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NATIONAL AND SUPRANATIONAL MECHANISMS FOR THE PROTECTION OF HUMAN RIGHTS AND FREEDOMS IN CONTEMPORARY CONDITIONS

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Subject of the research. The article considers two levels in the mechanism of protection of human rights and freedoms: national and supranational. National includes both judicial and non-judicial methods of protection. The supranational level is represented by universal (global) and regional ways. The purpose of the research is to identify an effective mechanism for the protection of human rights that can replace the mechanism of protection provided by the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, which has ceased to be valid for citizens of the Russian Federation. Research methods are the formal-legal method, analysis, synthesis, formal- logical method.

The main results. Theoretically, a particular citizen can use any of the national and supranational mechanisms for the protection of human rights. However, the nature of their action and the procedure for gaining access to these mechanisms are different, which affects their effectiveness and the readiness of a person to turn to one or another method of protection. Among supranational mechanisms, the Universal Declaration of Human Rights of 1948 has a unique status: on the one hand, this document is "a symbol of the moral consensus of all states, the starting point for the creation of a modern human rights regime"; on the other hand, it is an act-declaration, the application of which in specific legal relations and the protection of human rights with its help are problematic. The International Covenant on Civil and Political Rights of 12/16/1966 provides for the establishment of a Human Rights Committee that exercises control over the provisions of the Covenant through a system of reports. Reports on measures taken to implement the rights provided for by the Covenant, as well as on non-fulfillment of their obligations under the Covenant by other States Parties, are submitted by States Parties. The mechanism of reports, however, is not reliable enough - there are states that ignore it. Regional Conventions are rightly considered the most effective means of protecting human rights. The implementation of the provisions of the Conventions is ensured by the activities of supranational judicial bodies, to which the applicant can file a complaint. The conditions for applying to such a court, its territorial proximity, the possibility of executing court decisions make this method of protection as accessible as possible. Among the national remedies, first of all, it should be noted the activity of the Constitutional Court of the Russian Federation to protect the constitutional rights of citizens. The provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms and the Constitution of the Russian Federation in the section on human rights are almost identical, often written in the same phrases. But, despite the number of coincidences in the designation of human rights and freedoms, the main thing is not the designation (this is a declaration) of a specific right or freedom, but how they are applied and what is the practice of their protection (interpretation) by the Constitutional Court at the national level and the Convention on the supranational. It is here that the understanding of "identical" formulations can differ, and the question of who is better: a national or supranational body protects a particular human right, becomes debatable. It should also be remembered about the very meaning of supranational protection as an opportunity to receive protection from one's own state, albeit a subsidiary one. Therefore, it would be wrong to assume that in the absence of the possibility of applying to the ECHR, a citizen will be able to receive protection in the Constitutional Court without prejudice to the outcome of such protection.

Considering that the protection of human rights is, first of all, the activity of national courts of first instance, consideration by the courts of administrative, civil and criminal cases, in cases where it is carried out in full compliance with the norms of procedural legislation, is able to fully ensure the protection of the rights and human freedoms. To do this, the courts have all the necessary tools, you just need the ability and desire to use them.

Conclusions. The existing national and supranational mechanisms for the protection of human rights, in their effectiveness, are not able to fully compensate for the loss of the opportunity for citizens of the Russian Federation to file a complaint with the European Court of Human Rights.

1. Introduction

The mechanism for protecting human rights and freedoms consists of two levels: national and supranational. National includes judicial and non-judicial methods of protection. Supranational - universal (worldwide) and regional ways. In fact, a particular citizen can use any of these mechanisms. However, the nature of their action and the procedure for gaining access to these mechanisms are different, which affects their effectiveness and the readiness of a person to turn to one or another method of protection.

The current problem for Russian citizens is the “loss” of an important element in the system of protection of human rights and freedoms - the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950. Since the need to protect human rights has not disappeared, one should evaluate the potential and effectiveness of the instruments of protection that remain at the disposal of citizens of the Russian Federation.

The human rights protection system was formed gradually. “First generation” rights comprise civil and political rights that are now at the core of most human rights treaties. The "second generation" of human rights usually addresses social and economic significance, such as the right to work, the right to security, the right to an adequate standard of living, and the right to education. The "third generation" of rights may include the concept of such rights as the right to development, the right to a protected environment, the right to peace and the wide right of self-determination [1, p.359].

The advancement of globalization has changed the concept of a clear separation between the jurisdiction of a state, based on its sovereignty, and that which is beyond it. International law is no longer limited to interstate relations concerning topics such as territory, war, and peace; it also regulates legal relations that until recently were considered to fall under the exclusive competence of states and their legal orders: health care, the economy, labor standards, environmental protection. The development of international law has led to the inclusion of individuals and legal entities as subjects [2, p. 41].

The protection of human rights in the modern world is not a declaration; numerous normative acts have been developed and are in force, and mechanisms have been created to control the implementation of the provisions of these acts.

2. Supranational level of protection

The adoption after the Second World War of a large number of acts, primarily the Universal Declaration of Human Rights of 1948, which proclaimed human rights and fundamental freedoms as the basis of modern international law, made a real revolution: for the first time in history, man becomes a “universal being” (homo universalis), possessing international legal personality, thereby breaking the shackles that chained him to "his" state. This happened, perhaps, in the prehistoric era, when a person severed blood ties with his clan, tribe, becoming a "man of state", having, finally, the legal dimension of his being [3, p. 52-63].

2.1. Universal Declaration of Human Rights

The Universal Declaration of Human Rights was adopted by the UN General Assembly on December 10, 1948 (the USSR abstained from voting). The Declaration is considered the first and main document in the field of human rights. However, it is hardly convenient for a particular citizen to rely on it in protecting their rights and freedoms.

The Declaration provided for the following human rights: the right to life, to personal integrity (Article 3); non-admission of slavery (art. 4), non-admission of discrimination (art. 7) and others.

Among them, the human right to life has acquired a universal character. It is present in all the constitutions of the world. Most often, it begins the presentation of human rights as a whole. Without the right to life, other rights lose their relevance [4, p.51-57].

The Declaration also stipulates that restrictions on rights are possible to ensure due recognition and respect for the rights and freedoms of others and to meet the just requirements of morality, public order and general welfare in a democratic society (part 2 of article 29).

Human rights, according to R. Spano, are currently being tested for strength. This is

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manifested in the formulation of such questions as the expansion of the boundaries of human rights in comparison with their corresponding duties, the need to support duties, not human rights. The key point in such disputes should be the search for balance [5, p.148-153].

In the academic community, the attitude towards the Universal Declaration is polar: on the one hand, as a document with a unique status as a symbol of the moral consensus of all states and the starting point for creating a modern human rights regime; and on the other hand, as an act symbolizing the political establishment by Western countries of their intentions regarding the international legal order in their understanding [6; 7]. According to A.S. Ispolinov, the Declaration is a policy document, a “manifesto”, the absence of any philosophical justification for human rights in it is a conscious choice of developers. It does not have a binding force and coercion mechanism [6, p.100 – 107].

On the issue of the possibility of applying the Universal Declaration directly by the national courts, A.S. Ispolinov points out that it is precisely the vague nature of the provisions of the Declaration that confuses the courts, and therefore its application is inconsistent. For example, in the United States it is used, but still the general trend is to refuse to perceive the Declaration as a set of norms of international law. It can be applied by countries where the norms of international law, including customs, are part of the national legal order [6, p.100 - 107]. Given the attitude towards the norms of international law in the Russian Federation, it is difficult to imagine a Russian judge referring in his decision to the Universal Declaration. It is unlikely that a Russian citizen can count on the protection of his rights by appealing exclusively to this document.

The Universal Declaration is universal in content, because not tied to any national legal regime, it contains a "minimum catalog" of elementary human rights and freedoms, which has become a standard that all peoples and states should strive to achieve. Thanks to the Declaration, and later to the European Convention, an individual, while maintaining a permanent legal connection with his state through citizenship, acquired the rights enshrined in an international legal document to defend his rights “over the head of the state” in supranational bodies [8].

At present, the Declaration is perceived as the most general set of rules, as the first (at the time of adoption) document on human rights. In the Preamble of the Universal Declaration, it is noted that it proclaims the tasks to be fulfilled by all peoples and states. However, it cannot protect human rights with the same efficiency as regional systems of human rights protection - Conventions have been adopted in Europe, America, Africa, in addition, courts have been established that award compensation for violations of human rights conventions. The Declaration has no such mechanism.

2.2. International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights dated 12.16.1966 entered into force for the USSR on 03.23.1976.

The pact provides for the formation of a Human Rights Committee, to which no more than two persons are nominated from each state (Article 28). All states undertake to submit reports on the measures they have taken to give effect to the rights recognized in the Covenant, at the request of the Committee (art. 40).

The Human Rights Committee exercises monitoring functions in relation to the provisions of the Covenant through a system of reports submitted by States parties to the Covenant on measures to implement the rights provided for by the Covenant, as well as on non-fulfillment of their obligations under the Covenant by other States parties. Since 2006, the mechanism of the universal periodic review of human rights has been operating [9, p. 3–6].

The reporting mechanism is not reliable enough - there are states that ignore it. There is no provision for a judicial method of protection (a supranational court) for the compliance with the norms of the Covenant. Therefore, a set of measures and proposals is being realized to improve the activities of the Human Rights Committee and encourage participants to conscientiously fulfill the obligations of a state party to the Covenant.

For example, it is proposed to increase the

effectiveness of the Committee's activities by compiling a "black list" of those States parties to the Covenant that do not submit reports at all or systematically violate the deadlines for submitting such reports to the Committee; and it is also proposed to create a mechanism that excludes the possibility of electing to the Committee of the state that improperly fulfills the obligations under the Covenant [10].

It is unlikely that the proposed mechanism can be considered an effective way to protect the rights and freedoms of a particular person, since it is sufficiently generalized and abstract.

2.3. Regional conventions for the protection of human rights

Regional Conventions are rightly considered the most effective means of protecting human rights. The implementation of the provisions of the Conventions is ensured by the activities of supranational judicial bodies, to which the applicant can file a complaint. The conditions for applying to such a court, its territorial proximity, make this method of protection as accessible as possible. It should be added to this the mechanism for monitoring the implementation of decisions of supranational courts and the indirect influence on changing the national legislation of the violating state.

Among such acts, in addition to the well-known in the Russian Federation European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, there are also the American Convention on Human Rights of 1969 and the African Charter on Human and Peoples' Rights of 1981.

It is noted by scientists that the African Union demonstrates commitment to the meta-integration scenario of rapprochement of states and their legal systems, largely repeating the European path of cooperation between states. A similar scenario is also observed in South America, where small integration processes are absorbed by a large meta-integration process across the entire continent and are transformed into the legal system of the Union of South American Nations, which is also being created according to the European scenario, based on the creation of common legal spaces and common organizational structures [11, p. 3–6].

O.A. Kiseleva notes the following trend: on the one hand, in the field of universal international law, there is a reduction in the base of sources of international law, on the other hand, in the field of regional international integration, on the contrary, the number of sources of international legal regulation is increasing, and the process of their implementation is intensifying. There is an intensive process of creating and detailing the positive law of international regional integration formations, increasing normativity. The implementation of the norms of such international treaties occurs naturally and is ensured, among other things, through the possibility of protecting interests in the international court of the relevant integration entity [12, p. 58, 54].

In Europe, indeed, a unique situation has developed: there are two effective regional acts: the Charter of Fundamental Rights of the European Union of December 7, 2000, applied by the Court of Justice of the European Union and the Convention for the Protection of Human Rights and Fundamental Freedoms, applied by the European Court of Human Rights. The effectiveness of their work is generally recognized and, as noted above, on other continents the European experience is taken as a basis.

The activity of the European Court of Human Rights is also justifiably regarded as “soft law”. The legal nature of the activity of the European Court predetermines the soft-legal significance of the legal force of its decisions, the practical tool for the implementation of which is the principle of discretion [13, p. 256-270].

The margin of appreciation, in turn, is linked to the possibility of a flexible interpretation of the Convention. Changes in the interpretation of the Convention receive different assessments in the literature [14, p.130–142; 15, p.92-100]. A critical attitude towards the practice of evolutive interpretation of the Convention and such an important (in our opinion, positive) property of this document as flexibility and the ability to change with changes in social relations and time is gaining distribution.

Domestic lawyers are often annoyed by the fact that the European Court considers the Convention a “living” instrument, and “the so-called

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"evolutionary" interpretation distorts the meaning of what is said in the text of the norm itself or what its creators had in mind. It is this property that justifies the development in the Russian legal system of a mechanism for protection against "arbitrary decisions" of the international court [16, pp.181-189]. It is difficult to agree with such a position in view of the circumstances of its formation; the problems of the interpretation of the Convention by the European Court are fairly politicized, and the problems of the Russian Federation in specific cases are presented as general ones.

Meanwhile, the flexibility of interpretation and flexibility of case law of the ECHR is a purely positive phenomenon, allowing the idea of human rights, reflected in the document of the last century (1950), to live in modern conditions and continue to develop.

A.R. Sultanov correctly noted that it was the European Court of Human Rights that saved the Convention from obsolescence [17, p.154-178].

The practice of the ECHR responds to changes in social relations, which is a manifestation of the principle of an evolutionary interpretation of the Convention, for example, the evolution of approaches was observed towards legal entities (a legal entity consists of living people and the totality of these persons has the right to compensation for moral damage - this is in contrast to the theory of a legal entity as a fiction); to environmental issues or new technologies. These examples must be taken into account before reproaching a supranational body for the fact that in the period between the conclusion of an international treaty and its interpretation by the European Court, the interpretation of the Convention by the latter changed, and the state, when concluding an agreement on accession to the Convention, proceeded from a different interpretation of its norms. Moreover, there is a mechanism for coordinating conflicts between national and supranational legislation.

The Convention, and this is enshrined directly in its text, involves not only a statement of certain rights and freedoms, but also their further development. The Preamble of the Convention notes that the aim of the Council of Europe is to achieve greater unity among its members and one of the *means to achieve this goal* (emphasis mine - L.T.) is the protection and *development* of human rights and fundamental freedoms.

As already noted, thanks to the Universal Declaration, and later the European Convention, an individual, while maintaining a permanent legal connection with his state through citizenship, acquired the rights enshrined in an international legal document, to defend his rights "over the head of the state" in supranational bodies [8]. In the current situation, it is the courts, created to monitor the implementation by states of the provisions of regional conventions for the protection of human rights and fundamental freedoms, considering citizens' complaints about violations of such conventions, having a mechanism for the execution of their decisions, that are the most authoritative and effective way to protect human rights and freedoms.

3. National level of protection

3.1. Constitution of the Russian Federation 1993

Chapter 2 is devoted to the rights and freedoms of man and citizen in the Constitution of the Russian Federation, and in Part 1 of Article 55 of the Constitution it is stipulated that the enumeration in the Constitution of the Russian Federation of fundamental rights and freedoms should not be interpreted as a denial or derogation of other universally recognized rights and freedoms of man and citizen. Thus, the Constitution does not diminish or exclude the application of other acts for the protection of human rights.

As noted by V.M. Zhuykov, the generally recognized principles and norms of international law and international treaties are widely used in the activities of the Constitutional Court, which also confirms their consistency with the Constitution. He also gives examples of the successful resolution by the courts of the Russian Federation of cases on the protection of labor rights (with the gaps existing in Russian legislation at that time) using the norms of international law: ILO Convention No. 29 of June 28, 1930 and Article 8 of the Covenant on Civil and Political Rights, where It was clearly described what is meant by forced or compulsory labor. Later, provisions on forced labor were included in the

Labor Code of the Russian Federation in 2001 [18, p.181-189].

From the point of view of comparing the degree of protection provided by the Convention and the Constitution of the Russian Federation, a common approach is to point out that the provisions of the Constitution of the Russian Federation on human rights are practically identical with the Convention for the Protection of Human Rights and Fundamental Freedoms. For example, it is pointed out that the Constitution and the European Convention are not only based on the same ideas, but are also written in the same phrases [16, p. 181-189].

Indeed, there are many coincidences in the designation of human rights and freedoms. The wordings do not match verbatim, one can argue about where they are better. But the main thing, it seems, is not the designation (it is a declaration) of a specific right or freedom, but how they are applied and what is the practice of their protection by the Constitutional Court at the national level and the Convention at the supranational level. Thus, the interpretation of the norms of the Constitution of the Russian Federation by the Constitutional Court, and the interpretation of the norms of the Convention by the European Court of Human Rights acquire indisputable significance. And here the understanding of "identical" formulations can differ, and the question of who is better: a national or supranational body protects a particular human right becomes debatable. But one thing is clear: the protection received from the Constitutional Court is not equal to the protection from a supranational body and cannot completely replace it. This is not even talking about the very meaning of supranational protection as an opportunity to receive protection from one's own state, albeit a subsidiary one. Therefore, to hope that in the absence of the possibility of applying to the ECHR, a citizen will be able to receive protection from the Constitutional Court without prejudice to the outcome of such protection, it would be naive.

An illustrative example of the "avoidance" of the Constitutional Court from sensitive issues is given by M.A. Likhachev. He criticizes the Constitutional Court for the shortcomings of the argumentation in its Opinion No. 1-3 dated March 16, 2020, where, assessing the changes in Article 79 and Article 125 of the Constitution, the Constitutional Court refrained from comparing the proposed amendments with Part 1 of Article 17 and Part 3 of Article .46 of the Constitution and reduced the argument to the following indication: the above provisions do not imply the RF's refusal to comply with the international treaties themselves and fulfill its international obligations, the mechanism itself is intended to develop a constitutionally acceptable way of implementing decisions of international bodies while steadily ensuring the supreme legal force of the Constitution (clause 3.3 ща Opinion). M.A. Likhachev emphasizes that in this case it is not even about the weakness of the arguments, but about the absence of the slightest explanation with direct disregard for constitutional provisions, although it is important to understand how the Constitutional Court of the Russian Federation, in the context of presidential amendments to the Basic Law, correlates the refusal to execute the decision of an international human rights body with the right to international protection (part 3, article 46 of the Constitution) and with the obligation of the state to recognize and guarantee human rights "in accordance with the generally recognized principles and norms of international law" (part 1, article 17) [19, p. 30-44].

From the above example, it can be seen that the Constitutional Court is unlikely to be able to take the side of a citizen in his dispute with the state.

3.2. Procedural legislation of the Russian Federation

Consideration by courts of administrative, civil and criminal cases, in cases where it is carried out in full accordance with the norms of procedural legislation, is capable of fully protecting human rights and freedoms. To do this, the courts have all the necessary tools, you just need the ability and desire to use them. Procedural legislation (Arbitration Procedure Code, Civil Procedure Code, Code of Administrative Procedure, Criminal Procedure Code) represent each sample of the procedural form of consideration of cases, this form is characterized by consistency and compulsion. By itself, following this form allows the judge not only to consider the case correctly, but also to protect the rights of each participant in the proceedings and,

ISSN 2542-1514 (Print)

thereby, save the state from subsequently filing claims (complaints) against it in supranational bodies in connection with the violation of human rights.

In particular, the developing legislation and practice of administrative proceedings can serve as guarantors of the protection of individuals from the arbitrariness of administrative bodies and officials (subjects vested with power). The Code of Administrative Procedure (CAS) defines the procedure for protection against illegal regulations (Chapter 21), illegal actions and decisions of persons vested with state and public powers (Chapter 22), violations of electoral rights (Chapter 24), protection of certain elements of a fair trial (Chapter 26).

However, CAS will not be able to become a full-fledged defender of human rights and freedoms, since the legislator, when forming administrative proceedings, chose not a human rights, but a repressive direction. This direction corresponds to the presence in the CAS of a large number of cases initiated precisely at the initiative of a public entity against a defendant - a private individual. Thus, the original idea of cases arising from administrative (public) legal relations, which consisted in the fact that the "weak" party - an individual in his dispute with the "strong" party - the state represented by its bodies, would receive protection in court. Currently, the CAS is increasingly aligned with the procedural rules of "punitive" jurisdictions, i.e. the Code of Criminal Procedure and the Code of Administrative Offenses. Thus, the CAS has rules on the consideration of cases on the suspension or liquidation of political parties and public associations, religious organizations, mass media (Chapter 27); deportation of citizens (Chapter 28), administrative supervision (Chapter 29), forced hospitalization (Chapter 30), etc. The grounds for the application of these repressive measures are by no means contained in the CAS, but in special legislation (for example, clause 2, part 3, article 262 of the CAS refers to the grounds established by federal law for suspending or liquidating a political party, religious or other organization, for terminating activities of the media, etc.), that is, when considering a case, the court does not use a civil procedural form that would create opportunities for equality of the parties, and not even the rules of the CAS, but a special law dedicated, for example, to the media. The court thus has a free hand to apply repressive influence. Numerous cases against the media indicate that the courts do not remember human rights when considering such cases. In particular, about the rights enshrined in the Constitution of the Russian Federation - equality (Art. 19), privacy (Art. 23), inviolability of the home (Art. 25), freedom of movement (Art. 27), freedom of conscience (Art. 28), freedom of thought and speech, freedom of the media and prohibition of censorship (art. 29), the right to form unions (art. 30), the right to assemble, rally and demonstrate (art. 31), protection of private property (art. 35, 36). Unfortunately, modern Russian courts are not free from an ingrained Soviet habit - the presumption of rightness and infallibility of a state body. Human rights protection, on the contrary, requires other presumptions, in connection with which, of course, it is difficult to count on the protection of rights and freedoms precisely by the court of first instance of federal courts.

The very formation of CAS was accompanied by numerous disputes about its essence [20; 21, pp.7-10; 22, p. 105; 23, p. 12-13; 24, p. 70-80; 25, p.7-23; 26, p. 42-46]. It could be assumed that the CAS claims to develop one of the types of proceedings known to civil proceedings - proceedings in cases of public legal relations, where the weak side is opposed by a public entity, the side is obviously stronger. However, among the categories of cases, both transferred to the CAS from the Code of Civil Procedure (for example, the former chapters 28 and 29 of the Code of Civil Procedure), and newly introduced, the majority are cases where the weak party is *the defendant*. The latter circumstance can just act as a connecting bridge with the norms on punishment for committing an administrative offense [27, p.32].

Criminal proceedings carried out on the basis of the norms of the Criminal Procedure Code, theoretically, could be a guarantee of a fair approach to participants in criminal proceedings (Articles 49-52 of the Constitution), as well as a guarantor of observance of such constitutional rights of citizens as the right to life (Article 20 of the Constitution), the

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inadmissibility of torture and humiliation (Article 21 of the Constitution), freedom and personal integrity, inadmissibility of arbitrary arrest and detention (Article 22 of the Constitution). Theoretically, these norms of the Constitution of the Russian Federation should be developed in the norms of sectoral legislation and should guarantee fair criminal proceedings. The Code of Criminal Procedure contains provisions that are quite consistent with the spirit of the Constitution of the Russian Federation and the norms of international law on the inviolability of the person (Article 10 of the Code of Criminal Procedure), respect for his honor and dignity (Article 9 of the Code of Criminal Procedure), the presumption of innocence (Article 14 of the Code of Criminal Procedure), and many others, including numerous procedural possibilities of an individual approach to the parties to criminal proceedings and respect for the rights of both. But how can one explain the arrests for non-violent crimes of a minor nature of women with children? Why do all the numerous guarantees provided for by national legislation fail to work in criminal proceedings?

Numerous evidence recorded by human rights activists does not allow us to hope that human rights will be protected directly by the court of first instance when considering a particular case. There are reasonable doubts about this. V.M. Zhuykov writes, in particular, about the atmosphere of fear and methods of pressure on judges (both legally established and others) [28, p. 122-136]. It is unlikely that the problems identified by him will allow us to hope that the judge will be bold and principled in resolving the issue of human rights. Moreover, if earlier the federal courts acted with an eye on the ECHR, now there is no such danger for them and they can only focus on the opinion of the higher courts of their system. Even the position of the Constitutional Court is not so important for them, given that the conditions for applying to the Constitutional Court for citizens have become much more complicated: only the rule of exhausting all possibilities for appealing against a specific act reliably protects judges from getting their decisions into the eyes of the Constitutional Court of the Russian Federation.

Previously, national courts were included together with the ECHR in a single mechanism: legal relationship, as A.R. Sultanov, arising from the implementation of the rights and freedoms protected by the Convention, can be ended by the issuance of a decision by the national court and the restoration of violated rights and freedoms, while when the national mechanisms have not worked, the legal relationship continues in the ECHR and it ends only when the subjective right is realized and achieved the purpose of its implementation [29, p. 11]. The loss of a key link from this mechanism - the possibility of applying to the European Court, creates a period of uncertainty in relation to the problem of effective protection of human rights and fundamental freedoms in the Russian Federation.

3.3. Other national remedies

Among the internal structures for monitoring the observance of human rights, a number of state and public bodies can be distinguished - the Commissioner for Human Rights in the Russian Federation, the Presidential Council for the Development of Civil Society and Human Rights, the Civic Chamber of the Russian Federation, the police, the prosecutor's office, etc. [9, p. 3-6].

However, the tools of these individuals and organizations are mainly bureaucratic (consideration of complaints, compilation of reports on the state of human rights for a certain period, etc.). As for the police and the prosecutor's office, by definition they are not human rights structures and are wrongly included in this list. On the contrary, these bodies should be under the control of human rights organizations in terms of the observance of human rights by police and prosecutors.

4. Conclusions

The most important property of the human rights system is its dynamism, the continuous development of the system. It occurs in several forms: supplementing the list of human rights, expanding the content of a specific human right, increasing the legal and material guarantees for its implementation. But the list of rights and freedoms remains traditional, the normative consolidation of new rights is rare. This testifies to the conservatism of the human rights system. Significant regulatory potential lies in the general formulas of human rights, the abstractness of the formulations is the basis of regulation [30, p. 27-44].

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Such living regulation is carried out by supranational courts, applying regional Conventions on the protection of human rights. In the situation of Russia's withdrawal from the Council of Europe and its disconnection from work with the European Court of Human Rights, the place of the Convention and the ECHR will be empty, it is impossible to replace these instruments. The Russian Federation abandoned a very effective tool. This tool was effective and convenient not only for the citizens of the Russian Federation (they certainly lost a lot with its loss), but also for the state, allowing reforming Russian legislation in the direction of general progress. In the current situation, the only hope is that the very concept of human rights is nevertheless perceived by Russian judges, and when considering specific cases, they will keep these rights in mind.

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