports from former citizens of the USSR who have resettled to the Russian Federation from the CIS countries”
- On the rights of the crime victims”

Drawing Government Attention to National Situations of Violations of Human Rights

The mandate of the Commissioner for this activity is contained in article 31 of the Law (see par. 6.1).

6.7. Power to gather information

Article 23 (1) states that the Commissioner investigating a complaint has the right to:

1. conduct unimpeded on-site inspections of any state bodies, institutions of local self-government, take part in any meetings of their collective bodies; visit without impediment enterprises, offices and organizations regardless of property form, military units and public associations;
2. request and receive from the state bodies, institutions of local self-government and officials information, documents and materials essential for the investigation;
3. receive explanations from officials and public servants (excluding judges) on issues due to be investigated;
4. conduct an investigation of his own or with the assistance of competent authorities, officials and public servants, of the activities of state bodies, institutions of local self-government and officials;
5. entrust the competent state organizations with making expert inquiries and preparing of conclusions on issues due to be investigated;
6. familiarize himself with criminal, civil and administrative offense cases where the imposed sentences have come into force, and with the materials of dismissed cases.

Article 23 (2) states that the Commissioner has the right to meet, promptly and without impediment, with the heads and other officials of the state bodies situated on the territory of the Russian Federation, the institutions of local self-government, enterprises and offices regardless of their form of property, with the leaders of public organizations, high-ranking army officers and officers belonging to paramilitary structures and units, with the administration of public penitentiary facilities.

Article 24 states that the provision to the Commissioner of information considered being a state, commercial or other form of a secret is regulated by the legislation of the Russian Federation.

Article 34 states that when the Commissioner executes his duties, the authorities shall provide reports, materials, documents and other information without impediment and free of charge. The requested materials, documents and other information shall be sent to the Commissioner within 15 days from the date the request has been received if there is no other deadline in the request.

7. Quasi-judicial competence

Article 15 of the Law states that the "Commissioner investigates the complaints of the citizens of the Russian Federation, as well as of aliens and stateless persons residing on the territory of the Russian Federation".

The Commissioner investigates the complaints about the decisions or actions (inaction) of the state bodies, institutions of local self-government, officials, state employees, if a complainant appealed against these decisions or actions (inaction) according to court or administrative procedures, but does not agree with the decisions reached on his complaint (article 16 (1) of the Law).

In its statement of compliance, the CHR states that before appealing to the CHR, a complainant has to exhaust legal means of repelling the decisions or actions (inaction) through regular procedures.

The Commissioner does not examine the complaints about the decisions of the chambers of the Federal Assembly of the Russian Federation and the legislative (representative) bodies of the subjects of the Russian Federation (article 16 (2) of the Law). A complaint submitted to a Commissioner on human rights in a subject of the Russian Federation is not a reason to refuse

acceptance of the same complaint for the investigation by the Federal Commissioner (article 16 (3) of the Law).

The complaint shall be addressed to the Commissioner within a year counted from the day the rights and freedoms of the complainant had been violated, or from the day the complainant became aware of the violation (article 17 (1) of the Law). Article 17 (2) states "the complaint must contain the surname, name, patronymic and address of the complainant, the description of the essence of the decisions or actions (inaction), which violated or continue to violate, in the opinion of the complainant, his rights and freedoms, and must be accompanied by the copies of the decisions on his complaint reached according to court or administrative procedures".

Article 18 of the Law states that the complaint addressed to the Commissioner does not require the payment of "state duty".

Article 19 of the Law deals with complaints of detainees and states that "complaints addressed to the Commissioner by persons held in penitentiary shall not be subjected to the examination by the administration of the penitentiary and shall be sent to the Commissioner within 24 hours".

Article 20 (1) of the Law states that "after receiving a complaint, the Commissioner has the right to:

1. accept the complaint for investigation;
2. explain to the complainant the available means that can be used for the protection of his rights and freedoms;
3. pass over the complaint to an institution of local self-government or an official who is competent to resolve a complaint on its merits;
4. refuse to accept the complaint for investigation."

Article 20 (2) states that the Commissioner shall inform the complainant within 10 days after the decision has been taken. If the complaint is accepted for investigation, the Commissioner then informs the state body, the institution of local self-government or the official whose actions (inaction) are appealed against. The refusal to accept a complaint for investigation should be motivated and is not subject for appeal (article 20 (3) of the Law).

Article 21 states that the Commissioner has the right to take appropriate measures within the framework of his jurisdiction acting on available information about mass and gross violations of human rights and freedoms, or if a case has either a special public meaning or is connected with the necessity to protect the interests of people unable to use legal means of protection without assistance.

Article 22 states that after having started the investigation of a complaint, the Commissioner has the right to address the competent state bodies or officials and request their assistance in carrying out the investigation of circumstances in need of clarification. The state body, institution of local self-government or the official whose actions/inactions are appealed against is not to be charged with such an investigation.

Article 25 states that when investigating a complaint, the Commissioner must provide the state body, the institution of local self-government or the official whose actions (inaction) have been appealed against with the opportunity to give explanations on any issue due to be investigated, as well as to motivate their general position.

Article 26 states that the Commissioner must inform the applicant about the results of the investigation of his complaint. If the investigation reveals that the rights of the applicant have indeed been violated, the Commissioner must take measures in the framework of his jurisdiction as determined by the Federal Constitutional Law.

Article 27 states that the Commissioner must send to the state body, the institution of local self-government or the official whose actions (inaction) are regarded as infringing civil rights and freedoms, his conclusion with the recommendations concerning possible and necessary measures to restore those rights and freedoms.

Article 28 states that the information revealed while a complaint is investigated shall not be disclosed before the final decision is made. The Commissioner can not disclose information that comes to his knowledge about the private life of the applicant and other persons without their written agreement.

Article 29 enumerates the different options that the Commissioner has after the investigation of a complaint;

1. bring a case to a court of law in defence of rights and freedoms infringed by actions (or inaction) of a state body, an institution of local self-government, an official, as well as to participate in the court proceedings personally or through a personal representative in a form determined by law;
2. address the competent state authorities with the request to instigate disciplinary or administrative proceedings or a criminal case against the official whose decisions or actions (inaction) could be considered as violating human rights and freedoms;
3. address the courts or the procurator's office with the request to verify a court decision, a court sentence or a decision by a judge;
4. outline his arguments to an official who has the powers of remonstrance and be present during the overseeing of a case in the court;
5. address the Constitutional Court of the Russian Federation with the complaint against the violation of the constitutional rights and freedoms of citizens by the law used or due to be used concerning a specific case.

The appeal or the complaint sent by the Commissioner pursuant to item 3 does not require the payment of a state duty.

Article 30 states that the Commissioner may publish his conclusions. The article also states that the periodicals with the financial share of the state, a municipality, an institution of local self-government, a state-owned enterprise or organization or fully (partly) financed from the federal budget or the budget of a subject of the Russian Federation may not refuse to publish the Commissioner's conclusions or other documents.

V. SUMMARY OF ANNUAL REPORT

In its application file, the CHR has included the 2007 Annual Report of the CHR.

The 2007 Annual Report is sub-divided into the following headings:

- Introduction
- About the Office of the CHR
- Complaints statistics

In this section, the Annual Report (pp.9-13) mentions the following:

"Understandably, the majority of the complaints received by the Commissioner referred to violation of the rights of specific individuals. During the year, a total of 28,617 complaints was received [...] The Commissioner had to reject 7.8% of the complaints received because they did not meet the relevance criteria defined in the law. A rejection notice was sent to the filers of those complaints stating the reason for the rejection. Following the review of 60.4% of the complaints, the complainants who had not exhausted the legal remedies for protecting their rights were sent clarifications and recommendations regarding the forms and methods of their further actions.

During the year, the Commissioner, acting in cooperation with the competent authorities, took measures to restore the rights of 31.8% of the complainants who had contacted him. He sent statements upholding their rights and freedoms to courts; personally or through a representative took part in court hearings; appealed to supervisory courts with requests to review the court rulings, sentences, determinations and resolutions that had taken legal effect; attended court hearings in his supervisory capacity; filed complaints with the Constitutional Court of the Russian Federation about instances where constitutional rights and freedoms were violated by a legal provision that had been applied or was to be applied in a specific case. As a result of those efforts, the rights of 12.9% of the complainants were restored. Work on some of the complaints was still in progress and closely monitored by the Commissioner at the end of the year."

- Social and Economic Rights
 - Pension Provision Issues
 - The Rights of Persons with Disabilities
 - The Right to Work
- The Rights and Legitimate Interests of Children
- The Rights of Military Servicemen and Conscripts
- Human Rights in Penitentiaries
- The Right to Freedom of Conscience
- The Right to Judicial Protection and a Fair Trial
 - Duration of a Trial
 - Direct Participation of the Parties in Court Hearings
 - Impartiality of Justice
 - Departmental Subordination of Judges and the Procedure for Subjecting Them to Disciplinary Measures
 - Compensation for Damages Caused by Judges' Actions
 - Non-Execution of Judgments
- The Rights of Victims of Crime and Abuse of Power
- Human Rights in the Sphere of Migration and Citizenship
- The Right to Choose the Place of Temporary or Permanent Residence
- Improving Legislation on Human and Civil Rights and Freedoms
- Interacting with the Government Authorities
- Interacting with Commissioners for Human Rights in Subjects of the Russian Federation
- International Activities of the Commissioner
- Legal Education and Training in human Rights
- About the Medal of the Commissioner for Human Rights in the Russian Federation
- Tasks for 2008

In this section, the Annual Report mentions on pages 126-127 the following:

"In 2008, while interacting closely with the government authorities and bodies of local self-government, the judiciary, the mass media, human-rights NGOs and society at large on issues falling under his mandate, the Commissioner intends to work towards:

- *Improving the awareness of citizens of their rights and freedoms guaranteed by the Constitution and the legislation of the Russian Federation, and the means and methods of protecting these rights and preventing their violation;*
- *Ensuring social and economic human rights with due account for the enhanced financial capability of the state, on the one hand, and the inadmissibility of a negative impact the government reforms may have on the quality of life of the population, particularly the more socially vulnerable groups, on the other;*
- *Ensuring political and civil human rights in the new environment emerging in the wake of the parliamentary and presidential elections;*
- *Improving the effectiveness of human rights monitoring in Russia;*
- *Further developing the national human rights institution and promoting the proliferation of human rights commissioner offices in the subjects of the Russian Federation, while improving the efficiency of their interaction;*
- *Enhancing the responsibility and public accountability of the government authorities and bodies of local self-government for any violations of human rights and freedoms they may commit;*
- *Making the response of the government authorities and bodies of local self-government to suggestions and recommendations made by the Commissioner in his appeals, as well as annual and special reports, more considerate and meaningful;*
- *Achieving effective interaction with Russian and international non-governmental organizations and with the human rights community as a whole."*