

**Judgment of the Constitutional Court of the Russian Federation of 15
October 2013 No. 21-II. Resume.**

By the Judgment of 15th October, 2013 No. 21-II the Constitutional Court gave appraisal of constitutionality of the provision of Item 1 of Section 1 of Article 19 of the Federal Law “On Social Guarantees for Staff-Members of Some Federal Bodies of Executive Power and Amendments to Individual Legislative Acts of the Russian Federation”

In accordance with Section 7 of Article 54 of the Statute on Service in the Bodies of Internal Affairs of the Russian Federation (approved by the Resolution of the Supreme Soviet of the Russian Federation of 23rd December 1992 No. 4202-I) pregnant women and mothers from the number of staff-members of bodies of internal affairs, as well as fathers – staff-members of bodies of internal affairs, bringing up children without a mother (in case of her death, deprivation of parental rights, long stay in medical establishment and in other cases of absence of maternal care), enjoy legal and social guarantees established by the legislation of the Russian Federation for this category of the population of the Russian Federation. The indicated Statute, in accordance with the Federal Law of 21st July, 1998 No. 117-ΦЗ “On Amendments and Supplements to Legislative Acts of the Russian Federation in Connection with Reforming of the Criminal-Executive System”, was extended to staff-members of establishments and bodies of criminal-executive system until adoption of a federal law on service in the criminal-executive system.

With adoption of the normative provision contested by the petitioner the indicated regulation is no more applied in relation to staff-members having special ranks and doing service in the establishments and bodies of criminal-executive system. At this, the contested normative provision was the subject of consideration by the Constitutional Court to the extent to which dismissal from service of women-single mothers, bringing up children under 14, is admitted on its basis in establishments and bodies of criminal-executive system in connection with staff reduction.

The Constitutional Court came to the conclusion that the contested provision actually deprives single mothers, bringing up children under 14, who do service in the establishments and bodies of the criminal-executive system of legal guarantees of protection against dismissal, determined by reduction of substituted post in consequence of reorganization of these establishments and bodies (although in labour relations and State-service relations when doing other kinds of State service, as well as when doing municipal service such guarantees are envisaged). In connection with this, the contested provision was recognized as not conforming to the Constitution of the Russian Federation.

Until necessary amendments to the operating regulation are made, staff-members – single mothers, bringing up children under 14, having special ranks and doing service in the establishments and bodies of criminal-executive system, shall be

provided with social and legal guarantees which they, as persons with family duties, received formerly on the basis of Section 7 of Article 54 of the Statute on Service in the Bodies of Internal Affairs of the Russian Federation.

15 October 2013