

***Ombudsman of Kaliningrad region of the Russian Federation***

**ANNUAL REPORT 2003  
Of the ombudsman of the Kaliningrad region**

**Summary**

The activities and public work of the ombudsman of the Kaliningrad region in 2003 was devoted to the securing of the human rights by the state in Kaliningrad region, the loyalty of state public authorities and the institutions of local governing.

In this regard the ombudsman:

Exercised control of the human rights securing by the state authorities and local authorities of the Kaliningrad region;

Assisted to the restitution of the violated rights of the citizens;

Assisted to the development of the legislation system of Kaliningrad region in respect to human rights;

Informed the citizens of Kaliningrad about the situation with human rights defense in the region;

Took measures in order to develop the mechanism of the defending and securing human rights in the region;

Assisted to the coordination of cooperation between state public authorities and local governing authorities of Kaliningrad region concerning human rights defense.

One of the most important forms of ombudsman's activity is the work with the appeals and complaints of the Kaliningrad citizens. Table 1 shows the dynamics of increase of the complaints in the years 2001, 2002 and 2003.

*Table 1*

Comparative analysis of the appeals in 2001-2003

	2001	2002	2003	Growth, % (compared to 2002)
Number of appeals Including:	543	943	1282	+36%
Oral	224	323	619	+91%
Written	319	620	663	+7%

*Table 2*

Comparative analysis of the appeals in 2001-2003  
and different categories of citizens

	Men		Women		Total	
	2002	2003	2002	2003	2002	2003
Pensioners	63	58	99	116	172	174
Handicapped	31	40	20	27	51	67

Military people	9	8	1	6	10	18
Prisoners	212	199	8	6	220	205
Foreigners, stateless people	20	56	23	127	43	183
Collective					69	50 appeals (from 851 citizens)
						104
Unemployed		32		72		2
Homeless		2				3
Students				3		
Officials		9		7	19	16
NGOs		10		6	17	16
Social status not known					342	444
Total	529	602	359	680	943	1282

The analysis of the appeals from the citizens has shown that, just as in previous years, the most stable category of citizens appealing to the ombudsman for the defense of their rights is prisoners (205 written appeals).

A great number of complaints have come from the foreigners and stateless people due to the difficulties concerning the realization of new legislation on citizenship and migration. Often such people ask for a consultation and seek help in speeding-up the process of obtaining the temporary stay permit and the residence permit.

A lot of appeals come from the most unprotected social groups: pensioners (174), unemployed (104), and handicapped (67).

The ombudsman has received 50 collective complaints (from 851 citizens). They mainly concern people's disagreement with the building of new dwelling houses nearby their houses, the building of superstructures to their houses or communal-general service problems.

The majority of complaints come from the citizens of Kaliningrad (688). 251 appeals came from the rural regions, which are situated far from the city and where the citizens are often deprived of their rights on education, medical care, and freedom of movement due to the absence of satisfactory roads, transport communications, and telephone communications. The problem of housing is especially acute in the rural areas. Unfortunately, such appeals can rarely be satisfied by the municipal authorities and administration of Kaliningrad region.

*Table 3*

Analysis of appeals in 2002-2003

Topics of appeals	Number of appeals	
	2002	2003
Civil law	55	24
Family	29	6
Housing	99	161
Labor and employment	33	25
Social welfare and social insurance	100	55
Finances	9	4
Economical activities	3	2
Foreign-economic activity	4	
Natural resources and environmental care	13	3
Information	2	4
Education, science, culture	8	6
Public health service, sport, tourism	23	25
Security and law order	12	21
Criminal law, execution of the punishment	225	223
Justice	155	125
Land issues	10	16
Registration, passportisation, obtaining the Russian citizenship and residence permit	121	346
Executive activities		25
Other issues	7	215
Total	929	1282

Characterizing the activity of ombudsman in 2003, it is important to mention the obvious growth of citizen's trust to the authority of ombudsman, assisting to the securing of human rights of the citizens. This fact proves the importance of human rights element in the development of civil society in Kaliningrad region.

## II. About the human rights compliance in view of a new legislation on citizenship and migration

A new federal law from 31.05.2002 № 62-FZ "About the citizenship of the Russian Federation" came into force on 01.07.2002, which sets rigid requirements for obtaining the Russian citizenship compared to the earlier law on citizenship.

In 2003 the ombudsman has received 400 complaints (84 written) connected with the violation of human rights due to imperfection of law on citizenship or its violation.

The complaints can be divided into the following categories:

- complaints in connection with the new passport reform;
- complaints in connection with violations of the procedure of obtaining the Russian citizenship for those, who were born in USSR and satisfy conditions stated in the resolution of the Constitutional Court of Russian Federation №12-P from 16.05.1996;
- complaints in connection with the refusals of the Kaliningrad civilian registry office to register birth of immigrants' children;

- complaints in connection with the refusals to receive temporary stay permits and residence permits.

It is important to mention that 40 complaints out of 84 were satisfied with the help of the Kaliningrad ombudsman, 6 of them – judicially, and 24 of them – by administrative means.

### III. About the compliance of the children's rights

The defense of children's rights is considered to be one of the main priorities in the work of the ombudsman of Kaliningrad region. In the year 2003 a special concern was caused by the compliance of children's rights in the field of school education. According to the data from the department of education in Kaliningrad administration, 287 children in the age 7-15 years old do not attend schools, 27 of them did not get primary education, 77 children do not attend schools due to illness. There are 387 children, who do not attend schools for more than 75% of school time. It is inadmissible to deprive children of their right for education, especially taking into consideration the fact that children's inoccupation often leads to the deviant behavior and crime.

The number of handicapped children grows in Kaliningrad region and in the whole country. There are 219,8 handicapped children per 10 000 inhabitants in Kaliningrad region. The total number of handicapped children in the region is 4293. The problem with obtaining the secondary education for handicapped children remains in the region. At present 2829 children receive secondary education in the schools of Kaliningrad region, 1238 of them study at general secondary schools, 1177 children study at boarding schools and special schools for handicapped children, 173 children study at home.

In the year 2003 several cases of infringement of the labor legislation with respect to under-age employees took place. In all the cases the rights of teenagers were restored, and the guilty people were punished.

In comparison with the last year the number of appeals concerning children's rights defense to the ombudsman of Kaliningrad region increased. There were 110 appeals (51 written, and 59 oral). In the majority of cases the ombudsman could restore violated rights of children.

In the year 2003 the ombudsman implemented the following activities in the sphere of children's rights into practice:

- a system of visiting and inspecting child institutions of the Kaliningrad region;
- a system of human rights education at schools and methodological seminars for school teachers;
- a cooperation with mass-media for giving a wide publicity to the children's problems and violation of their rights.

### IV. Gender equality of rights and possibilities

The analysis of the citizen's complaints to the ombudsman authority and of the general situation with the human rights defense in our region has shown that in 2003 no cases of women's discrimination were registered. Nevertheless, gender inequality is an obvious fact, which shows a real situation in the society, mainly due to the low level of legal consciousness in the society.

The Kaliningrad region has very few female representatives in the local government authorities: there is 1 woman per 10 men in Kaliningrad Duma. Out of 30 political parties in the region none has proclaimed quotas for female representatives in the party. It is impossible to talk about gender equality of human rights without the equal participation of men and women in the state administration.

The equality of labor rights is also violated in Kaliningrad region, which is confirmed by a number of claims received by the ombudsman in 2003. The female unemployment rate in

Kaliningrad grows steadily. According to the recent unemployment data 74,4 % of unemployed people are women and 26 % - men.

In 2003 the ombudsman of Kaliningrad region received 680 complaints from women (53% of a total number of appeals). The data shows that the number of appeals from women increased in 2003 compared to 2002 (37%). The most average topics of appeals were the problems with obtaining the citizenship, passportization, violation of rights of foreign citizens and immigrants. There were also many claims from women concerning the violation of their children's rights and the rights of their relatives. Thus, in 20% of cases women take the responsibility to provide the legal help for their family members.

It is necessary to mention that in spite of the recommendation given by the ombudsman in the previous year, the government authorities have not introduced the gender expertise of the government decisions, and the statistics does not include the gender aspect of the data.

The ombudsman pointed out the necessity to pass the law of the Kaliningrad region "On implementing the complex Program of improvement of the position of women in Kaliningrad region" and recommended for the feministic NGOs to support the pass of this law.

## V. About the rights of military men

One of the dimensions of the ombudsman activity is the defense of the military men's rights. The salary and the living conditions of the servicemen are still on a very low level. The unsatisfactory social and economic conditions of living lead to a social pessimism and lack of faith in military perspectives, and as a result negatively affect the duty of military service.

In 2003 the ombudsman and the officials of the ombudsman authority frequently visited the military units and got information about the conditions of the military service. The analysis of claims from the military men in the year 2003 has shown that the majority of complaints concern the violation of rights due to abusive behavior of a military men of a higher rank, exceeding their authority, and using them contrary to law of the military service.

Taking into consideration the claims of the military men, the ombudsman has addressed the General public prosecutor and the Military public prosecutor. The necessary measures were taken, and all the claims were satisfied.

In July 2003 the ombudsman initiated the check-up of several military units in Kaliningrad region. During this check-up the following infringements were observed:

1. Low level of the medical care for the military men.
2. There was no library, restroom or video-room for the leisure time of the servicemen.
3. The cultural activities were not properly organized: there were no meeting with NGOs, excursions and other activities.
4. The information stand was not properly equipped: there was no available information about the governmental authorities and human rights organizations, which deal with the violation of the servicemen rights.

The ombudsman has informed the commander of the Baltic Fleet about the observed infringements and requested to take the necessary measures.

The ombudsman pointed out it is important to activate the procedures of passing the statutory acts, which secure the compliance of the rights of the military men.

## VI. About the realization of rights for legal defense

The juridical system is one of the central elements in human rights defense. According to statistical data of the Kaliningrad regional court of law, there were 13781 civil cases in the district courts of law in 2003, of which 65% of cases were satisfied; justice of the peace satisfied 74% of cases.

One of reasons for a discredit of courts from the citizens is the problem of the infraction of terms for the legal investigation, especially of the civil cases. According to the Kaliningrad regional court of law, 21% of all civil cases are investigated with the violation of terms.

Approximately 12% of all appeals which come to the ombudsman are complaints on the work of the officers of justice. Their activities often do not give any positive results, especially in cases which concern the compensation of damages. Thus, the problem of satisfaction of the court decisions is of the current importance.

In order to increase the effectiveness of the legal defense of the human rights it is important to form a unified legal practice, which is especially acute in the conditions of the temporary changing legislation. The reform of the legal system is an urgent condition for securing the human rights.

## VII. About the compliance of the constitutional right for habitation

The Constitution of the Russian Federation guaranties citizen's right for habitation. It is stated that the public authorities and local authorities are to encourage the building of habitation and create conditions for the realization of this constitutional right. Unfortunately, the situation nowadays is very problematic.

According to the data from 01.01.2004 of the Kaliningrad city administration there are 20278 people in need of habitation. In 2003 only 96 families improved their living conditions.

In 2003 the office of the ombudsman received 161 claims concerning the problem of habitation. The housing problem is the most urgent for the handicapped people and veterans of the II World War. Despite the fact that the primary habitation right for the veterans is stated in the Federal law "On veterans in the Russian Federation", the building of lodgings for them is almost not financed in the last years.

A special concern of the ombudsman is a problem of providing the housing for the orphans, handicapped people, and employees of the budget-financed authorities, those who have low income.

Another problem is a dilapidation of the existing houses and slum dwellings in the region. This problem also requires a governmental solution and the development of the state program for reconstruction of houses.

The ombudsman has taken a set of measures to improve the living conditions of veterans in Kaliningrad region. It was stated in the annual reports of the ombudsman for the years 2001, 2002, 2003 that the housing situation in Kaliningrad region is a gross and numerous violation of human rights. The ombudsman recommended to the state authorities to develop a program of habitation building and the hypothec system.

## VIII. About the compliance of human rights in health care and social welfare

The analysis of appeals which concern the problems of social welfare has shown that over 15% of claims are devoted to pensions and welfare payments. People complain about the low amount of payments, and the laws regulating the procedure of pension calculations.

The deficit of budget financing affects the whole system of social welfare for handicapped people. More than 200 claims were received from pensioners, handicapped, veterans of II World War, repressed people and victims of fascism. People usually ask for help to repair their accommodations, to increase the amount of pensions, to decrease the costs for municipal services, to improve the medical care etc.

In the majority of cases of complaints the ombudsman has taken a set of measures to satisfy them, some of the complaints were readdressed to the concerned authorities and the city administration. The ombudsman promotes and secures the compliance of the human rights in the field of health care and social welfare.

## IX. About the compliance of the right to work

Along with the recent positive economic changes, the growth of salary rates and incomes of population, the results of the recent inspections have shown that there are still many problems in the sphere of labor and employment.

According to the State labor inspection data there were 1932 claims for the employees, 221 employees were held liable for the administrative responsibilities. As a result of labor inspection's interference 21 illegally fired persons were restored on their working places.

The Statistics committee reported that 80 companies in the region have arrears of wages in total 28,5 billions rubles.

The dynamics of unemployment rates changed in Kaliningrad in 2003. The level of unemployment was 1,8% by the end of 2003 (2,1% at the beginning of the year).

It is important to mention that 74% of unemployed people were women, although out of those who actively look for a job 60% are men up to 45 years old with higher or special education. The only demand they have is the level of salary not lower than 5000-6000 rubles. However, only 5% of 9500 vacancies satisfy this condition. Thus, the reasonable amount of salary is the biggest problem in the sphere of labor.

A special concern was devoted to the problems of seamen in Kaliningrad, who often do not receive their salaries. The seamen often work on the foreign ships, and when the owners of the ships refuse to pay salaries due to different reasons, it becomes difficult to provide legal aid for those who are employed abroad. The ombudsman has published a special report on this issue and addressed the state authorities to provide legal protection for this category of people.

Taking into consideration a special social importance of the labor rights the ombudsman recommended to the governmental authorities to pay a special attention to securing the human rights in this sphere.

## X. About the environmental rights

According to the data presented by the department of environment and natural resources in Kaliningrad region, a special concern was caused by the environmental situation on the seaside of the Baltic Sea, the river Pregol and other basins. Some cases of pollution were caused by the natural reasons, like in June 2003 a high level of pollution was registered due to the bottom water set. However, the majority of cases were caused by the industrial enterprises' wastes. Oil spills from the ships often cause pollution of beaches and coastlines in the Kaliningrad region.

One of the most urgent environmental issues for the Kaliningrad region is the installation of the sewage systems and purification plants. However, the budget financing is not enough for this purpose. The international cooperation is very important in building the sewage plants. The environmental problems have no borders and should be dealt with in a close cooperation between the neighboring countries.

Although the environmental situation in Kaliningrad is rather unsatisfactory, in the year 2003 there were very few claims on this issue received by the office of the ombudsman in Kaliningrad.

## XI. About the compliance of the human rights in the criminal law procedures

In 2003 the ombudsman received 205 complaints concerning the violation of the human rights in the sphere of the criminal law procedures.

Due to a great number of complaints, received from isolation wards of temporary stay, the ombudsman of Kaliningrad region of the Russian Federation, in agreement with the Public Prosecutor of Kaliningrad region together with the district prosecutors, has initiated the

inspection of custody conditions in the isolation wards of temporary stay (IVS) of Kaliningrad police departments.

The ombudsman has informed the Public Prosecutor of Kaliningrad region and the head doctor of the Centre for state sanitary-epidemiological control in Kaliningrad region about the investigated violations. The ombudsman of Kaliningrad region suggested to her colleagues in other regions of Russia and to the ombudsman of the Russian Federation to analyze the problems of IVS in other regions, to discuss the topic and to work out the possible solutions during the coming seminar of Russian regional and federal ombudsmen.

## XII. International and interregional cooperation in the sphere of the human rights defense

The ombudsman authority in Kaliningrad region promotes the study and the spread of ideas and practice of non-violence and tolerance on the international and interregional levels. The specialists of the ombudsman authority regularly organize and participate in seminars, workshops and conferences aimed at human rights education, tolerance in the society, the human rights compliance and other topics.

The most important international event of the year 2003 was the Round table of the Russian Ombudsmen “Human rights compliance: the problems of migration and citizenship”, which took place in Kaliningrad in March 2003. The Ombudsman of the Russian Federation O. Mironov, the Commissioner for the Human Rights of the Council of Europe Alvaro Gil-Robles, the President of the European Institute of the Ombudsmen N. Schwaerzler, the Ombudsmen of Sweden, the Netherlands and other representatives took part in the seminar.

In February 2003 a conference “Tolerance as a necessary condition for the life in modern society” was organized by the ombudsman organization in cooperation with the department of education of the Kaliningrad administration. A seminar “Intolerance and violence: ways of overcoming” took place in December 2003 in Kaliningrad, at which the ombudsman read a report “Violence in the Russian society: old and new phobias”. In November 2003 the European centre on migration and minorities’ rights in cooperation with the office of ombudsman in Kaliningrad organized a project “Stabilization and improvement of ethnic relations and migration problems in Kaliningrad region”, which resulted in publishing a hand-book for immigrants in Russia. In the year 2004 cooperation between ombudsman authority and UNICEF, and a set of activities, seminars and workshops concerning human rights education and minority problems will take place in Kaliningrad.

## XII. Conclusions

The analysis of the claims received by the Ombudsman of the Kaliningrad region in the year 2003, and also the information presented by the state authorities and NGOs of the Kaliningrad region allowed to work out a number of recommendations for the state authorities and local bodies:

1. To pass the regional law “About the basic guarantees of the children’s rights in Kaliningrad region”, which shall secure the protection system of childhood, motherhood and family.
2. To pay attention of the local authorities to the problems of the children from the families of the immigrants (the immediate registration of birth, the complex system of the compliance of the rights for medical and social care etc.).
3. To work out the mechanisms of interaction between the custody authorities, migration offices, social welfare authorities, passport and visa services in order to speed up the procedures of passportization and providing the legal status to the juvenile citizens of the Kaliningrad region.
4. To work out the system of regular inspections of the orphans institutions.

5. To reinforce the control of the work of the custody institutions when it comes to the adoption issues.
6. To work out the human rights education system for children from the orphans institutions.
7. To take measures for banning the advertisement of beer and including it into the list of the alcohol products, and to strengthen the control of alcohol sales to teenagers.
8. To improve the work of the custody authorities in respect to providing the housing for the orphans.
9. To recommend to the civil registry office of the Kaliningrad administration to inform the district civil registry offices about the legislation changes in respect to the issues of citizenship and legal state of the foreign citizens.
10. To improve the system of the birth rate monitoring and to work out a complex interaction between the civil registry offices, medical care authorities, custody authorities in order to improve the securing of the children's rights.
11. To improve the effectiveness of the authorities, which deal with the compliance of the rights of the juvenile citizens.
12. To organize the system of juvenile justice in Kaliningrad region.
13. To take measures for providing the legal and psychological help for the victims of violence.
14. To take measures for securing the rights of the war veterans for the budget housing.
15. To provide a possibility for the population of the region to receive an access to the general plan of the development of Kaliningrad.
16. To reinforce the control of the legacy of housing and building new premises in the city.
17. To address the President of the Russian Federation, the Government of the Russian Federation and the Duma to develop a state policy of the housing and reconstruction the Russian Federation.
18. To speed up the pass of the law "On the custody conditions for the handicapped people".
19. To investigate the problem of trafficking of the human beings and take measures for its prevention.
20. To provide the corresponding to the Federal law conditions for staying in the isolation wards of temporary stay in Kaliningrad region.

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