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Hierarchy of Human Rights in the Russian Constitution

Does a hierarchy exist?

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Human rights are among modern governance's most powerful and universally accepted principles, designed to uphold individual dignity, liberty, and equality. Around the world, constitutions serve as the ultimate legal guarantees of these rights, ensuring that governments respect and protect the fundamental rights of their citizens. However, while human rights are universal, their interpretation and priority can vary significantly across countries. At the heart of these differences is a key question: does the Constitution prioritise certain rights over others, establishing a hierarchy that affects how those rights are implemented, balanced, and sometimes limited?

The question of hierarchical rights in constitutional law is not simply a matter of legal theory; it has profound implications for justice and governance. A constitution's approach to prioritising rights can shape how courts resolve conflicts, influence how laws are applied, and impact citizens' daily lives. In countries with an explicit hierarchy, certain rights are considered sacrosanct, serving as fundamental principles that must be respected by all other rights. In other countries, rights are treated as fundamentally equal, with any conflicts resolved on a case-by-case basis based on context and judicial discretion.

This article aims to examine the Russian Federation's Constitution, how it is structured, and answer the question: is there a hierarchy of human rights in the Russian Constitution?

Knowing whether or not there is a hierarchy of human rights in the Russian Constitution is essential to understanding how Russia balances individual freedoms with state power. The hierarchy clarifies which rights the Constitution protects most vigorously, guiding judicial decisions, informing legal predictability, and revealing the values that shape Russian governance. For citizens, activists, and lawyers, this understanding helps navigate the legal system because it highlights rights that may receive greater protection versus those that may be curtailed in favour of collective interests. Furthermore, understanding this hierarchy provides a lens through which Russia's approach can be compared with other legal systems and places the country's human rights system in a global context.

Keywords: Russian Constitution, hierarchy, human rights

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Human rights in a constitutional context

Human rights are generally recognised as fundamental rights of individuals that protect their dignity, freedom, and well-being. Constitutions around the world often serve as primary legal documents for enshrining these rights, establishing a framework that protects citizens from state abuse while promoting a just society. However, the structure and priority of rights in constitutions can vary significantly, with some countries explicitly organising rights into hierarchical categories and others viewing them as equally fundamental. Understanding whether there is a hierarchy of human rights is critical because it affects how rights are interpreted, applied, and potentially limited in situations where rights conflict.

There are different patterns of organising human rights in constitutional texts around the world, which can be roughly summarised as follows.

Priority to the underlying human right

Some constitutions, such as the Constitution of the Federal Republic of Germany,[2] place particular emphasis on human dignity as the inviolable foundation of all other rights, making it the highest constitutional value. Article 1 of the Basic Law of the Federal Republic of Germany (Grundgesetz) states: "Human dignity is inviolable. It is the duty of all state organs to respect and protect it." This prioritisation of human dignity not only sets the fundamental tone for the entire constitution but also serves as a guiding principle in legal interpretation. The Federal Constitutional Court of Germany has consistently upheld human dignity as the highest constitutional value that cannot be infringed, even when other rights are at stake. This structure establishes a clear hierarchy, with human dignity being the highest right guiding the interpretation of all other constitutional rights (Grundgesetz, Article 1).

German constitutional scholars such as Ernst-Wolfgang Böckenförde[3] emphasise that the German model serves as a "value-based order" where dignity shapes and limits the exercise of all other rights and state powers. This hierarchy is particularly powerful in cases involving conflicting rights, such as balancing freedom of expression with privacy rights. The priority of dignity serves as a decisive factor, often tipping the scales in its favour when balanced against other rights, making it a powerful tool in judicial decision-making.[4]

[2] Kommers–Miller 2012.
[3] Böckenförde 1991.
[4] Kommers–Miller 2012.

Lack of priority without a formal hierarchy

Unlike Germany's explicit hierarchy, the Constitution of the United States of America[5] does not formally establish a hierarchy of rights. Instead, rights are distributed across various amendments, especially the Bill of Rights, with no specific priority. The interpretation and application of these rights are left to the judicial system, particularly the U.S. Supreme Court, which has developed doctrines to resolve conflicts between rights on a case-by-case basis.

For example, the Court uses a "strict scrutiny" standard for rights considered fundamental, such as freedom of speech or religion, which requires the government to demonstrate a compelling interest before limiting those rights. However, the lack of an explicit hierarchy means that judges must interpret the balance between competing rights through case law, context, and standards such as "strict scrutiny" or "rational review".[6][7] As a result, a form of hierarchy implicitly emerges depending on the context, the rights in question, and the judicial interpretation. Scholars such as Ronald Dworkin argue that this flexibility allows for a more adaptable system, although it can lead to unpredictable results in cases of conflicting rights.[8]

Equality of human rights

A different approach can be found in the Constitution of the Republic of South Africa,[9] which uniquely affirms all rights equally but emphasises certain core values such as equality, dignity, and liberty. The Constitution of South Africa (1996) sets out an extensive Bill of Rights in Chapter 2, covering civil, political, social, and economic rights, and explicitly states that "the Bill of Rights is the cornerstone of democracy in the Republic of South Africa".[10] However, it does not establish a hierarchy but rather encourages an "integrated" approach whereby rights should be understood in relation to one another.[11]

The Constitutional Court of South Africa has often considered the interrelated nature of rights, particularly where socio-economic rights (such as housing, health and education) intersect with civil rights (such as freedom of expression and privacy). In Government of the Republic of South Africa v. Grootboom (2000),[12] the Court held that the right to housing could not be considered in isolation from other rights, supporting an interpretation that seeks to balance the enjoyment of rights without strict priority being given to one over the other.

5 First Amendment to the U.S. Constitution 1791.
6 Brown v. Board 1954.
7 Roe v. Wade 1973.
8 Dworkin 1986.
9 Constitution of the Republic of South Africa 1996.
10 Constitution of the Republic of South Africa, Section 7.
11 Langford et al. 2013.
12 Republic of South Africa v. Grootboom 2000.

Hybrid forms of the hierarchy of human rights

Some countries have adopted hybrid models in which certain rights are given a degree of priority through "reasonable limitations" but without a formal hierarchy. For example, in Canada, the Charter of Rights and Freedoms allows for certain limitations on rights if they are "justifiable in a free and democratic society" (Section 1), leading to judicial interpretations in which certain rights, such as equality, may sometimes be given priority depending on the context of the case.[13]

These different constitutional approaches reflect different legal philosophies about the priority of rights. Constitutional hierarchies can be understood as explicit, where certain rights are designated as more fundamental or protected, or implicit, where interpretations and applications in specific cases effectively establish a hierarchy even if they are not formally stated.[14]

The existence of a hierarchy can also influence how limitations on rights are perceived. Where a hierarchy is established, courts and legal institutions may have a structured framework for resolving conflicts between rights since certain rights will initially have more weight than others. Conversely, in systems without a formal hierarchy, balancing rights requires greater interpretative flexibility since no one right is initially prioritised over others.[15] Given these differences, it becomes important to examine how the Russian Constitution approaches human rights: does it favour a hierarchical model, or does it treat all rights as equal? This question is crucial to understanding how rights are applied in practice and how potential conflicts between rights are managed.

The historical overview of the Russian Constitution

Studying the Russian Constitution and its historical development is necessary to understand the current hierarchy of human rights within it. The evolution of constitutional governance in Russia – from imperial rule to the Soviet era and finally to the post-Soviet system – reflects significant shifts in the legal and political structures that underpin contemporary Russian society. Each of these stages in Russian history has contributed to different approaches to the role of the state and the individual, shaping the balance of rights and powers in the contemporary Constitution.[16]

The adoption of the 1993 Constitution marked a turning point, ushering in a more rights-based framework that incorporated principles of democracy and individual liberties. However, it also retained elements that emphasised the importance of state power and collective interests. This duality in the Russian Constitution – between individual rights and a strong role for the state – provides the basis for contemporary

[13] Hogg 2012.
[14] Shapiro – Stone Sweet 2002.
[15] Rosenfeld–Sajó 2012: 331.
[16] Bowring 2013.

debates about whether there is an implicit hierarchy of rights and how it is interpreted in Russian jurisprudence.

Understanding this backdrop is crucial to understanding the current legal and political philosophy in Russia. The historical development of the Constitution highlights the tensions and compromises that influence judicial interpretation and the priority of rights. By examining the constitutional structure and its amendments, we gain insight into the principles that guide Russian courts when rights conflict and the possibility of a functional hierarchy that privileges certain rights over others.

This historical context enriches our understanding of how Russia's unique legal culture approaches human rights. It provides a substantive basis for analysing debates over the priority of rights in the Russian judicial system and offers a comparative lens for understanding Russia's human rights structure relative to other constitutional models.

The prehistory of the constitution in Russia dates back to the beginning of the 19th century.[17] The first constitutional project could be called "The Plan of State Transformation", developed in 1809 by Count Mikhail Speransky. The document stated the idea of a constitutional monarchy, limited by parliament and the abolition of serfdom. The Decembrists[18] Pavel Pestel and Nikita Muravyov proposed their draft constitutions.[19]

At the beginning of the reign of Emperor Alexander I, the idea emerged of reforming the country's political system by creating a constitution that would guarantee personal freedom and civil rights to the subjects. In 1820, the State Charter of the Russian Empire was drawn up, but its adoption was postponed for an indefinite period.[20]

During the reformatory rule of Alexander II, Russia was on the verge of adopting a constitution. Mikhail Loris-Melikov drafted a constitution proposing a programme of reforms, which included the reorganisation of the local administration, the expansion of the old believers' rights,[21] the revision of the passport system, regulating the relations of entrepreneurs and workers, changes in the public education system, etc. However, in 1881, on the eve of signing the manifesto, supposing implementation of the reforms, Alexander II was assassinated by the Narodnaya Volya.[22] The constitutional process in Russia was interrupted.

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17 Avakyan 2000.

18 The Decembrists – participants in the 14 December 1825 uprising in the Senate Square, members of various secret societies in the second half of the 1810s – first half of the 1820s, named after the month of the uprising, representatives of the Russian nobility and gentry considered autocracy and serfdom destructive for the further development of the country.

19 Mironenko 2017; Afanasiev1982.

20 Bogdanovich 1869.

21 Old Believers are Russian Orthodox Christians who rejected Patriarch Nikon's liturgical reforms in the 1650s, considering them deviations from the true faith. They were persecuted as heretics and formed separate religious groups. Alexander II significantly improved their rights. Old Believers were no longer considered a criminal offence; they were allowed to register vital events, build houses of worship, have their own property, and serve in the army without accepting Orthodox rites. These reforms eased the persecution, giving the Old Believers more social and religious freedoms.

22 Narodnaya Volya was a revolutionary socialist political organisation of the late 19th century, active in the Russian Empire, which committed assassinations of government officials in an attempt to

After the 1905 revolution, Emperor Nicolas II signed the Manifestos (on 6 August and 17 October), which established the State Duma and the "Regulations on Elections". These documents were seen as a first step towards a system of law.

After the February 1917 revolution, the Provisional Government took over the running of the country until a Constituent Assembly was convened to begin forming a state governed by the rule of law in Russia. However, the assembly, which had been set up by the beginning of 1918, was dissolved by resolution of the All-Russian Central Executive Committee on 6 January of the same year.

The first Constitution of the Russian Soviet Federative Socialist Republic (hereinafter: RSFSR), approved by the Fifth All-Russian Congress of Soviets on 10 July 1918, had a clearly pronounced class character. It embodied the slogans proclaimed by the Bolsheviks: all power was transferred to the Soviets, private land ownership was abolished, and limitations in political rights for specific social groups were introduced.[23]

On 31 January 1924, the Constitution of the Union of Soviet Socialist Republics (hereinafter: Soviet Union, USSR), which, to a large extent, incorporated the 1918 Constitution, was adopted. By the provisions of the Soviet Union Constitution, a new version of the RSFSR Constitution was adopted in 1925. Its peculiarity was that it contained no provisions for the suppression of the exploiting classes and the world revolution. One of the main provisions was the separation of powers and competencies between the USSR and the RSFSR.

On 5 December 1936, the Eighth Extraordinary Congress of Soviets adopted the next Soviet Constitution, which contained the thesis about the leading role of the Communist Party. The document also included norms asserting the economic foundations of socialism. For the first time in the history of the state, the text of the Constitution stated political and individual rights and freedoms.[24]

The Third Constitution of the RSFSR was adopted on 21 January 1937. One of its peculiarities was the introduction of the rule, giving the RSFSR the right to secede from the USSR.

The USSR Constitution was adopted on 7 October 1977. The peculiarity of this document was its introductory theoretical part, which contained the list of the main stages in the creation of a developed socialist society in the USSR.

The Constitution of the RSFSR, dated 12 April 1978, was based on the Union Constitution of 1977. It expanded the list of rights and freedoms of Soviet citizens, in particular by introducing the rights to housing and health protection.[25]

On 14 March 1990, Article 6, about the leading role of the Communist Party of the Soviet Union (hereinafter: CPSU), was excluded from the USSR Constitution, and respective amendments were made to the Constitution of the RSFSR.

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overthrow the autocratic tsarist regime.

23 Barkova 2012; Tumanov 2012.

24 Bychkov 2012; Shershneva 2008.

25 Constitution (Fundamental Law) of the Russian Federation 1978.

On 12 June 1990, the first Congress of People's Deputies of the RSFSR declared state sovereignty on the whole territory of the country and adopted the Declaration of the State Sovereignty of the RSFSR. This document declared the need to adopt a new Constitution reflecting the new political realities. The first Constitution of the new Russia was adopted on 12 December 1993.[26]

It is customary to divide the history of the creation of the Basic Law of Russia into several stages. The first is the time when the Constitution was being drafted in the conditions of the existence of the USSR. This stage also has several periods. The first period refers to 1988–1990 when, following the constitutional novelties of the Union level, amendments were made to the Constitution (Fundamental Law) of the RSFSR of 1978. The second period of constitutional reform in the RSFSR dates back to 1990–1991. It began with the adoption of the Declaration of the State Sovereignty by the First Congress of Peoples' Deputies on 12 June 1990, No. 22-1. Paragraph 15 of the Declaration stated: "The present Declaration is the basis for the development of the Constitution of the RSFSR, the conclusion of the Union Treaty and improvement of the republican legislation." According to its decision, on 16 June 1990, the Congress of Peoples' Deputies formed the Constitutional Commission to work out the new text of the Basic Law. However, the Statute on the Constitutional Commission was adopted only on 22 January 1992.[27]

The second stage of the constitutional reform ceased with the abolition of the USSR on 25 December 1991. By that time, the text of the current Constitution of the RSFSR, and after 25 December 1991 – the Russian Federation – Russia had a great number of amendments made, respectively on 27 October 1989, 31 May 1990, 27 October 1989, 16 May 1990, 31 May 1990, 15 December 1990, 24 May 1991, 3 July 1991, 1 November 1991, 21 April 1992, 9 December 1992, 10 December 1992. All these amendments were made to the Constitution in the form of specially adopted laws "On amendments and additions to the Constitution (Fundamental Law) of the RSFSR".[28]

The collapse of the USSR and the transformation of Russia into an independent state gave birth to a new stage of constitutional reform, which was completed in October 1993. Decree No. 1633 of the Russian President B. N. Yeltsin of 15 October 1993, "On holding a national referendum on the draft Constitution of the Russian Federation", was appointed.[29]

The voting (the referendum) on the draft of the new Constitution was attended by 58 million 187,755 voters, or 54.8% of the registered voters. A total of 32 million 937,630 voters, or 58.4% of those registered, cast their ballots in favour of adopting the Constitution.[30]

By the decision of the Central Election Commission of the Russian Federation on 20 December 1993, this referendum was declared valid, and the Constitution was adopted.

[26] Marino 2008.
[27] Alexandrova 2010.
[28] Rumyantsev 2008.
[29] Halmetov 2012.
[30] Pikhoya 2012.

On 25 December 1993, the final text of the Constitution was published in *Rossiyskaya Gazeta* (the official Russian parliament newspaper). Since that date, the Constitution of Russia has been in force.

The Constitution of the Russian Federation is not the successor of the constitutions of the Soviet Union, but its influence is nevertheless considerable. The 1993 Constitution of the Russian Federation fully preserved the fundamental rights of man and citizen. In addition, Russia is a federation, and its constitution draws on the experience of Soviet federalism.[31]

In 2020, amendments approved by a nationwide referendum were made to the Constitution of the Russian Federation.

They mainly affected the powers of the president (extending them and "resetting" the number of terms he had already spent as president), introduced restrictions on the powers of local government, recognised the non-binding execution of international acts and decisions of international courts, and introduced changes to the judicial system (actually reducing the independence of the courts).[32]

Thus, Russia currently has a constitution of 1993 with amendments of 2020.

Hierarchy of fundamental rights in the Russian Constitution

The Russian Constitution does enumerate a range of fundamental rights and freedoms in Chapter 2, titled "Rights and Freedoms of Man and Citizen". These rights include but are not limited to the right to life, personal liberty, privacy, freedom of expression, assembly, religion, and property rights.

While the Constitution guarantees these rights and freedoms, it also provides mechanisms for limitations and restrictions under certain circumstances. For instance, rights may be restricted by federal law to ensure national security, public order, protection of health and morals, or the rights and freedoms of others. Additionally, the Constitution mandates that international treaties and agreements ratified by the Russian Federation become an integral part of its legal system. Therefore, international human rights instruments, to which Russia is a party, may also influence the protection and interpretation of fundamental rights.

In practice, the Russian legal system, including its constitutional court, is responsible for interpreting and adjudicating cases involving alleged violations of fundamental rights. While the Constitution provides a framework for these rights, the interpretation and

31 Baibakov 2012; Lesin 2009.

32 Courts (Constitutional, Supreme, Federal) now have no possibility to elect their own chairman and his deputies. Now they are appointed at the recommendation of the President. In the case of judges committing acts that discredit honour and dignity, as well as in other cases stipulated by the federal constitutional law, the Federation Council can suspend a judge (Art. 83, Letter f3). At present, judges' powers are suspended by decision of collegial judicial bodies in cases provided for by federal laws. This provision applies equally to the President of the Court and his deputies in the Supreme and Constitutional Courts.

application of these provisions are subject to the decisions of the constitutional court, as well as other courts within the Russian judicial system.

In summary, while Russia's Constitution does establish fundamental rights and freedoms for its citizens, including the right to judicial protection of these rights, the concept of a strict hierarchy of fundamental rights is not explicitly outlined. The interpretation and application of these rights depend on the evolving jurisprudence and legal practices within the Russian legal system on a case-by-case basis.

At the same time, there is officially no case law in Russia. It is a kind of grey zone which operates at the discretion of a particular court.

The Institute for Problems of Law Enforcement has published the results of a study entitled *Similar Legal Position. References to other cases in the texts of arbitration court judicial acts,*[33] prepared based on analysis of randomly selected 6.9 million arbitration court decisions in 5.4 million cases (not bankruptcy cases) in 2009–2019 for references to other arbitration cases.

Approximately 540 thousand cases contain references to legal positions expressed in other cases.

The author of the study also noticed that courts more often refer to legislative norms than to judicial acts. "In general, with the current legislation, it cannot be said that law has become precedent-based in its basis. But it is important that we now know for sure that the opposite cannot be claimed either: that courts rely only on the letter of the law and are never guided by the opinion of other judges in similar cases"[34] – he emphasised.

Therefore, relying on judicial practice to assess the hierarchy of human rights in Russia is extremely problematic and not objective.

We may conclude that the hierarchy of human rights in the Russian Constitution and Russian case law can be seen as having a hybrid structure. Although all rights are formally recognised as important and equally protected by the Constitution, restrictions can be introduced when deemed necessary to protect national security, public order, or the rights and freedoms of others. This hybrid approach reflects a balance between respecting fundamental rights and allowing flexibility in their application depending on contextual needs and judicial interpretation.

However, as we have already mentioned, it is not possible to form an unambiguous hierarchy of human rights in Russian constitutional law. However, we have found a non-trivial and interesting way to at least come closer to understanding the hierarchy in Russian law and for this purpose we have turned to the statistics of the European Court of Human Rights.

[33] Saveliev 2021.
[34] Saveliev 2021.

Proposed hierarchy of human rights

Every year, the European Court of Human Rights (hereinafter: ECtHR), publishes a report on its work, and in February 2022, it published a report on its work from 1959 to 2021.[35]

First of all, it should be noted that the European Convention on Human Rights (hereinafter: ECHR) which establishes the competence of the ECtHR was in force in Russia from 5 May 1998[36] (when the Convention entered into force for Russia) until 16 September 2022, when Russia ceased to be a party to the Convention.[37]

Russia's withdrawal from the Council of Europe was preceded by the fact that on 15 March 2022, Russia announced its intention to denounce the Convention on Human Rights.[38]

In this regard, on 23 March, the ECHR published a resolution in which it clarified that from 16 September Russia would cease to be a party to the convention, so the court would be able to consider complaints by Russians against Russia if they were filed before that date.[39]

Thus, in fact, it is of little relevance to consider the statistics of the ECHR after 2022, as Russia is no longer a member of the organisation and is not obliged to execute the decisions of the ECHR.

In total, over the 20-year history of Russia's presence in the Council of Europe, the ECHR has issued 2,943 judgements against the Russian authorities.[40]

Thus, we can try to create a hierarchy of human rights in the Russian Constitution based on the frequency of their violations. This hierarchy will reflect which rights are more vulnerable to violations and, therefore, may be lower in the hierarchy of protection in practice, despite formal constitutional guarantees.

It should be noted, however, that this analysis is merely an attempt to construct a hierarchy of rights that does not properly exist in Russian constitutional law.

Based on the data presented, we can construct a hierarchy of rights based on the frequency of violations found by the ECHR, which indirectly reflects areas of greatest concern or rights that face the greatest systemic problems.

35 European Court of Human Rights 2022.
36 European Court of Human Rights 1950.
37 European Court of Human Rights 2022.
38 Council of Europe 2022.
39 European Court of Human Rights 2022.
40 European Court of Human Rights 2021.

Proposed practical hierarchy of human rights in the Russian Constitution (based on human rights violations from highest to lowest frequency from ECHR statistics)[41]

1. *Prohibition of torture and inhuman treatment*

The 1,079 violations related to torture and inhuman or degrading treatment reveal systemic problems, particularly in detention practices and treatment by authorities. This makes the prohibition of torture a key, but frequently violated, right.

2. *Right to liberty and security of person*

With 1,031 violations, this right is one of the most frequently violated, indicating significant problems in its protection within the Russian justice system and law enforcement. This suggests that in practice, the right to liberty and security is one of the most vulnerable rights and may not be strictly observed.

3. *Right to a fair trial*

Violations of the right to a fair trial (820 cases) indicate problems in the justice system. This right is essential for due process and justice, but frequent violations indicate that it is also a vulnerable right that affects the overall integrity of the legal framework in Russia.

4. *Right to life*

With 614 cases of deprivation of life or ineffective investigation of such cases, this fundamental right faces serious challenges. Although it is a fundamental right in most legal systems, frequent violations indicate that in practice it may be at risk in certain situations.

5. *Right to property*

Violations of property rights (629 cases) indicate problems in the protection of individual property and the security of property. This relatively high number of violations places property rights lower in the practical hierarchy than other economic or civil rights.

6. *Right to an effective remedy*

With 590 violations, the right to an effective remedy reflects the difficulties people face in accessing justice. Ineffective remedies weaken the practical enjoyment of all other rights, suggesting that this right may be insufficiently protected.

7. *Respect for private and family life*

Violations of private and family life (198 cases) place this right in the middle or lower range of the hierarchy. This reflects certain limitations on personal freedoms and protection of privacy, although it may still be relatively better protected than some political rights.

8. *Freedom of expression*

With only 53 recorded violations, freedom of expression appears lower in terms of the number of cases, but this may reflect restrictions on publicly expressing dissatisfaction or taking cases to court rather than actual protection. It is likely to be lower in the practical hierarchy given the political sensitivities surrounding dissent.

[41] European Court of Human Rights 2022.

9. *Freedom of assembly*

Similarly, freedom of assembly has 35 violations, suggesting that it may be heavily restricted. This low number may not reflect true protection, but rather limited opportunities to assemble or significant barriers to claiming this right.

10. *Right to marriage*

With no recorded violations, the right to marriage appears to be well protected or less controversial in Russia. This right may be at the top of the practical hierarchy because it is closely linked to traditional social values and state interests.

Conclusion

The hierarchy of human rights in Russia, derived from the judgments of the European Court of Human Rights, reveals a de jure hierarchy in the practical application and protection of various rights within the Russian legal system and provides valuable insights into the practical application and protection of rights. This approach allows us to observe patterns that highlight certain vulnerabilities: frequent violations of the rights to liberty and security of person, protection from torture and the right to a fair trial suggest that these rights may not be firmly secured and prioritised in the Russian legal system.

However, using ECtHR statistics as a proxy for understanding the hierarchy of rights in Russia has both strengths and weaknesses. On the positive side, these data provide a unique, independent perspective on the state of human rights protection in Russia, particularly because they reflect violations serious enough to reach an international court. These cases highlight recurring systemic problems, offering a clearer picture of where protection may be insufficient and where enforcement mechanisms may be failing.

On the other hand, this approach is limited in scope. ECtHR cases only represent instances where individuals were able to successfully bring complaints, meaning that the data may not cover the full range of rights violations. In addition, some rights, such as freedom of expression and assembly, may appear less frequently in ECtHR judgments, not necessarily because of stronger protection, but rather because of restrictions that prevent individuals from accessing justice or freely exercising these rights. As a result, a hierarchy based on ECtHR statistics may not fully reflect the reality in Russia, but instead offers a partial perspective shaped by the cases that reach the European Court.

Overall, this method provides a useful, although indirect, way of mapping the hierarchy of rights in Russia. It highlights areas where reform and stronger protection may be needed, and it underscores the importance of an explicit formal hierarchy to ensure balanced protection of all fundamental rights in the Russian Constitution.

To sum up, the main findings that can be made about the Russian hierarchy of human rights are the following:

- The high number of violations of the right to liberty and security, the prohibition of torture, and the right to a fair trial demonstrate significant systemic problems in the protection of these fundamental rights. These rights, which are essential for

individual protection against state power, are in practice among the most vulnerable. Frequent violations may reflect both limitations on judicial independence and problems in law enforcement practices.

- Violations of the right to an effective remedy indicate that individuals often have difficulty obtaining justice and redress for rights violations. This undermines the ability to enforce other rights, as it points to a structural problem in the legal system that prevents accountability for rights violations. The lack of effective remedies reduces the practical usefulness of formal rights protections, highlighting the need for judicial reforms to provide stronger guarantees.
- Property rights violations are significant, but not as frequent as violations of personal security and due process rights. This finding suggests that while economic rights are somewhat protected, they are still vulnerable. This could impact both individual and corporate stakeholders, pointing to potential problems in regulatory practices, property law enforcement, and economic stability.
- Violations of privacy and family rights are significant, but less frequent than violations of basic civil rights. This suggests a moderate level of protection for personal autonomy in family and private life, although it remains below the ideal. These rights are likely to face fewer challenges due to their alignment with traditional values, but they are still at risk, particularly in cases of government surveillance or other state interventions.
- The relatively low number of violations of freedom of expression and assembly may not indicate strong protection but rather reflect limited opportunities to exercise or claim these rights. Given the political sensitivity of these rights, their low ranking in the practical hierarchy suggests significant restrictions on civil liberties in the public sphere, which may encourage self-censorship or underreporting of violations.
- With no violations recorded, the right to marriage is one of the most protected in Russia, likely reflecting its cultural conformity and the state's interest in supporting traditional family structures. This suggests that certain social rights, consistent with conservative values, are less vulnerable to violation.

The found hierarchy of human rights in Russia shows that, despite the presence of formal guarantees, effective protection of these rights varies considerably. Rights related to personal security, freedom from torture, fair trial and effective remedies are among the most compromised, indicating systemic gaps in enforcement. Meanwhile, social rights that are closely linked to traditional values, such as marriage, enjoy stronger protection. This hierarchy underscores the need to strengthen judicial independence, improve law enforcement and provide effective remedies to improve the protection of human rights.

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