

Council of Europe
Conseil de l'Europe



European Union
Union européenne

JOINT EUROPEAN UNION-COUNCIL OF EUROPE PROGRAMME
Setting up an active network of
independent non judicial human rights structures

*The role of the ombudsman in the defence
of social rights in times of economic crisis*

3-4 September 2009 St. Petersburg (Russian Federation)

WORKSHOP DEBRIEFING PAPER

University of Padua
Interdepartmental Centre on
Human Rights and the Rights of Peoples



Université de Padoue
Centre Interdépartemental pour
les Droits de la Personne et les Droits des Peuples

The present publication¹ was prepared by STEFANO VALENTI, of the Interdepartmental Centre on Human Rights and the Rights of Peoples of the University of Padua, on the basis of workshop's minutes taken by MS ORSOLYA JENY.

This publication was funded by the Council of Europe and the European Union. The content of this publication is the sole responsibility of the author and can in no way be taken to reflect the views of the Council of Europe or the European Union.

¹ *The electronic version of this publication is also available at www.centrodirittiumani.unipd.it*

Contents

page

INTRODUCTION	5
CHAPTER 1 - Implementing the Revised European Social Charter in the Russian Federation: requirements of law and practice	7
1. The European Social Charter today.....	7
2. The ESC Ratification Process of the Russian Federation.....	10
3. Translating commitments into compliance: the role of NHRSs.....	12
4. Major social rights issues in the Russian Federation	14
CHAPTER 2 - Resolving cases of non-respect of social rights: judicial and non-judicial remedies available in the Russian Federation	17
1. How individual cases on social and economic Rights are addressed by non-judicial mechanisms	17
2. Cases presented in front of the European Court of Human Rights concerning economic and social rights in Russia.....	18
CHAPTER 3 - Problems and perspectives of the development of the institution of ombudsman in the Russian Federation	23
CONCLUSIONS	25
APPENDIXES	27
Workshop programme.....	27
List of participants.....	30

INTRODUCTION

Within the “Peer-to-Peer Project”, a joint European Union – Council of Europe programme, a two-day round table with the regional ombudsmen of the Russian Federation took place on 3-4 September 2009 in Puskin - St. Petersburg. A total of 45 Regional Ombudsmen of the Russian Federation and/or staff of their Offices attended this round table. The event dealt with the defence of social rights by the ombudsmen of the Russian Federation and issues pertaining to the development of the institution of ombudsman in the country. It was organised by the NHRS Unit of Directorate General of Human Rights and Legal Affairs of the Council of Europe (COE), in co-operation with the Strategy Centre of St. Petersburg. It was opened by a key note speech of the Commissioner for Human Rights, Thomas Hammarberg. This gathering of Regional Russian Ombudsmen with Senior Representatives of the Council of Europe Secretariat, the Register of the European Court of Human Rights and the Commissioner for Human Rights, allowed for plenary discussions on significant topics concerning the protection of social rights in the current situation in Russia and on specific concerns of the Russian Ombudsmen.

As a follow-up to this event, it was decided to produce this workshop debriefing paper, which is sketched out around the three sessions of the workshop. The publication aims at summarizing the findings of the workshop and at providing practical information on the defence of social rights by the ombudsmen, as well as references to documents concerning the topic.

1]

CHAPTER 1

Implementing the Revised European Social Charter in the Russian Federation: requirements of law and practice

On the first day participants discussed how the commitments taken by Russia when ratifying the Revised European Social Charter (ESC) could be translated into compliance, including the question of national and international remedies available in case of non-compliance. The Executive Secretary of the European Social Charter, REGIS BRILLAT, explained the content and the monitoring mechanism of that treaty.

1. The European Social Charter today

The European Social Charter protects human rights of every body every day. The economic and social rights are a prerequisite to ensure political and civil rights. Rights guaranteed by the Charter are all connected and indivisible: whenever a right is violated all the others are affected.

The European Social Charter (ESC) revised of 1996 embodies in one instrument all rights guaranteed by the Charter of 1961, its additional Protocol of 1988 and adds new rights and amendments adopted by the States Party². It is gradually replacing the initial ESC of 1961, which meant to

² *As of June 2010, a total of 43 States have ratified the Charter (either the 1961 Charter or revised version) and are listed as follows: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Moldova, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia,*

translate economic, social and cultural rights into reality. The revised ESC takes account of the evolution, which has occurred in Europe since the Charter was adopted in 1961, and includes the following novelties:

New rights: right to protection against poverty and social exclusion; right to housing; right to protection in cases of termination of employment; right to protection against sexual harassment in the workplace and other forms of harassment; rights of workers with family responsibilities to equal opportunities and equal treatment; rights of workers' representatives in undertakings.

Amendments: reinforcement of principle of non-discrimination; improvement of gender equality in all fields covered by the treaty; better protection of maternity and social protection of mothers; better social, legal and economic protection of employed children; better protection of persons with disabilities.

Enforcement mechanisms: the new Charter is submitted to the same monitoring system as the Charter of 1961, developed by the Amending Protocol of 1991 and by the Additional Protocol of 1995 providing a collective complaints' mechanism.

a. Reporting system (compulsory mechanism):

- Every year before October, States Party have to report on the implementation of their ESC obligations, (not on all provisions, but only on a selected number of provisions of the Charter);
- Reports are drafted by the national governments, but should be prepared in collaboration with relevant institutions, such as trade unions,

Slovak Republic, Slovenia, Spain, Serbia, Sweden, «the former Yugoslav Republic of Macedonia», Turkey and the United Kingdom have signed and ratified the Social Charter. The following 4 states have signed but not yet ratified the Charter: Liechtenstein, Monaco, San Marino and Switzerland.

NGOs, etc. Such reports are made public together with the conclusions of the European Committee of Social Rights (ECSR)³ the body responsible for monitoring compliance in States Party;

- The Committee of Ministers of the COE adopts decisions on the conformity of the State's practice with the ESC.
- b. Collective complaints system (optional mechanism):
- Complaints of violations of the ESC may be lodged with the ECSR;
 - Certain organisations are entitled to lodge complaints with the ECSR (a special list of NGOs has been established, and it is made up of NGOs enjoying participatory status with the COE);
 - If the complaint has been declared admissible by the ECSR, a written procedure is set in motion, with an exchange of memorials between the parties. The ECSR may decide to hold a public hearing;
 - The ECSR then takes a decision on the merits of the complaint, which it forwards to the parties concerned and the Committee of Ministers in a report;
 - Finally, the Committee of Ministers adopts a resolution. If appropriate, it may recommend that the state concerned takes specific measures to bring the situation into line with the ESC.
- c. In both systems:
- Identifying the violations is the role of the ECSR;
 - Inviting States to remedy the violations is the role of the Committee of Ministers upon the proposal of the Governmental Committee⁴.

³ See the country fact sheets, which provide a summary presentation of the implementation of the Social Charter in its States Party, at http://www.coe.int/t/dghl/monitoring/socialcharter/CountryFactsheets/CountryTable_en.asp

⁴ The Governmental Committee is a body composed of representatives of the States Party to the ESC and assisted by representatives of the European social partners participating as observers, which considers decisions of non-compliance in the months following their publication. In the event that the Governmental Committee considers that it is not envisaged to remedy a violation and to take action on a decision of non-compliance, it may propose that the Committee of Ministers addresses a recommendation to the State concerned.

THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS (ECSR)

v.

THE EUROPEAN COURT OF HUMAN RIGHTS (ECtHR)

- *There is a formal difference between the two mechanisms, since one is a court and the other is an experts' committee, but it lies more in the appearance than in the substance;*
- *The ECSR is entitled to rule on the conformity of the ESC with national situations (law and practice), which is the same role of the ECtHR concerning the ECHR;*
- *It is empowered to decide and to make its findings public, likewise the ECtHR;*
- *It is composed by 15 independent experts (the lower number compared to the States Party to the ESC is not a minus since it can make the experts' work more effective and less linked to the influence of their respective countries of origin).*

2. The ESC Ratification Process of the Russian Federation

The Executive Secretary of the European Social Charter, Regis Brillat, welcomed the signature and imminent ratification of the ESC by Russia⁵, which reaffirms the Russian Federation's commitment to the core values of the Council of Europe. He said that the Council of Europe will be working closely with the Russian Federation in order to help with concrete and effective implementation of the rights enshrined in this key human rights treaty.

The Russian ratification process has been a very thorough process. For about 8 years, after the signature of the ESC, Russian authorities have harmonised domestic legislation in the area of social rights and policies. It was the prior adoption of important social allowances that paved the way for the ratification of the ESC. These are the most important features of the ratification process:

⁵ Which took place on 16 October 2009.

Length: originally it was predicted a 5-year period of national law and practice adaptation before the ratification, but eventually it took 8 years;

National Authorities involved: originally it was foreseen that only two Ministries, foreign affairs and justice, were going to be concerned, but as the pre-ratification process progressed other Ministries got involved (Ministry of Finance, Agriculture, etc.). Eventually an Inter-ministerial Committee was set up.

Compatibility study: Russia needed to decide some criteria to select provisions of the ESC: it was agreed to accept all the ESC provisions where the national situation was compatible with the charter and/or compatible in the near future. But the selection process proved to be very cumbersome. A great supporter of the ESC has been the *Duma* (the lower chamber of the Federal Assembly), which was ready to adopt the ESC ratification law already in 2003 and put pressure on the Government to adopt a plan for ratification.

Change of national laws: a number of laws were modified in the pre-ratification period in order to make the domestic law compatible with the ESC. E.g. the labour code of 2002 was amended with 16 laws.

Results of the ratification: provisions accepted were Articles 1, 2, 3, 4 (but only para 2,3,4 and 5), 5. 6. 7. 8. 9. 10. 11. 12. (only para 1), 14. 15 (only para 1-2), 16, 17, 18, (para 4), 19 (para 9 and 5), 20. 21. 22. 24. 27. 28. 29. This is a significant start and should produce significant results in Russia. Hopefully, there will be more ESC provisions accepted by the Russian Government in the near future.

Reporting requirements: the first report on the implementation of the Revised ESC is to be submitted by the Russian Federation by 31 October 2011. It will concern the accepted provisions of Thematic Group 1 «Em-

ployment, training and equal opportunity»⁶. This will include:

- Right to work (Article 1);
 - Right to vocational guidance (Article 9);
 - Right to vocational training (Article 10);
- Right of physically or mentally disabled persons to vocational training, rehabilitation and social resettlement (Article 15 para 1 and 2);
- Right to engage in a gainful occupation in the territory of other States Parties - Right of nationals to leave the country (Article 18 para 4);
- Right to equal opportunities and treatment in employment and occupation without sex discrimination (Article 20);
- Right to protection in case of dismissal (Article 24).

3. Translating commitments into compliance: the role of NHRSs

A. THE REPORTING PROCESS

Once the first conclusions of the ECSR are published (approx 1 year after the presentation of the report by the Russian Government, i.e on October 2012) Ombudsman should get familiar with them in order to take them into consideration in their daily work. ECSR conclusions will highlight any relevant problems in the national law and practice. Ombudsmen might be able even to find solutions to these problems. Previous to this phase, the Ombudsman can also co-operate with national authorities in the drafting of the report, comment on it or send additional information directly to the ECSR. In any case, the role of Ombudsmen is different from the one of the government authorities and it should be complementary to it. Ombudsmen offices should act, on the one hand, building credibility among the public, but, on the other hand, not becoming confrontational with the authorities. For this, NHRSs should inform the general public, at

⁶ *A seminar was organized by the ESC Secretariat and the Russian relevant counterparts on the Russian reporting requirements on 5 June 2010. For more details see on the ESC webpage at www.coe.int/t/dghl/monitoring/socialcharter/Newsletter/NewsletterNo3June2010_en.asp#RecentSeminars*

the same time seeking ways to collect information in a structured manner, thus creating important reliable data about the real situation. For example, we were informed during the workshop that the Regional Ombudsman of Perm presented to the Region's Governor a survey of architectural barriers for persons with disabilities, where it was reported that only 10% of the public buildings are accessible to persons with disabilities. In more general terms, Ombudsmen annual report should focus on the respect of ESC in the country, thus serving a privileged source of information to the ECSR.

B. HOW TO TAKE THE CHARTER IN CONSIDERATION

Not only Ombudsmen should take into consideration the Charter in their daily work, but other authorities too, such as:

- *The Government*: should be aware of the ECSR conclusions on the report and should act according to the them. If necessary, legislation and practice should be amended for a better implementation of the Charter.
- *The Duma and the Council of the Federation* are instrumental in ensuring the implementation.
- *The Judiciary*: when a complaint is lodged before a tribunal, judges when deciding the case should take the Charter into consideration (both text and interpretation of the Charter). The ESC secretariat is also ready to co-operate in order to train judges on the Charter, similarly to the training on ECHR.
- *The Labour Inspectorate*: they also need to take into consideration the Charter in their daily work.

C. HOW TO RAISE AWARENESS

It is important to make the ESC better known: training at university level, for social scientists and social workers, but also for ordinary citizens should be organised. Raising awareness among the general public could be a specific role of the Ombudsmen. Moreover, the ESC should be ideally translated in all the main languages of the Russian Federation. For example, we were informed that the Charter was in the process to be translated into the Yakut language, the 2nd language of the Region of Yakutia.

The Ombudsman's practice should be inspired as much as possible by the Charter, especially when dealing with cases linked to a provision of the Charter accepted by Russia.

Collective complaints: this optional control mechanism is very important not only for implementing the Charter but also for involving social partners (NGOs, trade unions etc.). Thus, Ombudsmen should be on the front line in the lobbying with the Russian Government and the Parliament for the signature and ratification of the related Optional Protocol.

4. Major social rights issues in the Russian Federation

TATIANA MARGOLINA, Co-Chair of the Coordination Council of the Russian regional ombudsmen, reported on major social rights issues in the Russian Federation. Concerning the violation of social and economic rights, the main issues at stake are:

The former USSR had an important role in the development of the Economic and Social rights at international level. However, as from 1990 the respect of such rights worsened due to a modernisation process which did not take into consideration the social implications. As a consequence of this, there have been numerous violations of the right to work in safe conditions where health and safety rules are not observed. These violations result in a very large incidence of injuries and occupational diseases.

The current reality in Russia, as concern the respect of social and economic rights, is characterised by a very diverse national legislation, absence of a common benchmark and different approach by each Region according to budget availability⁷. Thus, the respect for the rights of socially vulnerable people greatly varies in the Russian Federation. It can be said that a common problem is the low level of retirement benefits. This is not merely an issue of poverty and of the right to social security, but also of the right

⁷ See debate on the Universal Periodic Review of Russia in the United Nations Human Rights Council, 7-12 February 2009.

to life, of respect for human dignity, and of the prohibition of degrading treatment⁸.

Concerning the specific situation in the Perm Region, the following is noted: it is an economically developed Region, which has adopted important legislative reforms in social fields, such as housing, social security and education. However, more than 50% of the complaints addressed to the Regional Ombudsman relates to violation of such rights, which is difficult to redress. For example, there is a long list of applicants for subsidised housing. The offer is very limited and it can result with a number of applicants (e.g many WW II veterans) without “a roof above their head”. The available budget is very limited and does not allow even for providing temporary accommodation facilities.

Particularly vulnerable citizens are the ones belonging to the low income groups who, for example, receive as state’s subsidy the equivalent of only 20 dollars once a year. (This could be in violation of Article 30 of the ESC, a provision which has not yet been accepted by Russia). Moreover, protection of the rights of persons with disabilities is generally poor (in violation with Article 15 (3), a provision not yet ratified by Russia).

Following this presentation, it was suggested that a discussion should take place with the relevant Russian counterparts on the possibility to accept further provisions of the ESC. However, at the time of the pre-ratification process, it was important to close such process in order to speedily proceed to the ratification. In particular, it is important that Article 15 (3) is accepted especially, when Russia will ratify the UN Convention on the rights of persons with disabilities⁹. It was said that the ESC ratification will not solve all the problems in Russia related to the Economic and Social rights, but it can be regarded as a starting point of a new era. It will take some time on the implementation of some provisions, while other provisions of the Charter can have very immediate results.

⁸ *On this see further the case of Budina v. Russia.*

⁹ *See on this Convention the Workshop Debriefing Paper on “The role of national human rights structures in promoting and protecting the rights of persons with disabilities”.*

2]

CHAPTER 2

Resolving cases of non-respect of social rights: judicial and non-judicial remedies available in the Russian Federation

1. How individual cases on social and economic Rights are addressed by non-judicial mechanisms

A report by IRINA SCUPOVA, Regional Ombudsman of the Samara region, illustrated how individual cases on social and economic rights are addressed in her region by non-judicial mechanisms.

A. A PRESSING SOCIAL QUEST: WHY IS THERE A NEED FOR NON-JUDICIAL MECHANISMS?

- Judicial remedies are not effective, due to the problem of non-execution of domestic judgments. Moreover, the judiciary is overloaded with pending cases, thus making the length of proceedings excessive;
- There is a need for a special expertise on some economic and social issues, other than pure legal expertise: this expertise is not always available among judges;
- Non-judicial remedies are more accessible and understandable for the public, while judicial remedies are often too technical and are not in line with the ever changing redressing needs of nowadays society.
- Non-judicial settlement: this practice implies a change of mentality, i.e. when people go to courts, more and more often they notice they do not have enough legal evidence which are often only at the disposal of the administration. Going to court should be the last resort, while non-judicial remedies should be used more often, being more accessible.

B. THE SAMARA REGION'S EXPERIENCE: THE COLLECTIVE MEDIATION MODEL

- There are different forms of non-judicial mechanisms: arbitration, commission regulation of social dispute, etc.;
- The collective mediation model consists in a conciliatory procedure for social disputes (i.e. a dispute between a Samara resident and the regional administration);
- Composition of the commission: many members are non-lawyers, including ordinary citizens who have a general understanding of the social issues and have been trained in special seminars;
- The ombudsman decides on the admissibility of the case;
- Decisions are non-binding but bear a moral weight on the administration because of the involvement of the Ombudsman;
- So far all but one decision were implemented by the Administration;
- Disputes mainly regard social protection of persons with disability;
- If there is an ongoing judicial proceeding on the same issue or the issue has been already decided, an individual cannot bring the same case before the commission. However, the individual can receive legal aid from the commission.

2. Cases presented in front of the European Court of Human Rights concerning economic and social rights in Russia

If individual cases concerning violation of economic and social rights are not redeemed in Russia, as a last resort they can be brought before the European Court of Human Rights (ECtHR). What follows are the main points of the presentation of the Head of Unit of the Registry of the ECtHR, MICHAEL LOBOV, who elaborated on how cases concerning social rights are dealt with by ECtHR.

- It is well-known that the ECHR does not contain many socio-economic rights as such (the few exceptions being the protection of property and the right to education).

- However, the ECtHR in its case-law has confirmed the general principle that economic and social rights are interdependent and complementary, reading socio-economic rights into the existing provisions of the ECHR.
- According to the ECtHR, it is a pure theoretical approach to say that Civil and Political Rights, seen as 1st generation of Human Rights, are opposed to economic and social rights, considered as 2nd generation of rights. On the contrary, the later are very important to provide effective implementation of civil and political rights.
- The ESC and the decisions of the ECSR help resolve these misunderstandings by reaffirming through their decisions the indivisibility of all human rights.
- With its conspicuous jurisprudence, the ECtHR countered arguments against the possibility of an effective judicial protection of economic and social rights.
- Both social and civil rights require a positive obligation by the State for their effective implementation.
- If full implementation of economic and social rights are considered expensive, civil and political Rights cannot be considered inexpensive. For example, organizing elections or referenda is as expensive as guaranteeing an effective judicial system to ensure respect of the right to court.
- A set of relevant cases decided by the ECtHR dismissed the false argument that economic and social rights are obscure, far-fetched and abstract, and thus cannot be judicially remedied.

RELEVANT CASE-LAW:

Airey v. Ireland, judgment of 9 October 1979

In the case, the Court established that the right of effective access to the courts may entail legal assistance. Airey case has been applied in a number of cases on civil legal aid. ECtHR concluded that whilst the Convention sets forth what are essentially civil and political rights, many of them have implications of a social or economic nature. The mere fact that an inter-

pretation of the Convention may extend into the sphere of social and economic rights should not be a decisive factor against such an interpretation; there is no water-tight division separating that sphere from the field covered by the Convention.

Budina v. Russia, Decision of 18 June 2009.

It concerns a recent application by a Russian citizen (Budina) who complained that her pension was so low that it violated Article 3 ECHR (prohibition of inhuman and degrading treatment). It is to be noted that such kind of applications would have been dismissed by the ECtHR as manifestly ill-founded in the past, but that such was not the case in the present application, which was considered on the substance. The Court affirmed that it cannot exclude that State responsibility could arise for “treatment” where an applicant, in circumstances wholly dependent on State support, found his/herself faced with official indifference when in a situation of serious deprivation or incompatible with human dignity. However, this was not the situation in the specific case, and no violation of Article 3 was found.

Moldovan and others v. Romania, Judgment II of 12 July 1995.

In this judgment the Court held that the living conditions of a group of evicted Roma were so horrible that there had been a violation of Article 3. This comes close to reading at least a minimum right to housing into the ECHR in eviction cases.

Although States tend to interpret the ECHR restrictively, denying that social rights are included in it, the above mentioned case-law indicates that, while formally they are not embedded, social rights are gradually becoming relevant in the interpretation of the ECHR. The ECtHR has increasingly started to refer to the text of the ESC. This is a further proof that even if each monitoring instrument has its own precise mandate, the combined use of the ECtHR and the monitoring mechanism in the protection of economic and social rights creates cross fertilization and synergies, helping achieve the full implementation of such rights.

3]

CHAPTER 3

Problems and perspectives of the development of the institution of ombudsman in the Russian Federation

This session was dedicated to difficulties and perspectives of the development of the institution of ombudsman in the Russian Federation. The Director of the Strategy Centre, ALEXANDER SUNGOROV, gave a comprehensive report on the number and kind of cases that the Russian ombudsmen deal with. This report was followed by in depth discussions among Russian ombudsmen on what does imply efficiency for ombudsmen, what should be the content of an ombudsman's report containing recommendations and how it should be presented and circulated. It was said that ombudsmen reports are important tools to disseminate information on their activities and results. For a useful comparison of national Ombudsman reports in Europe, participants were invited to consult the CoE publication "*Compendium of analyses of annual reports issued by the NHRSs of member States of the Council of Europe*"¹⁰.

¹⁰ *The Compendium concerns the 2006-2007 reports. Other compendia of more recent reports will be published soon.*

CONCLUSIONS

On the substance, discussions and contributions showed to what extent the economic crisis is now threatening people's essential rights in Russia. As the ECtHR constantly reaffirms in its case-law, there is not a watertight division between civil and political rights and social and economic rights which are interlinked, so economic crisis does not only effect the later rights, but all human rights. This is why Ombudsman should be even more proactive in defending the citizens' rights *vis à vis* the administration, making full use of their mandates. Russian regional ombudsmen have a lot of potential in expanding and creatively using their mandates, and Council of Europe should support them in this endeavor.

The Head of CoE Cooperation with the NHRSs, MARKUS JAEGER, in winding up the discussion, stressed the desirability of responding positively to the request of the Russian regional ombudsmen to be made aware of pending ECtHR cases involving applicants from their respective regions. To this end the RSIF¹¹ should be mailed to each Russian ombudsman, perhaps completed by specific information on the regions concerned.

Avenues for giving Russian Regional Ombudsmen opportunities to exchange experiences with regional ombudsmen from other European countries are being explored by the NHRS Unit, beyond the opportunities already offered under the *Peer to Peer Project* to some of them in turns.

¹¹ *Regular Selective Information Flow, which is e-mailed biweekly to all Ombudsman offices of the Council of Europe Region, including the Regional Ombudsmen of the Russian Federation.*

APPENDIXES

Workshop programme

WEDNESDAY, 2 SEPTEMBER 2009

Arrival of participants in Pushkin / St. Petersburg, dinner

THURSDAY, 3 SEPTEMBER 2009

9.30 – 10.00

Opening session

THOMAS HAMMARBERG, Commissioner for Human Rights,
Council of Europe

ALEXANDER SUNGUROV, President, Saint Petersburg Center for
Humanities and Political Studies “Strategy”

MARKUS JAEGER, Head of Co-operation with the National Hu-
man Rights Structures, Directorate General of Human Rights and
Legal Affairs (Capacity Building Division), Council of Europe

10.00 – 14.30

Session 1: Implementing the Revised European Social Charter in the Russian Federation – Requirements of law and practice

Chair: ALEXANDER SUNGUROV

The commitments undertaken by the Russian Federation: translating commitments into compliance

RÉGIS BRILLAT, Head of the Department of the the European
Social Charter Secretariat, Directorate General of Human Rights
and Legal Affairs, Council of Europe

Major social rights issues in the Russian Federation

TATIANA MARGOLINA, Co-Chair of the Coordination Council
of the Russian Regional Ombudsmen, Ombudsman of the Perm
Oblast

Discussion

11.00 – 11.30 Coffee break

11.30 – 13.30 **Discussion continued**

13.30 – 14.30 Lunch break

14.30 – 18.30 **Session 2 : Resolving cases of non-respect of social rights:
Judicial and non-judicial remedies available in the Russian
Federation.**

Chair: MARKUS JAEGER

Introductory speech

IRINA SKUPOVA, Commissioner for Human Rights of the Samar-
skaya Oblast

**Cases concerning social rights brought before the European
Court of Human Rights**

MIKHAIL LOBOV, Head of Legal Division, Registry of the Euro-
pean Court of Human Rights

Discussion

16.00 – 16.30 Coffee break

17.00 – 18.30 **Discussion continued**

18.00 – 18.30 **Summing-up of the first day**

STEFANO VALENTI, Interdepartmental Centre on Human Rights
and the Rights of Peoples, University of Padua (Italy)

Dinner

FRIDAY, 4 SEPTEMBER 2009

10.00 – 11.00 **Session 3: Problems and perspectives of the development of
the institution of ombudsman in the Russian Federation.**

ALEXANDER SUNGUROV, Introductory speech

Discussion

- 11.00-12.30 **Working groups:**
- Criteria of effectiveness of an ombudsman's activities
 - Establishing the Association of Russian Ombudsmen and organising its functioning
 - Legislative initiatives of the Russian Regional Ombudsmen
- 12.30-13.00 Coffee break
- 13.00 – 14.00 **Meetings of Regional Coordination Councils of Russian Ombudsmen**
- 14.00-15.00 **Lunch break**
- 15.00 – 16.00 **Final discussion. Presentation of the findings of the working groups and regional meetings**
- 16.00 - 16.30 **Winding-up of the workshop**
TATIANA MARGOLINA
MARKUS JAEGER

SATURDAY, 5 SEPTEMBER 2009
Departure of participants

List of participants

I. HUMAN RIGHTS STRUCTURES FROM THE RUSSIAN FEDERATION

Office of the Commissioner for Human rights in the Russian Federation

103084 Moscow (RU) - Myasnitskaya Ul. 47

Fax: +7 (095) 292-74-33

Web site: www.ombudsman.gov.ru

VLADIMIR LUKIN, Ombudsman (Excused)

NATALIA MIRZA, Head of Administration

II. REGIONAL OFFICES OF THE COMMISSIONERS FOR HUMAN RIGHTS

The Commissioner for Human Rights in the Altai Territory

656059, Russia, Barnaul, Partizanskaya Street 69

E-mail: protmen@alt.ru

MR. VISLOGUZOV YURY ALEXANDROVITCH

The Commissioner for Human Rights in Amurskaya Oblast

Russia, 675000, Blagoveschensk, Shevchenko str. 24, office 319

E-mail: apparatupch@tsl.ru

MRS. KHASCHEVA LJUBOV SERGEEVNA

The Commissioner for Human Rights in Astrakhanskaya Oblast

414000, Russia, Astrakhan, Lenina str. 28, office 176

E-mail: ast-ombu@mail.ru

MR. SALTYKOV YURY NIKOLAEVICH

The Commissioner for Human Rights in Bryanskaya Oblast

241050, Russia, Bryansk, Fokina str. 31

E-mail: upch@online.debryansk.ru

MR. ROZKOV PIOTR MIKHAILOVICH

The Commissioner for Human Rights in Volgogradskaya Oblast

400131, Russia, Volgograd, Pushkina Str. 14

E-mail: upl@volganet.ru

MR. ROSTOVSHCHIKOV VALERY ALEXANDROVICH

The Commissioner for Human Rights in Kaliningrad Oblast

236000, Russia, Kaliningrad, Sovetsky Prospekt 13, of. 76

E-mail: omb39@yandex.ru

MRS. VERSHININA IRINA FEODOROVNA

The Commissioner for Human Rights in Kaluzskaya Oblast

248000, Russia, Kaluga, Stary Torg sq. 2 office 125

E-mail: zelnikov@adm.kaluga.ru

MR. ZELNIKOV YURY IVANOVICH

The Commissioner for Human Rights in the Karachaev-Circassian Republic

369000, Russia, Cherkessk, Krasnoarmeyskaya str. 54

E-mail: nskchr@mail.svkchr.ru

MR. TITARENKO VLADIMIR VASSILIEVICH

The Commissioner for Human Rights in Kemerovo Oblast

650000, Russia, Kemerovo, Sovetsky Prospekt 63

E-mail: ombudsman@mail.ru

MR. VOLKOV NIKOLAY ALEXEEVITCH

The Commissioner of Human Rights in the Krasnodar Territory
350063, Russia, Krasnodar, ul. Sovietskaya, 35
E-mail: ombudsman@internet.kuban.ru

MR. KOZITSKIY ALEXANDER GRIGORIEVICH

The Commissioner for Human Rights in the Krasnoyarsk Territory
660028, Russia, Krasnoyarsk, K.Marks str. 122
E-mail: upchkk@krasinet.ru

MR. DENISOV MARK GENNADIEVICH

The Commissioner for Human Rights in Lipetskaya Oblast
398014, Russia, Lipetsk, Lenina-Sobornaya sq. 1
E-mail: upch@admlr.lipetsk.ru

MR. ZAGNOYKO NIKOLAY IVANOVICH

The Commissioner for Human Rights in the Nenets Autonomous District
Russia 166000, Naryan-Mar, Pobedy str. 4
E-mail: ombudsman-nao@mail.ru

MR. DULNEV BORIS NIKHOLAEVITCH

The Commissioner for Human Rights in the Novgorodskaya Oblast
Russia, 173005, Novgorod, Pobedy-Sophiyskaya Sq. 1, office 135
E-mail: matveeva@niac.ru

MRS. MATVEEVA GALINA SEMYONOVNA

The Commissioner for Human Rights in Orel Oblast'
302021, Russia, Orel, Lenin Sq. 1
Phone: +7 (4862) 47-42-21; +7 (4862) 47-45-15

MR. VASJUTIN YURY SERGEEVITCH

The Commissioner for Human Rights in Penzenskaya Oblast

440600, Russia Penza, Kuraeva str. 36-a

E-mail: prava_cheloveka_@mail.ru

MRS. PINISHINA SVETLANA FEODOROVNA

The Commissioner for Human Rights in the Perm Territory

614006, Russia, Perm, Lenina Sq. 51, office 227

E-mail: ombudsman@permregion.ru

MRS. MARGOLINA TATIANA IVANOVNA

The Commissioner for Human Rights in the Primorsky Territory

690039, Russia, Vladivostok, Russkaya st. 17/1

E-mail: ombu@primorsky.ru

MR. VLADIMIR GEORGIEVICH USHAKOV

The Commissioner for Human Rights in the Republic of Adygei

385000, Russia, Maikop, Krasnooktjabrskaya Str., 25

Phone: +7 (8772) 52-25-77

MR. PRIKHLENKO MIKHAIL VASSILIEVIC

The Commissioner for Human Rights in the Republic of Altai

649000, Russia, Gorno-Altaysk, Kommunistichesky Pr., 182

E-mail: semen-shefer@rambler.ru

MR. SHEFER SEMEN SEMENOVICH

The Commissioner for Human Rights in the Bashkortostan Republic

450100, Russia, Ufa, Frunze str., 46

E-mail: kurultai@rb.ru, gs@rb.ru

MR. KAJUMOV RIM FIDAEVICH

The Commissioner for Human Rights in the Republic of Dagestan
367005, Russia, Makhachkala, Lenina sq. 2, office 12
E-mail: dag.ombudsman@mail.ru

MRS. OMAROVA UMMUPAZIL AVADJIEVNA

The Commissioner for Human Rights in the Republic of Kalmykia
358000, Russia, Elista, Lenina sq., Dom Pravitelstva, office 41
E-mail: savisko_vl@mail.ru

MR. SAVISKO VLADISLAV ALEXEEVICH

The Commissioner for Human Rights in the Republic of Karelia
Russia 185610, The Republic of Karelia, Petrozavodsk, Kujbysheva str. 5
E-mail: ombudsman.karelia@zsrk.onego.ru

MR. SHMYKOV VALENTIN ALEXANDROVITC

The Commissioner for Human Rights in the Ingush Republic
167000, Russia, the Komi Republic, Syktyvkar, Internatsionalnaya Str. 90
E-mail: ombudsmanrk@mail.ru

MRS. ZAVJALOVA LJUDMILA VASSYLIEVNA

The Commissioner for Human Rights in the Republic of Mordovia
430002, Russia, Saransk, Kommunisticheskaya str. 33-1, off. 105
E-mail: ombudsman13@mail.ru, yastrebecev13@yandex.ru

MR. YASTREBTSEV YURY ALEXEEVICH

The Commissioner for Human Rights in the Republic of Yakutia
677000, Russia, Yakutsk, prospect Lenina. 22
E-mail: upsakha@yandex.ru

MRS. ZAKHAROVA FEDORA NIKOLAEVNA

The Commissioner for Human Rights in the Republic of Tatarstan

420066, Russia, Kazan, Dekabristov str. 6/1

E-mail: tatombudsman@telecet.ru, tatombudsman_smi@mail.ru

MR. VAGIZOV RASHEET GAYAZOVICH

The Commissioner for Human Rights in Rostovskaya Oblast

344050, Russia, Rostov-on-Don, Sedova str. 6/3

E-mail: ombudsman@donland.ru

MR. KHARKOVSKY ANATOLY IVANOVICH

The Commissioner for Human Rights in the Samarskaya Oblast

443100, Russia, Samara, Mayakovskaya str. 20

E-mail: uplsamara@mail.ru

MRS. SKUPOVA IRINA ANATOLYEVNA

The Commissioner for Human Rights in Saint-Petersburg

191002, Russia, Saint-Petersburg, Scherbakov pereulok, 1-2, box. 1137

E-mail: mail@ombudsmanspb.ru

MR. MIKHAILOV IGOR PAVLOVICH

Commissioner for Human Rights in Saratovskaya Oblast

410600, Russia, Saratov, Cheljusintsev str. 116

E-mail: ombudsman@saratov.gov.ru

MRS. LUKASHOVA NINA FEODOROVNA

The Commissioner for Human Rights in the Sverdlovskaya Oblast

620031, Russia, Ekaterinburg, Oktyabrskaya Sq. 1

E-mail: ombudsman@midural.ru

MRS. MERZLYAKOVA TATIANA IVANOVNA

The Commissioner for Human Rights in Smolenskaya Oblast
214000, Russia, Smolensk, Dokhturova str. 3
E-mail: kapustin@admin.smolensk.ru

MR. KAPUSTIN ALEXANDER MIKHAILOVICH

The Commissioner for Human Rights in Tverskaya Oblast
170100, Russia, Tver, Sovetskaya Str 23
E-mail: blohina@web.region.tver.ru

MRS. BLOKHINA IRINA VLADIMOROVNA

The Commissioner for Human Rights in Ulianovskaya Oblast
432063, Russia, Ulianovsk, Radischeva Str. 1
E-mail: ulombudsman@mail.ru

MRS. EDVARS GALINA ANATOLIEVNA

The Commissioner for Human Rights in the Khabarovsk Territory
680000, Russia, Khabarovsk, Muravjova-Amurskogo str. 3
E-mail: priem@pravo.khv.ru

MR. BEREZUTSKY YURY NIKOLAEVICH

III. OTHER REPRESENTATIVES OF THE REGIONAL OFFICES OF THE COMMISSIONER FOR HUMAN RIGHTS

Руководитель Аппарата
Уполномоченного по правам человека в Республике Алтай
Криворукова Ольга Владимировна
649000, г. Горно-Алтайск - пр-т Коммунистический, 182
ф.(3882) 26-46-01 - e-mail: semen-shefer@rambler.ru

Начальник отдела

Уполномоченного по правам человека в Архангельской области

Харитоновна Татьяна Николаевна

163061, г. Архангельск - пр-т Троицкий, 64

т./ф. (8182) 21-14-62, 20-72-96, 21-51-89

www.pomoruropolnom.ru - e-mail: upolnom@atnet.ru

Начальник отдела

Уполномоченного по правам человека в Иркутской области

Ковалев Владимир Васильевич

664003, г. Иркутск - ул. Горького, д.31, каб. 325

тел. (3952) 20-03-84, 24-16-15 - e-mail: upch@govirk.ru

Управляющий делами

Уполномоченного по правам человека в Курской области

Зайцев Владимир Васильевич

305001, г. Курск - ул. Марата, 9

т. (4712) 51-23-40, 51-24-10, 51-09-07 - e-mail: upch_kursk@mail.ru

Руководитель Аппарата

Уполномоченного по правам человека в Московской области

Айриян Тамара Муратовна

127006, Москва, ул. Садовая-Триумфальная, д. 10/13, стр. 1

т. (495) 650-20-38, 650-49-55 - ф. 650-26-61

www.ombudsmanmo.ru - E-mail: ombudsman@mosobl.ru

Руководитель Аппарата

Уполномоченного по правам человека в Нижегородской области

Макарова Алевтина Александровна

603082, Нижний Новгород - Кремль, корп.2 , оф. 86

т. (8314) 39-06-76, 19-73-55 - ф. 39-08-13

E-mail: ombudsman-nnov@yandex.ru

Руководитель Аппарата
Уполномоченного по правам человека в Омской области
Смирнова Тамара Евгеньевна
644043, г. Омск - ул. Красный Путь, д. 9
Региональный центр по связям с общественностью - т./ф. (3812)21-31-77
E-mail: postmaster@ombudsman.omsk.ru - www.ombudsman.omsk.ru

Специалист Аппарата
Уполномоченного по правам человека в Санкт-Петербурге
Архипов Александр Александрович
191002, г. С-Петербург, Щербаков пер., д. 1-3 - Тел. (812)315-85-86
www.ombudsmanspb.ru - E-mail: mail@ombudsmanspb.ru

Начальник отдела Аппарата
Уполномоченного по правам человека в Санкт-Петербурге
Васюкова Светлана Петровна
191002, г. С-Петербург, Щербаков пер., д. 1-3 - Тел. (812)315-85-86
www.ombudsmanspb.ru - E-mail: mail@ombudsmanspb.ru

Руководитель Аппарата
Уполномоченного по правам человека в Ставропольском крае - Юрий Николаевич Кулик
355029, г. Ставрополь - ул. Семашко, 14/1
т. (8652) 37-14-54, 37-14-52, 37-14-51
www.stavropol-ombudsman.ru - e-mail: ombuds_stavrop@list.ru

IV. OFFICE OF THE COUNCIL OF EUROPE COMMISSIONER FOR HUMAN RIGHTS

Council of Europe

67075 Strasbourg Cedex (FR)

Fax: + 33 (0)3 90 21 50 53

E-mail: commissioner@coe.int - Web site: www.commissioner.coe.int

THOMAS HAMMARBERG, Commissioner for Human Rights

BOJANA URUMOVA, Deputy to the Director of the Office of the Commissioner

LAURI SIVONEN, Adviser to the Commissioner

V. EXPERTS

Council of Europe

67075 Strasbourg Cedex (F)- Avenue de l'Europe

Tel. +33 (0)3 88 41 20 00

RÉGIS BRILLAT, Head of the Department of the the European Social Charter Secretariat - Directorate General of Human Rights and Legal Affairs

Registry of the European Court of Human Rights

European Court of Human Rights - Council of Europe

67075 Strasbourg - Cedex (France)

Tel.: + 33 (0)3 88 41 20 18 - Fax: + 33 (0)3 88 41 27 30

MIKHAIL LOBOV, Head of Legal Division

Interdepartmental Centre on Human Rights and Rights of People, University of Padua

35137 Padova (IT) - Via Martiri della Libertà, 2

STEFANO VALENTI, Local Project Officer in Italy

CINZIA CLEMENTE, Local Project Assistant in Italy

VI. ORGANISERS

St Petersburg Strategy Centre of Humanities and Political Science

190005 St Petersburg (RU) - 25/14 7th Krasnoarmeyskaya Street

Tel. +7 812 712 66 12

ALEXANDRE SUNGUROV, President of the Centre - Local Project Officer in the Russian Federation

ALEXANDER NEZDYUROV, Director for Development

TATIANA BARANDOVA, Local Project assistant in the Russian Federation

GALINA BARDIER, Dr. of psychology, Expert

Council of Europe

67075 Strasbourg Cedex (F) - Avenue de l'Europe

Tel. +33 (0)3 88 41 20 00

MARKUS JAEGER, Head of Co-operation with the National Human Rights Structures, Directorate General of Human Rights and Legal Affairs (Capacity Building Division), Council of Europe

JOLANTA DELCOURT, Assistant, National Human Rights Structures Unit, Directorate General of Human Rights and Legal Affairs (Capacity Building Division), Council of Europe

notes

A series of 20 horizontal dotted lines for writing notes.

notes

A series of 20 horizontal dotted lines for writing notes.

notes

A series of 20 horizontal dotted lines for writing notes.

notes

A series of 20 horizontal dotted lines for writing notes.

Workshop debriefing papers 2008

“Rights of persons deprived of their liberty: the role of national human rights structures which are OPCAT mechanisms and of those which are not”

9 -10 April 2008 Padua (Italy)

“Complaints against the police: their handling by the national human rights structures”

20-21 May 2008 St. Petersburg (Russian Federation)

“Protecting the human rights of irregular migrants: the role of national human rights structures”

17 -19 June 2008 Padua (Italy)

“The promotion and protection by national human rights structures of freedom of expression and information”

21-23 October 2008 Padua (Italy)

“The role of national human rights structures in promoting and protecting the rights of persons with disabilities”

2-3 December 2008 Budapest (Hungary)

Workshop debriefing papers 2009

“The protection of the rights of Roma people by the national human rights structures”
24-25 February 2009 Budapest (Hungary)

“The role of national human rights structures in case of non-execution of domestic judgments”
24 - 26 March 2009 Padua (Italy)

“The role of national human rights structures as regards anti-terrorists measures”
09 - 11 June 2009, Padua (Italy)

“The role of the ombudsman in the defence of social rights in times of economic crisis”
3-4 September 2009 St. Petersburg (Russian Federation)

“The protection and promotion by national human rights structures of the rights of the elderly”
15-16 September 2009 Budapest (Hungary)

“The protection of separated or unaccompanied minors by national human rights structures”
20 - 22 October 2009 Padua (Italy)



Design and layout
www.studiopopcorn.it

Printed in September 2010
by **Tipografia Eurooffset**

This publication summarises the findings of the workshop on *“The role of the ombudsman in the defence of social rights in times of economic crisis”*, which was organised in St. Petersburg (Russian Federation) on 3-4 September 2009 within the framework of the so-called *“Peer-to-Peer Project”*, a joint project between the Council of Europe and the European Union.

This project aims at setting up an active network of independent non-judicial human rights structures in Council of Europe member States.
