
In Chelyabinsk Region, media-initiated probe launched into lack of required social support to child severely injured in offence



The Chelyabinsk Regional Directorate of the Investigative Committee of the Russian Federation opened a pre-investigative probe upon information published in mass media. It says that an 11-year-old boy from Yuzhnouralsk, Chelyabinsk Region, who had suffered a severe head injury during an offense against him, does not receive the required public social assistance for his treatment and rehabilitation. The pre-investigative probe is to establish whether the actions of social service officials in charge of organisation of social support for economically disadvantaged families may be criminally offensive under Part 1 of Article 293 (neglect of duty) of the Criminal Code of Russia.

The pre-investigative probe will result in a procedural decision. In the meantime, measures are being taken to restore the violated rights of the child.

It should be noted that, on March 30, 2018, the Chelyabinsk Regional Directorate of the Russian

Investigative Committee opened the investigation into an offence under Paragraphs B and H of Part 2 of Article 111 (intentional infliction of a grave injury) of the Criminal Code of Russia. The investigation established that the 20-year-old defendant had hit the 11-year-old child several times. On November 12, 2018, the Yuzhnouralsk City Court ruled to apply to the defendant an enforcement medical measure, for the results of the investigation-initiated forensic psychiatric examination showed his chronic mental disorder.

Also, during the preliminary investigation the representative of the affected party was advised on their right to file a civil claim. At request of the mother of the injured child, she was assisted to prepare a civil claim into damage reimbursement that she presented during the consideration of the case in the court. However, the court rejected the claim. The court appealed to Paragraph 22 of the Decree of the Plenum of the Supreme Court of the Russian Federation No. 6 dated April 7, 2011 “On the Procedure for Court Application of Enforcement Medical Measures” stating that a civil claim presented under an investigation on application of medical measures is not subject to consideration, which does not prevent it to be further considered in a civil trial. At the moment, the Investigative Committee has assisted the woman to file the civil claim to the Yuzhnouralsk City Court.

It was also established that the severity of the injuries the child suffered required a long course of treatment and rehabilitation. The boy’s mother brings up two infant children and is not working at the moment due to the fact that she is nursing the disabled child.

To establish the full picture of the accident, the Chief of the Chelyabinsk Regional Directorate of the Russian Investigative Committee invited her for a discussion and listened to her story with all his attention. Now, it is established that, following the infliction of the injury, the child stayed at the Chelyabinsk Regional Children’s Hospital from March 27 to May 9, where he underwent two surgeries and a course of rehabilitation. Later, he was referred to the Ogonek Regional Rehabilitation Centre, where he underwent a course of surgery follow-up rehabilitation from July 25 to August 25. In addition, the boy was referred to the rehabilitation department of Semya Social Protection Centre where he stayed for a month. At the moment, starting October 26, 2018, he has been undergoing rehabilitation in the rehabilitation and sanatorium therapy department of the State Budgetary Healthcare Institution “Chelyabinsk Regional Children’s Hospital”. It was also established that the mother is registered at the Citizen Social Protection Directorate and received children allowance and disability pension. In addition, in accordance with the established procedure, she was provided with one-time financial assistance as being in a challenging life situation.

On her own initiative, the mother addressed ReaCentre LLC in Chelyabinsk, where the child was provided with paid medical service. The payment was made by citizens and entrepreneurs by means of charity.

It should be noted that the child needs permanent treatment and rehabilitation. With reference to that, at the reception in the Investigations Directorate, the woman asked for assistance in

organisation of the further treatment for the child, in paying the rent in Chelyabinsk and purchasing expensive medicine.

In regard to the above, today the direction of the Chelyabinsk Regional Investigations Directorate has sent a letter to the Governor of Chelyabinsk Region and the regional Ministry of Health about rendering of possible assistance to the disadvantaged family, as well as of organisation of a distance education for the victim and purchasing of expensive medicine.

It should be noted that today social assistance provision to those in need has a declarative nature (that is, a person in need should write to a certain institution indicating a specific item of the law on which their request (requirement) is based to be helped). Often, due to lack of awareness about the regulatory framework citizens cannot receive the necessary assistance.

In this regard, the Investigative Committee of Russia is working on proposals for the introduction of amendments to the legislation in power (all areas of social support) to establish not a declarative, but mandatory social assistance provision to all those in need, who are eligible for necessary assistance provision under current legislation.

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