

SUMMARY

Key Words: Legal status, rights and interests, Russian citizens.

Subject matter: "The Legal status and protection of the rights and interests of Russian citizens abroad"

Author: Cotchaeva A. B.

Supervisor: N. V. Isakhov

The supervising organization: Pyatigorsk State University

The topicality of the research: the urgency of a theme of final qualifying work is determined by the fact that the problem of state protection of Russian citizens abroad takes on in the current environment of deteriorating international environment essential. In light of the almost complete inactivity of the system and the impotence of international human rights organizations, in particular the UN, regional organizations and military units, as well as the States themselves, individually, can resort to the use of force to protect the rights of its own citizens that, as recent events in Europe, Africa and the middle East, often leads to the complication of international relations.

The aim of this work is to comprehensively analyze the legal position of Russian citizens abroad, to study the legal methods and mechanisms to protect their rights and legitimate interests.

Objectives:

1. to study the concept and content of the legal status of citizens residing outside the state;
2. to analyse issues of legal regulation of protection of rights and interests of Russian citizens abroad;
3. to consider methods of diplomatic and consular protection of Russian citizens;
4. to consider other methods of protecting the rights and interests of Russian citizens abroad.

The theoretical and practical value of the research is determined by the urgency raised in the problems, focus on the improvement of Russian national legislation and international public law in the relevant field.

The conclusions and recommendations made in the research process, can serve as a basis for changes and additions to the existing Russian legislation with the goal of more effective implementation of international law in the field of protection of rights and legitimate interests of Russian citizens abroad. They can also be used by employees of the Ministry of foreign Affairs, diplomatic and consular agents of the Russian Federation, directly involved in the provision of legal assistance to Russian citizens.

The main provisions of the work and conclusions can also find practical application in the development of General and specialized courses on public international law.

The results obtained: In the modern legal literature there are different definitions of diplomatic or consular protection of rights and legitimate interests of the state and its citizens abroad. However, despite this can be derived the General formula of this definition: diplomatic or consular protection is the protection which the state, through

the organs of foreign relations is entitled to provide to its citizen, residing abroad, in case of violation or attempts to violate his rights.

The content of the protection and patronage of the Russian Federation of its citizens outside its territory, is:

- a significant constitutional principle of organizing and ordering the relationship of the claimed areas;
- the responsibility of the state towards the citizens;
- subjective constitutional right of a citizen of the Russian Federation to enjoy the protection and patronage of their state abroad;

the law of the Russian Federation in relation to the other States to exercise protection and patronage.

Recommendations: the Right to diplomatic and consular protection of citizens abroad is the exclusive right of every state and out of state sovereignty. She also is a constitutional provision in many countries. National legislation may raise the issue of providing diplomatic protection at the discretion of its organs external relations, and can also set limits for providing such protection and may finally provide the duty of their authorities to extend diplomatic protection. In other words, diplomatic and consular protection should be considered as discriminatory functions of the state, i.e. it is solely at the discretion of the state. Thus, the state of nationality has complete freedom of choice in the question of whether or not to exercise its right to provide protection or to abandon it. In addition, the state may decide to take legal protective measures even against the wishes of the person, which may not waive the protection of the state.