

**16th Session of the Committee of Experts on Public Administration (CEPA)
24 to 28 April 2017**

Written Statement by NGO Yakutia – Our Opinion

Agenda item 3: Ensuring effective implementation of the Sustainable Development Goals through leadership, action and means, (d) Development of principles of effective governance

**Problems of effective implementation of the Sustainable Development Goals
in post-soviet countries related to violations of principles of effective governance**

1. Majority of countries have sustainable state bodies formed over many years. Post-soviet countries have transitional developing state systems and economies.

Soviet Union was a totalitarian dictatorship where people have not real civil rights. Human rights were violated roughly and massively, notwithstanding statements of soviet authorities on observing the rights of citizens.

Post-soviet countries except Baltic countries inherited all negative features of soviet governance such as cynicism, hypocrisy, cheating people and double standards.

Only Latvia, Lithuania, Estonia got rid of the Soviet heritage successfully and became Member states of the European Union.

2. Consider the human rights situation on example of Russia, the biggest soviet republic. Focus on basic human rights divided into two conditional types:

- economic rights are rights to work, social security, an adequate standard of living, including adequate food, clothing and housing;
- legal rights are rights which exist under the rules of legal systems and ensure protection of legitimate rights and interests in state bodies, law enforcement agencies and courts.

These economic and legal rights are especially important for ensuring normal life. They are related to the implementation of two Sustainable Development Goals:

- Goal 1: End poverty in all its forms everywhere;
- Goal 16: Promote just, peaceful and inclusive societies (the provision of access to justice for all, and building effective, accountable institutions at all levels).

3. Unfortunately, Russian authorities violate human rights. Russian officials say one thing but do another.

Russian authorities violate the following main principles of effective (good) governance:

- accountability, when Russian state bodies and officials are not responsible for their mistakes and human rights violations;
- responsiveness, when objectives and priorities of state policy in Russia are not corresponded to the constitutional norms and needs of citizens;

-efficiency and effectiveness, when Russian state does not achieve the defined results, officials deal with citizens' problems not effectively;
-rule of law, when Russian officials violate rules and regulations instead of abiding by the law.

4. These violations of the principles of effective (good) governance result in failure to implement some Sustainable Development Goals.

Consider the essence of violations of economic and legal rights.

The failure of effective governance for ensuring implementation of the Sustainable Development Goals is in defects of legislation and of law enforcement practice.

So there two problems in Russia:

- rules of law impede implementing economic and legal rights;
- law enforcement practices are imperfect and ambiguous that give ground for corruption, abuse and violations.

5. The main reasons of violations of economic rights in Russia are low living standard and unfair distribution of national income in violation of constitutional provisions. Low living standard of Russia's people consists of the undervaluation of minimum social standards, the low real purchasing power of income, the overestimation of prices and tariffs, the unreliability of average statistical data.

According to official statistics in 2016 13.3% of Russian citizens had incomes below the subsistence level (in 2005 – 18.4%). However, according to independent estimates ill 80% of Russians have incomes below the subsistence level due to understatement of minimum social standards.

6. There are differences between real situation (precise information) and formal position (inaccurate information from Russian government) in Russia.

1. Subsistence minimum:

- Inaccurate information: 9 889 rubles in 3rd quarter 2016.
- Precise information: not less than 25 000 rubles.

Vice premier of the Russian government Olga Golodets confirmed undervaluation of subsistence minimum: "It's almost impossible to live on a subsistence minimum, it's difficult to survive, today it's a calculated figure...".

2. Average monthly wage:

- Inaccurate information: 36 703 rubles for January 1, 2017.
- Precise information: In several times less than 36 703 rubles.

Wages of the majority below the average wage: 10-15 thousand rubles.

Wages of low-paid groups such as nurses, hospital registrars, janitors and others below the subsistence minimum: 7-8 thousand rubles.

3. Results of social policy of Russian government:

- Inaccurate information: Increasing of living level and welfare, reduction of poverty, supporting social policy and political course by people of Russia.

- Precise information: Growth of mass protests, disease, crime, alcoholism and drug addiction, mass suicides and murders of relatives to prevent a martyr's death from hunger, including murder of

newborn child by mother.

7. Recommendations to address violations of economic rights:

- increase the minimum social standards of living, as well as pensions and allowances;
- increase salaries to at least three times the adjusted cost of living, taking into account the minimization of the territorial and sectoral differentiation.

8. The main reason of violations of legal rights in Russia is corruption.

In majority of Russian regions there are organized criminal groups led by regional heads and consisting of officials, law enforcement officers and judges.

The key problem in counteracting corruption is inaction of law enforcement bodies for the suppression of corruption crimes.

The mechanism for considering citizens' complaints is that in the majority of cases reports of corruption crimes at regional level are returned to the same regional level, that is, in fact to the same regional corruptioners.

Russian judicial system allows confirming unjust judicial decisions on falsified cases.

9. In Russia there is no effective system for handling citizens' complaints and addressing violations by public authorities, law enforcement and judicial authorities.

Thus, exhaustion of remedies occurs, when federal government, law enforcement and judicial authorities refuse to consider citizens' complaints on human rights violations substantially in the form of submitting unmotivated come-offs as well as redirecting them to the same offenders at regional level.

Finally, Russian citizens often can not implement their legal rights and achieve justice.

10. Describe functions of members of organized criminal groups for commitment of crimes and persecution against persons countering crimes.

Commitment of crimes:

- officials commit crimes through abuse of authority;
- deputies create legislative basis for crimes;
- representatives of control bodies oppose to identifying violations and countering them;
- law enforcement officers carry out legal and force support;
- judges make illegal decisions, hide and legalize the results of criminal activity.

Persecution against persons countering crimes:

- officials illegally dismiss a colleague countering crimes;
- deputies organize resignation of elected official countering corruption;
- representatives of control bodies organize inspections of entrepreneurs who spoke out against lawlessness;
- law enforcement officers falsify criminal cases (accusations of slander and insults, extremism, fraud, etc. against unwanted persons);
- judges give unjust judicial decisions (they convict those countering crimes).

11. In the case of functioning of organized criminal group consisting of officials, law enforcement officers and judges in region, civil activists, regional and municipal deputies are often the only persons who can resist corruption.

Such organized criminal groups operate in Republic Sakha (Yakutia), Kursk region and other Russia's regions.

Regional anticorruptioners wage unequal struggle against corruption and are subjected to unreasonable criminal prosecution.

Independent regional civil activists all around Russia accomplish public mission of countering corruption and need legal protection.

12. Recommendations to address violations of legal rights:

- ensure objective consideration of statements on corruption offenses;
- strengthen responsibility of officials, law enforcement officers and judges for human rights violations;
- simplify criminal prosecution against judges and of conduction of operational-search activities in relation to them by changing Law on the Status of Judges and Criminal Code;
- observe of section 6 of article 8 of Federal Law "On the procedures for consideration of appeals by citizens of the Russian Federation" on prohibition to send complaints for consideration to those state or local government bodies or officials, whose decision, action (or inaction) has been complained against;
- establish effective legal tools to protect regional anticorruptioners.

13. On the ground of foregoing We state that the priorities of Russian government do not provide proper implementing economic and legal rights of citizens in accordance with international human rights standards.

In general, international community take negative factors of state policy (cynicism, hypocrisy, cheating people and double standards) in post-soviet countries into account while developing principles of effective governance.

A large portion of post-soviet officials have anti-people criminal motives of illicit enrichment. Therefore principles of effective governance for post-communist must provide enhanced anti-corruption measures of civil control over authorities.