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## **Interview of the Chairman of the Russian Investigative Committee to ITAR-TASS News Agency**



**Mr. Bastrykin: I take personally monitor the problems with the violation of orphans' rights to housing**

**The number of orphans in need of housing is growing every year in Russia. The way orphans are provided with apartments, regions where providing housing to orphans is most difficult, criminal investigations and extra measures to protect orphans' rights needed - all these issues were discussed with Mr. Alexander Bastrykin, Chairman of the Investigative Committee of the Russian Federation, in his interview ITAR-TASS News Agency.**

**— Mr. Alexander Ivanovich, how bad is the problem with the provision of housing for orphans in Russia? Are there many orphans in desperate need for their own apartments? Is the number growing or decreasing?**

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— **Mr. Bastrykin:** This problem is very profound and one of the most burning social problems. Realization of the rights of orphans to housing is an urgent issue of the State Policy in regards to child protection, which is given special attention. According to the information collected by the Investigating Authorities, the number of orphans in need of housing is growing yearly. As of January 1, 2022, more than 288,000 orphans aged 14 years and older were on the list of orphans in need of housing. As of January 1, 2021, there were more than 282 thousand of them, which is 6 thousand more. Of the 288 thousand people, 193 thousand are orphans over 18 years old, while 75 thousand people are over 23 years old. About 7% of people in this age group were first included in the list of orphans in need of housing at the age of over 23 years. Judicial decisions recognizing their rights to housing were often motivated by the unreasonable inaction of the Authorized Bodies in terms of registering those in need of housing. I keep the problems of providing housing for orphans under my control. There are many factors and problems that people face here, such as: bureaucracy, red tape and indifference of officials. Our task is to delve into the problem of a person and help it, and call negligent officials to responsibility for this.

— **Not all orphans initially lack housing, do they?**

— **Mr. Bastrykin:** According to the figures, initially about 49,000 orphans out of 288,000 have housing, which is almost one in five, but this housing does not meet the requirements.

The largest share of such orphans resides in Chukotka Autonomous Okrug, Kaliningrad Oblast, the Republic of Karelia, Arkhangelsk Oblast, Leningrad Oblast, the Republic of Mari El, the Udmurt Republic, Kamchatka Krai, St. Petersburg, Yaroslavl and Samara Oblasts, the Republic of Komi and Vladimir Oblast, Tula Oblast, Sverdlovsk and Kaluga Oblasts, Astrakhan Oblast.

— **Well, speaking objectively, not all regions have the resources to provide orphans with housing. And what should be done in this case?**

— **Mr. Bastrykin:** Many regions solve the problem of the lack of the required number of housing for orphans by paying compensation to those in need for rental housing. Such payments are provided in 25 regions. The 26th such region will be the Magadan Region, where the corresponding regulatory legal act draft has been prepared, and its norms are proposed to be applied from January 1, 2023. In total, in the first half of 2022, more than 5.6 thousand orphans used monthly cash compensations for rental housing, while the total annual funding from regional budgets amounted to about 845 million rubles, while in 2021 - more than 550 million rubles.

— **25 regions mean about a quarter. There is no such practice in other regions, am I right?**

— **Mr. Bastrykin:** In other regions, the practice of paying compensation for renting housing is characterized as follows: some of them report the lack of such opportunity, including the fact that these entities are subsidized regions. For example, these are Kamchatka, Altai Krai, Ivanovo, Irkutsk, Arkhangelsk Oblasts, Republic of Karelia, the Karachay-Cherkess Republic. The Ministries

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of Finance of Zabaykalye Krai and the Republic of Altai issued negative opinions on draft laws on compensation for housing rent. The reason is the inability to accept new public obligations. The bill was not supported in the Republic of Bashkortostan either.

There are no payments of compensation to orphans for renting housing due to the irrationality of supposedly significant budget costs in other subjects of the Russian Federation.

In another group of regions, judicial practice is being formed to consider the issue of paying the appropriate compensation. So, compensation payments were provided on court order to six orphans in the Kabardino-Balkarian Republic in the first half of 2022. 1.5 million rubles have been allocated for these purposes.

**— Are there any problems in the execution of court order on the provision of comfortable housing for orphans?**

— **Mr. Bastrykin:** As of January 1, 2022, the number of orphans with unfulfilled court orders on providing them with housing exceeded 35.5 thousand! And this is 3 thousand more than on January 1, 2021. Already more than 7.7 thousand court decisions were issued in the first half of 2022. In 25 regions, there is an increase in this indicator compared to the same period last year.

A housing order is a way to shorten the waiting time for housing. In many subjects of the Russian Federation, orphans with court decisions form a parallel queue with other orphans from the list. During the first half of the year housing was provided only to orphans with court decisions in 17 regions.

**— What are the reasons for court orders not being enforced?**

— **Mr. Bastrykin:** Along with the lack of housing, the regions also name the repeated refusals of orphans from the comfortable living quarters offered to them. Thus, according to the results of the first half of the year in 62 regions, more than 1.7 thousand orphans refused the housing offered to them.

The largest number of refusals of orphans from the proposed housing is noted in Tambov Oblast (278), Krasnodar (176), Perm (108) regions, Astrakhan Oblast (87), the city of St. Petersburg (79), Saratov Oblast (73). Basically, they reject the housing due to the lack of developed infrastructure, transport links, and work in those places where they are offered housing. It should be noted that housing certificates are actively used in the regions as an alternative to providing specific housing. There are many cases when orphans refused provided housing in favor of such social payments. In total, in Russia in the first half of 2022, more than 4.6 thousand orphans applied for a housing certificate (social payment), more than 2.7 thousand have already received it, and most of them purchased housing.

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— **How many cases are launched on non-provision of housing and violation of the rights of orphans?**

— **Mr. Bastrykin:** For six months, the Investigating Authorities registered 63 reports of a crime on the failure to provide comfortable living quarters to orphans, as a result of which 25 decisions were made to launch criminal proceedings. Of the total number of such reports, 30 reports were on the facts of non-provision of housing for orphans who have court decisions. Thus, more than 19% of the orphans interviewed in the first half of the year during personal receptions organized by the investigating authorities had unexecuted court decisions. Only according to the results of their surveys on such facts, 15 reports were registered and seven criminal cases were initiated.

In addition, four reports and four criminal cases on non-execution of court orders on the provision of housing to orphans were transferred to us from the Federal Bailiffs Service.

With regard to crimes in the sphere of realizing housing rights by orphans, in total in the first half of the year 106 decisions were made to initiate criminal proceedings, 56% of which were subsequently combined with other criminal cases into one proceeding. If we talk about the subject of the crime, then we are talking about the facts of non-disbursement of budget funds back in 2021. 33 criminal cases were sent to the court, of which 31 were initiated before 2022, and two on facts that took place this year.

Most of them are due to violations during the commissioning of housing and the provision of low-quality housing, there are also facts of violations when concluding government contracts, when announcing and holding auctions, non-development, misuse or inefficient use of budget funds.

For example, the Investigating Authorities of Buryatia are investigating a criminal case on the exceeding official powers by the former head of the MCU "Department for Urban Planning, Property and Land Relations" of the administration of the municipality "Kabansky Raion" Mr. Boris Kibirev in connection with the illegal commissioning of houses unsuitable for habitation for orphans. He was charged with abuse of power and official forgery. According to the investigation, in 2016 he illegally issued permits to an individual entrepreneur to put into operation six apartment buildings that did not comply with the established sanitary and technical rules and regulations. In addition, Mr. Kibirev forged permits for their construction before the process of putting the constructed houses on the state cadastral register.

In the Kabardino-Balkar Republic, a criminal case has been sent to court against the former Head of the Department for Architecture and Urban Planning of the local administration of the city of Baksan, Mr. Albert Khokonov. He is accused of official forgery, which caused a significant violation of the rights and legitimate interests of citizens. Mr. Hokonov, motivated by financial gain, provided the entrepreneur with the opportunity to register ownership of a capital construction project - a residential apartment building - and signed documents for putting it into operation, although at that time the house did not meet the requirements of technical regulations and project documentation.

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The amount of established damage amounted to more than 89.5 million rubles in criminal cases sent to court in the first half of the year. In total, in 2021, the courts issued eight convictions and one acquittal (Bryansk Oblast), which is currently being appealed.

In particular, in Kalmykia this year the court convicted the former director of the state-owned enterprise Domostroitelny Kombinat, Mr. Eduard Badma-Khalsaev, who was found guilty of fraud in the construction of a residential building. In order to reduce costs, he made a deviation from the project related to the replacement of building material. It was not agreed with the customer. Thus, he underestimated the cost and quality of the work performed. The person involved was sentenced to a real term of imprisonment and a fine.

In the Republic of Bashkortostan, a sentence was passed on the former deputy head of the administration of Mishkinsky raion, Mr. Emelyan Semenov. He was found guilty of abuse of power. In 2019, a municipal contract was concluded for the purchase of an apartment to provide for a person from among orphans and children left without parental care. Mr. Semyonov knew for certain that the qualitative characteristics of the apartment did not meet the requirements of the legislation for residential premises, as well as the requirements of the technical assignment. However, he informed the head of the district administration of false information about the elimination of identified shortcomings. After accepting the apartment, the real estate seller received budgetary funds, and the apartment was handed over to the orphan. The person involved in the criminal case was sentenced to a fine.

**— You analyzed the situation, in your opinion, how many orphans will be able to get housing this year?**

**— Mr. Bastrykin:** In 2022, it was planned to provide housing for 28.5 thousand orphans (14.8% of those in need). As of July 1, 2022, about 7 thousand orphans received housing. The Chechen Republic, the Republics of North Ossetia-Alania, Tyva, as well as the Tyumen Region, Sevastopol, and the Kabardino-Balkarian Republic implemented the annual plan by less than 5%.

As I said before, the number of orphans with unexecuted judgments has exceeded 35,500, and this is already a much higher value of the planned indicator.

At the same time, I would like to note that in 2022 the consolidated budget for providing orphans with housing increased by more than 15 billion rubles. As of July 1, it was mastered by only 30%. And in 43 regions, the development indicators were lower than the national average. For example, in the Chechen Republic - zero development, in Tver Oblast - 0.5%, in the Republic of North Ossetia-Alania - 3.2%, in St. Petersburg - 7.1%, in Yaroslavl Oblast - 7.4%, in Tomsk Oblast - 8.8%, in the Republic of Ingushetia - 9.3%, in Murmansk Oblast - 10.6%.

In St. Petersburg, for example, they note that the lack of offers on the residential real estate market of the required number of one-room apartments located in apartment buildings with a

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commissioning date in the near future, and the instability of the price level on it, cast doubt on the implementation of the plan to provide housing for the planned number orphans.

In connection with the current situation, the executive authorities of St. Petersburg organized interaction to identify and repair the vacated housing stock of the city in order to resolve the issue of reducing the debt to provide orphans with housing.

**— In your opinion, what additional measures are needed to protect the rights of orphans?**

— **Mr. Bastrykin:** To begin with, I want to note the law adopted by the State Duma, which established the possibility of registration at the place of residence at the addresses of municipalities of orphans who have reached the age of 18, until they are provided with the housing required by law. This will allow them to get a job, seek medical care and exercise other social rights.

The Investigative Committee also supports the initiative to prepare an adaptation program for orphanage graduates. This is a very necessary initiative, since graduates of boarding schools and orphanages face various difficulties: in employment, in organizing life, solving financial and legal issues, socialization. Orphans will be able to receive qualified assistance and advice from specialists in solving various issues within this program. The Investigative Committee of Russia is ready to take part in this program.

06 October 2022

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