

Protecting human rights in Russia's closed nuclear cities*

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In Russia, it is felt that the safe operation of nuclear plants depends on the strength of the barbed wire fence surrounding the people who live nearby. Public officials in these closed cities actually believe that the more infrequently they allow relatives of those living permanently beyond the wire to cross it, and the more frequently they forbid meetings and create petty obstacles for spouses unfortunate enough to have married someone outside one of the closed cities, the better it will be for Russian security. Hundreds of thousands of people living in closed cities are known officially as residents of "closed administrative-territorial establishments of the Federal Nuclear Energy Authority of the Russian Federation". There are ten of these "ZATOs": three in the Chelyabinsk district; two each in the Sverdlovsk and Krasnoyarsk regions and one each in the Nizhegorodsk, Penzensk and Tomsk districts.

According to the letters sent by individuals to the Public Human Rights office in the ZATO Ozersk, in the Chelyabinsk district, the main violations in ZATOs are breaches of the following rights under the European Convention

on Human Rights and of the Russian Constitution (ECHR) - the right to respect for private and family life; the right to choose one's place of residence; and the right to freedom of movement.

In this article I summarise the main human rights issues which arise in relation to the ZATOs.

In the Russian Federation, the law governing the ZATOs is out of date. There are only two relevant pieces of legislation: the 1992 Law "On ZATOs" and the 1996 "Regulations on the introduction of special regimes in the ZATOs of the Nuclear Energy Authority", in which some of the clauses lay down rules which do not merely restrict people's human rights but actually remove them.

These laws were not properly worked out in the first place and do not meet today's needs, nor do they comply with Russian or international law as regards the observance of fundamental human rights. For example, by affording access to State secrets for all citizens living on the territory of the ZATOs, either permanently or temporarily, this apparently provides a pretext for preventing "unwelcome citizens" – such as former prisoners – from entering ZATOs.

The instruments that give ZATO authorities the right to frame their own

local regulations have never been tested to ascertain whether they comply with the framework legislation. Moreover, in their local regulations the ZATO authorities break the law by exceeding the powers they have under Federal law and the Russian Constitution. Local rules relating to ZATOs are increasingly restrictive of citizens' rights by comparison with the framework instruments.

Some of the legal issues relating to matters which are not reflected in the instruments governing ZATOs are 'resolved' by the ZATO authorities in an arbitrary manner, irrespective of citizens' rights. These issues include: succession and inheritance; family reunification; employment issues and the right to medical treatment for family members of ZATO residents who are not themselves registered in a ZATO.

The question whether citizens may enter, leave or live on ZATO territory is often decided in the light of notions extraneous to Russian and international law. Organisations without proper authority (instead of the Head of the Administration within the ZATO) seem frequently to perform this function. However, refusals as such are unlawful, as a ZATO administration only has the

continued on page 4

continued from page 3:

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right to permit entry according to the legal requirements. There are in reality no legal obstacles preventing Russian residents from entering for lawful purposes or residing there permanently or temporarily, provided that one observes certain conditions which apply to the territory of any ZATO in Russia.

Furthermore, the extension of ZATOs beyond the limits of the original settlements has meant inhabitants of villages outside the perimeter cannot freely visit the centre of a ZATO to receive medical treatment, obtain civil registration or manage other personal affairs, and consequently have to apply for a permit.

Citizens are also prevented from any entrepreneurial activity in a ZATO. Access to premises is difficult and they are vulnerable to pressure from local administrative authorities.

Currently the law relating to ZATOs concerns not only citizens living within the ZATO, but also Russian citizens

with family or occupational links to a ZATO. The numbers grow year by year because of the demographic changes in the structure of ZATOs.

The law is also silent on obtaining information governing citizens' entry, departure and residence in certain ZATOs.

The framework instruments affecting the rights and freedoms of Russian citizens must be published and made accessible in accordance with the requirements of the Russian Constitution. The current vague situation allows the leadership of certain ZATOs to classify local laws for official usage only, thus denying the public access to them.

The ZATO system is arguably even outside the reach of Russian law. It is fertile ground for undemocratic decisions and human rights violations and virtually escapes scrutiny. Restrictions on people's rights which are invented by the local authorities are irrational and unlawful: people are suffering gravely and their rights are being violated.

In 1998 the Russian Federation ratified the ECHR. The ECHR enshrined the

right, if Russia felt it necessary, to stipulate special conditions for its observance in the case of ZATOs. This was not done, so residents of the ZATOs are of course subject to the jurisdiction of the ECHR. ZATO authorities must make decisions in accordance with Russian and international law. However, it does seem that only the European Court has the potential to make this clear to the local administrations of the ZATOs.

Moreover, there is a real need to bring the Federal Nuclear Energy Authority's rules governing ZATOs into line with Russian law. This is possible by amending existing instruments and developing new ones, at Federal and local levels, accompanied by an expert review of inconsistencies infringing citizens' rights and by excluding security matters from local instruments affecting human rights, thus preventing the local administrations of ZATOs from making arbitrary legal decisions.

* The contents of this article have been taken from open sources.