

By the Judgement of 17 April 2018 No. 15-II/2018 the Constitutional Court appraised constitutionality of the provisions of Sub-Item “a” of Item 2 of Article 24 of the Federal Law “On Military Duty and Military Service”.

The contested provisions were the subject-matter of consideration insofar as on their basis it is decided on the possibility to grant respite of conscription to military service to citizens studying in internal form in educational and scientific organisations on programmes of magistracy having state accreditation, if these citizens have no diplomas of a specialist or magister and entered training on programmes of magistracy in the year of receipt of higher education on programmes of baccalaureate, in the event when first respite of conscription to military service was granted to them during study in organisations carrying out educational activity on educational programmes of secondary general education having state accreditation, for the time of coping with these educational programmes, but not more than terms of obtaining secondary general education set by federal state educational standards, in connection with attainment of majority prior to termination of study, and second respite – during study in educational and scientific organisations in internal form of study on programmes of baccalaureate having state accreditation for the time of coping with these educational programmes, but not more than terms of obtaining higher education on programmes of baccalaureate set by federal state educational standards, educational standards.

The Constitutional Court has recognised the contested provisions as not conforming to the Constitution of the Russian Federation to the extent to which they, setting the system of respites of conscription to military service for citizens studying in internal form, condition granting respite of conscription to military service to citizens having no diplomas of a specialist or magister and entered training in respective organisations on programmes of magistracy in the year of receipt of higher education on programmes of baccalaureate depending on whether such citizens have enjoyed respite of conscription to military service during study

in an organisation, carrying out educational activity on programmes of secondary general education, and deprive of the possibility to receive respite of conscription to military service in connection with study on programmes of magistracy those of them, who has mastered educational programmes of secondary general education within normatively set terms of obtaining it, but was forced to use respective respite to finalise studies in organisation of general education and pass final attestation which ends mastery of educational programmes of secondary general education.

Until appropriate legislative amendments have been made, law-enforcement bodies must not take into consideration the fact of granting respite of conscription to military service to a citizen studying in internal form in an educational or scientific organisation on programmes of magistracy having state accreditation, if he has no diploma of a specialist or magister and has entered study on programmes of magistracy in the year of obtaining higher education on programmes of baccalaureate.