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**TÍTULO:** Legislación rusa sobre prohibición de discriminación.

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**RESUMEN:** En la legislación de la Rusia moderna, las medidas para combatir la discriminación están establecidas por actos legales normativos, pero la tarea de garantizar la protección de los derechos de los ciudadanos contra la discriminación sigue sin resolverse. Existen normas internacionales sobre este tema y el derecho internacional aborda actos especiales de dos tipos contra la discriminación: prohibir la restricción de los derechos de los ciudadanos a los criterios congénitos (naturales) y sociales. La actitud hacia los grupos socialmente vulnerables es un indicador de la naturaleza democrática y la estabilidad del régimen, el potencial de conflicto y la tolerancia de la sociedad. El presente artículo aborda la legislación rusa sobre prohibición de la discriminación y otros aspectos relacionados.

**PALABRAS CLAVES:** derechos humanos, libertades humanas, protección judicial, discriminación de derechos y libertades, protección contra la discriminación.

**TITLE:** Russian legislation on prohibition of discrimination.

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**ABSTRACT:** In the legislation of modern Russia, measures to combat discrimination are established by normative legal acts, but the task of ensuring the protection of the rights of citizens against discrimination remains unresolved. There are international standards on this subject and international law addresses special acts of two types against discrimination: prohibit the restriction of the rights of citizens to congenital (natural) and social criteria. The attitude towards socially vulnerable groups is an indicator of the democratic nature and stability of the regime, the potential for conflict and the tolerance of society. This article deals with the Russian legislation on the prohibition of discrimination and other related aspects.

**KEY WORDS:** human rights, human freedoms, judicial protection, discrimination of rights and freedoms, protection against discrimination.

**INTRODUCTION.**

Age discrimination has its own characteristics, due to which it differs from other forms of discrimination. The basis of such discrimination types as sexual or racial are those features that belong to an employee from birth and remain unchanged throughout his/her life. Age is a temporary and changing property. A thirty-year-old person is younger than a 40-year-old person, but compared to the 35-year-old this difference is not particularly perceived. Attitude towards a group discriminated against by age does not depend on the circumstances of birth, nation, residence in a certain territory.

Each person has a chance to join this group at any time in his/her life. And it is important to note that the probability of getting into this socially vulnerable cohort of the population increases with each passing year and no one is insured against this condition.

Age discrimination cannot always be clearly identified in practice. As a rule, such signs as the indication of a certain age or age range (not older than 40, from 20 to 35 years), membership in a certain group (young, mature, older age group) may indicate potential discrimination on the basis of age, some biological characteristics inherent in a certain age (dynamic, people with extensive experience), etc.

## **DEVELOPMENT.**

### **Methods.**

The prohibition of discrimination on the basis of age is considered as the second generation of equal treatment rights. Therefore, combating the age discrimination is not yet a priority in the development of international legal and national instruments for ensuring equality. It is still treated as a new direction in the fight against discrimination, although it has been recently attracted increased attention.

Discrimination on the basis of age differs from other forms of discrimination since its potential victim is any person. At the heart of discrimination based on sex or race are features that belong to persons from their birth and remain unchanged throughout their life. Age is a relative notion. Belonging to the discriminated age group is not predetermined by the circumstances of the person's birth; any person at any time in his or her life can potentially become a victim of such discrimination.

This type of discrimination is less obvious than other types of discrimination, because the physical and mental capabilities of a person may change over time, and not all age-related differences in treatment can be considered as prohibited discrimination, particularly in the area of labor relations. In addition, direct age discrimination cannot always be clearly identified in practice. As a rule, such signs, as indication of a certain age or age range ("not older than 40 years", "from 20 to 35 years"), belonging to a certain group ("young", "mature", "representatives of the older age group"),

biological characteristics ("women of childbearing age ") or distinctive features inherent in a certain age ("dynamic", "having extensive experience"), etc.

There are also problems with the establishment of indirect discrimination, since the category of disadvantaged people with regard to this type of discrimination is not clearly defined. This type of discrimination is not rigidly linked to belonging to a particular group, but affects various age groups in different manner, having the most serious impact on young people and representatives of older age groups [Labor law in Russia: Part-time, 2015].

### **Results and Discussions.**

According to experts, age discrimination generates less tension, but is more common than other types of discrimination. Such an approach is increasingly becoming aware of the public in countries where the struggle against age discrimination has already begun [Sychenko E., 2017].

It should be noted that in Russia, as a country with a transitional economy, the percentage of pensioners working in the public sector and in the budgetary sphere is quite high, since the size of the pension does not allow a decent standard of living to provide, and wages and working conditions are not attractive to younger applicants. According to the Independent Institute of Social Policy, today about 18% of retirees are employed. The number of people older than 55-60 years in the area of housing and communal services is 18%, in education - 21%, in health care - 22%. Every eighth employee in Russia is of retirement age.

There is discrimination in an area where by definition there should be no discrimination, namely, in science. Science, as it is known, implies academic freedoms, equal access to sources of information and labor contribution in accordance with the available creative potential.

As a rule, people make their most discoveries at a young or mature age. Therefore, it would seem, the management of academic institutions should do all possible to ensure that the representatives of these ages have all conditions for creative advancement. However, this is not done. Having reached key positions in the management of science already in senior or pre-retirement age, ex-science

officials are doing everything possible to prevent the representatives of young strata from taking to the controlling levers.

The older generation (50-65-year-old heads of universities) takes all decisions on vital issues for their institutions and almost never takes into account the opinion and position of young candidates of sciences. It is not going to give up its positions to youth, is afraid of competition on the latter part and in every way hinders its promotion. As a consequence, we have the catastrophic aging of staff in the Russian system of higher education and science [Ross S.L., Yinger J., 2006].

In summary, people after 40 years are becoming less and less in demand by society. At their working places, they are treated with respect, but with indulgence. Often, it ends with the fact that such an employee politely asked to write a statement of resignation or leave to retire with fanfares. The subtext is guessed without any doubts: "The aged person has worked out, it's time to rest" [Discrimination in the labor market of the city of Moscow, 2014]. They have difficulties with new employment. Having been denied employment clearly associated with age restrictions, such persons give up their hands in confusion. But gradually an adaptation and a revaluation of values occur.

In the event of problems with employment in their profession, they can think about choosing a related specialty, acquire new knowledge, skills necessary for successful self-actualization or radically change the scope of activities. By the way, this is very useful. Older people have experience and knowledge. Therefore, they should pay attention to the possibility of pedagogical activity.

In addition, the elderly are irreplaceable at work, where control, scrupulousness and conservatism are required. In any case, if a person, albeit aged, is energetic, keeps up to date, is able to perceive and assimilate new information – their age is not an obstacle. The main thing is to convince the employer of this before he had time to raise a refusal.

## **CONCLUSIONS.**

Age discrimination is a restriction of access to economic resources and social benefits on the basis of age.

According to some authors, Russian men experience double discrimination. First, they retire later than women. Secondly, they often do not have time to use the pension fund, because almost every second person does not live up to the retirement age.

Thus, age discrimination which is a restriction of access to economic resources, political power or social benefits on the basis of age exists, if not in all, and in most areas of modern society.

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