

Protection of the rights of Russian citizens on the territory of other countries

Научный руководитель – Дышекова Оксана Викторовна

Горкин Андрей Григорьевич

Студент (специалист)

Российская таможенная академия, Ростовский филиал, Ростов-на-Дону, Россия

E-mail: andrewgorkin@yandex.ru

Currently, over 30 million Russian citizens registered abroad. The presence of Russian citizens abroad is associated with a number of legal and social issues. So one of the most controversial provisions is the spread of Russian legislation to citizens of the Russian Federation.

Article 27 of the Constitution of the Russian Federation provides for the right of everyone to freely cross the border of the Russian Federation. Citizens of the Russian Federation go abroad for permanent residence, at the invitation of relatives or friends, to work, study, rest, on tourist trips, business trips or to undergo special treatment that is not possible on the territory of the Russian Federation. Citizens who, for one reason or another, have gone abroad are under the jurisdiction of the country of departure. This situation does not mean that their relationship with Russian law is completely done. Citizens of the Russian Federation who are abroad have a dual subordination to the law, that is, they are under the jurisdiction of the Russian Federation and the legal system of a foreign state. Persons who have gone abroad continue to remain citizens of Russia and are under the protection and patronage of the Russian Federation. Describing the civil legal status of Russian citizens permanently residing abroad, the authors note that it is determined both by Russian legislation and by numerous legislative acts of the host country. From citizenship, as a normative legal connection that is not lost even if a citizen is outside the state, follows the obligation of the Russian Federation to protect the rights of Russian citizens abroad, which is enshrined in Art. 61 of the Constitution of the Russian Federation [2].

The legislation of Russia, which defines the methods of supporting Russian citizens abroad, is quite voluminous. This is due to the fact that the Russian diaspora in the world numbers about 30 million people: in the United States alone there are more than 3 million Russian citizens, in Germany - about 2 million Russian citizens.

Russia inevitably faces the problem of developing measures to protect such a category of persons as Russian citizens abroad. For this, diplomatic and consular offices are being created in foreign states to protect the rights and freedoms of domestic citizens. In addition, they perform some services that help to remotely interact with government agencies of the Russian Federation.

Currently, there are over 200 consular missions of the Russian Federation operating abroad, whose practical activities comply with the requirements of the Consular Charter of 1976 and the Regulations on the Consular Office of the Russian Federation in 1998 and is aimed at protecting the rights and interests of the Russian Federation, its citizens and legal entities [1].

Consular officials of the Russian Federation, both at the request of citizens of the Russian Federation and on their own initiative, take all necessary measures aimed at their normal safe stay and protection of their legal rights and interests within the consular district.

In order to protect the violated legal character and interests of Russian citizens, the consul has the right and is obliged to apply with a request to the appropriate official bodies not only on complaints and claims of citizens, but also on his own initiative, and to demand information on any case and incident affecting the interests of individuals or legal entities of the Russian Federation; if necessary, provide assistance in placing an attorney at the disposal of a citizen of the Russian Federation to protect his interests in court, as well as an interpreter; represent

citizens of the Russian Federation in court and other institutions of the host state without a special power of attorney in compliance with the legislation of the host state.

Russia is currently a party to over 10 thousand international treaties and conventions. The Russian Federation participates in most of the international legal documents adopted by the UN and in many other multilateral acts, which can serve as the basis for the actions of consuls to protect the rights and interests of citizens of the Russian Federation.

International practice of recent years shows that the maximum effectiveness of assistance to Russian citizens in protecting their rights abroad is achieved by involving a large number of international organizations in solving the problem. Another important step in the implementation of measures to protect the rights of citizens abroad is the development of legal mechanisms for the application of sanctions against persons who violate the rights of citizens of the Russian Federation. Such a legal instrument can be the establishment of criminal liability for persons who violate the rights of Russian citizens abroad. This requires the development and approval of the relevant criminal procedural norms in Russian legislation.

Thus, it can be concluded that the rights and freedoms of Russian citizens are reliably protected by domestic legislation even outside the Russian Federation. Also, the participation of the Russian Federation in many political associations and conventions makes it possible to be guided by international norms for the protection of human rights.

Источники и литература

- 1) 1. Колосов Ю. М. Международное право: учебник / отв. ред. А. Н. Вылегжанин. — М.: Высшее образование, Юрайт-Издат. — 1012 с., 2009
- 2) 2. Швыткина, О. С. Правовые проблемы защиты прав российских граждан за рубежом / О. С. Швыткина. — Текст : непосредственный // Молодой ученый. — 2018. — № 44 (230). — С. 196-198. — URL: <https://moluch.ru/archive/230/53495/> (дата обращения: 03.03.2021).