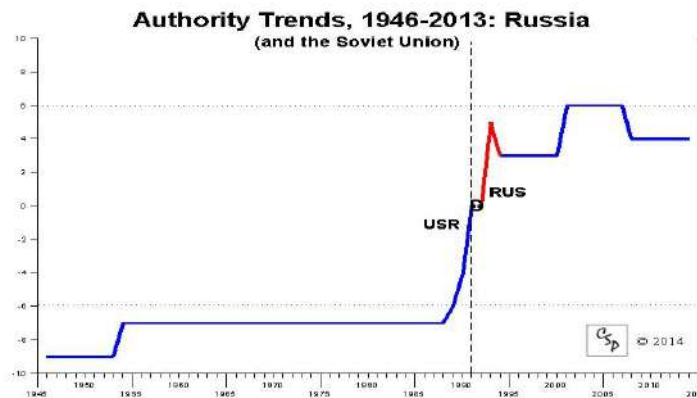




Приложение 3

Индекс демократии в России (Polity4)



Приложение 4

ON LEGAL REGULATION OF THE RIGHT FOR EXTRAORDINARY NAMES

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The Constitution of the Russian Federation as the Basic Law of the State establishes a number of important provisions relating to human rights of the citizen of Russia. Thus, Article 2 of the RF Constitution states that *'a person, his rights and freedoms are the highest value. Recognition, observance and protection of human and citizen's rights and freedoms is the duty of the state'*. But, despite this affirmation, one way or another restricts our rights. This can be manifested in both open and latent form. After all, citizens because of their low legal culture, cannot even guess about it. For example, choosing a name for their child, most parents want it to be beautiful and euphonious. Nevertheless, some moms and dads

rely on originality and name their children after popular stars, idols, favorite literary characters, etc. In a number of countries laws on forbidden names were introduced to protect children from the irresistible imagination of parents and humiliating insults from peers because of their unusual names. Thus in Russia on March 7, 2017 the State Duma approved a bill prohibiting giving unusual names for children. This bill was initiated by the senator of the Federation Council of the Russian Federation Valentina Petrenko. It was being discussed for two months not only in the Lower House of Parliament, but also in social networks. The bill provides for a ban on the provision of names to children in the form of digital symbols, abbreviations and obscene language. 377 deputies voted in favour of the document, 3 - abstained.

And it all began with the fact that in 2002 a child was born in the family of Moscow artists, whom they decided to call BOCH rVF 260602 (the abbreviation from "The biological object of the Voronin-Frolov family, born on June 26, 2002"). Civil Registry Offices refused to issue documents with this name, explaining their decision with the pursuit to protect the rights of the child. The court agreed with the reasons. The boy's parents applied to the Strasbourg court, but the case was dismissed without hearing. There is still no official Russian document for the child, only a birth certificate issued by the World Organization of World Citizens, on the basis of which the boy was sent to school.

In particular, the bill on prohibition to give extraordinary names became remarkably relevant in Tatarstan, where the so-called 'Soviet origin' names are particularly popular and numerous. Such names as Lenur (Lenin founded the revolution), Damir (Long live peace), Emil (Engels, Marx, Lenin), Engel (short for Engels), Lucius (short for revolution), Elmira (Electrification of the world), Ramil (Workers' Militia), are considered to be pure tatar, especially by young residents of the republic, being totally unaware of the real situation. But, according to the deputy of the State Duma of the Russian Federation from Tatarstan Gilmutdinov, by the second reading of the bill, such names will be excluded from the banned list. 'In the first reading, it is still present, however, during the work of the committee, at the plenary session, this norm will be cancelled. Only the standards regarding digital signage, numbers and obscene names will remain. We have been very thorough about the matter, thus there should be no feelings about it' Gilmutdinov said.

On February 17th, 2017, the LDPR faction in the State Duma urged Valentina Petrenko to finalize the bill. The deputy head of the LDPR faction, Yaroslav Nilov, told that the representatives of the party in the Lower House of Parliament were embarrassed by the rule that would deprive the family of parental rights. 'If the child is not registered within a month, the parents are deprived of parental rights, and the child acquires the status of a foundling, in which case the child from the family is taken out by the guardianship and custody authorities' said Nilov. So analyzing the content of Art. 3 of this bill providing that in the Federal Law of the Russian Federation of November 15, 1997 N 143-FZ 'On Acts of Civil Status' will be amended, which says: 'Article 16 shall be supplemented with paragraph 8 as follows: *'8. If the persons indicated in this article do not announce the birth of the child within the prescribed period, the birth of the child shall be registered in accordance with the procedure established by Article 19 of this Federal Law'*. As explained by the experts of the Public Commissioner for the Protection of the Family in St. Petersburg, according to Article 16 of the Federal Law No. 143-FZ of the Russian Federation 'On Civil Status Acts', the parents' statement 'on the birth of the child must be made no later than one month after the birth of the child'. If at that time the parents do not declare the registration of the baby in the registry office, he - according to Petrenko's project will be registered 'as found'. The registration procedure is prescribed in art. 19 of the Federal Law 'On Civil Status Acts'. It might seem unbelievable: what legal grounds can be used to assign the status of 'abandoned' for a child if his parents are up to the mark? But after all, the 'law on smacks', which criminalizes the punishment of children for their parents, but also the release from it, also proved to be barely effective. However, it was passed, and it even went into effect - until, finally, under pressure, it was canceled.

The note to the bill shows the statistics of the bodies of the Registry Office of the city of Moscow. Among the most unusual names that the boys received were the following: Nikolay-Nikita-Nil, Khristamirados, Dolphin, Yaroslav-Lutobor, Luka-Shchastye Summerset Oushen. During this period, the following unusual names were recorded for girls: Aprel, Polina-Polina, Princessa Daniella, Zarya-Zaryanitsa, Alyosha-Caprina, Okeana, Sofia-Solnyshko. The absence of restrictions in the choice of names, according to Petrenko, can lead to abuse of parental rights. She added that the names will be evaluated by the Registrar employees, and parents will be able to challenge their decision in court. As Gilmutdinov said, that the bill has a 'grain': sometimes children were called dates, figures. By the way, there are a lot of facts. The child

is not to be blamed for having such a name, he can only change his name at the age of 14 years and until then he will suffer and will feel uncomfortable because of this, unfortunately, the relationship with the parents will deteriorate.

As a high profile politician, the leader of LDPR Vladimir Zhirinovskiy noticed, children should be called original Russian names, such as: Taras, Nazar, Prokofy, Agafia, Dusia, Matryona. Moreover he suggests standardizing grandparents' participation in selecting names. He added that the result of giving the 'wrong name' to a child may cause personal pain giving examples from his own childhood.

Deputy Tamara Pletneva supported Zhirinovskiy's opinion calling such parents 'abnormal' and declaring that we must first think about children.

So this legislation was adopted because of a single precedent, which somehow influenced vital interests and this precedent concerns the name BOCH. And yet, was it worth changing the law because of one applicant? So reputable Russian family lawyer Zharov expressed his position on this issue. He said that the criteria for this bill are not specific. What do they mean - voiceless, ridiculous names? For example, the name 'Sova' is funny, but what about the name Savva? Where will the border pass? And why can not I call the child Henry 4?

In this case, who will determine the euphonicity of names? Employees of the Registry Office? Do these employees have a language education? Or there will be some experts? Maybe there will be a list of forbidden names? This bill leaves many questions behind itself.

It is interesting to look at the legislation in this issue in other countries by name. For example, in Germany there is no Federal law governing the assignment of names. Employees of the agency registering a newborn can call on parents to refuse a name they do not approve. If the parents do not agree, the case goes to court. As a result of judicial precedents, the following rules were formulated: the title should not cause ridicule or association with the generally accepted concepts of evil (for example, it is not customary to give such names as Judas or Cain). It also should not hurt religious feelings of fellow citizens (the name of Christ is considered unacceptable, November 1998, the Higher Land Court in Frankfurt am Main allowed the child to be called Jesus). In addition, one can not give the names of children by famous people, brands and title (prince, lord), and also surnames (exceptions are rare surnames, for example, Vannek).

In Spain, it is forbidden to give degrading human dignity names. Also, you can not give a name that makes it difficult to determine a child's name.

According to Swedish law, a human name should not cause inconvenience in its use. The Swedish Tax Agency, which registers names, may refuse to register if a name does not meet the requirements of the law. So, in 1996, parents were not allowed to give their son a name consisting of letters and numbers (Brfxccxxmnpccclllmmnprxvclmncckss-qlbb11116). Also, according to media reports, in different years the authorities refused to register the names of Allah, Elvis, Ikea, Superman, Veranda. At the same time, there were no problems with the names Metallica, Lego and Google.

There are no names prohibited by law in Poland, but the consultative institute for the use of Polish has compiled a list of names that are not recommended, and children will not be given a birth certificate if their parents give them extraordinary names. This list includes such names as Abbadona, Alma, Bhakti, Boromir, Emmaus, Errada, Lilith, Malta, Merlin, Montezuma, Pooh, Pacific, Strawberries, Tupac, Wolf.

In Argentina, it is forbidden to give children extravagant and ridiculous names, as well as names that are contrary to national customs, denoting political and ideological beliefs or raising doubts about the sex of the child. However, in 2015, a couple from Santa Fe was able to circumvent the law and called their son Lucifer.

Mexico has regional legislation regarding the issue of names. For example, the authorities of Sonora in 2014 approved a list of 61 names that are forbidden for children, because they are considered shameful, discriminatory or have a negative connotation. The purpose of this measure is to protect children from psychological and physical violence by their peers. The list, in particular, includes Batman, Burger King, Harry Potter, Hermione, Hitler, James Bond, Lady Dee, Favorite Sonora, Rolling Stone, Facebook, etc.

As for the United States, the choice of the child's name is regulated at the state level. In some states, the use of certain symbols in the name is prohibited. This is due to the limitations of the software used for official registration of names. In other states, the use of numbers, pictograms and profanity in the name of a child is prohibited. In California, for

example, it is legally forbidden to use diacritical marks (special icons above or under the letters, changing their reading). On the other hand, there are states without any legislative restrictions concerning this matter (for example, Kentucky). Therefore, in the US there are such names as Instagram, Meningit, Batman. In 2013, the Tennessee court forbade a married couple to call the child Messiah, indicating that this refers exclusively to Jesus Christ. However, soon the decision was canceled. According to the media, currently in the country this name is possessed by several hundred people.

The National Registration Department of Malaysia published in 2006 a list of 'undesirable' names. In particular, it includes the names of animals, insects, fruits and vegetables, car brands and figures. Individual "nominal" restrictions were introduced for various religious and ethnic groups, which traditionally gave unusual names to newborns to protect them from demons and evil spirits.

The Saudi Arabian Ministry of Internal Affairs recently published a list of 50 names banned in that country for religious reasons. The list included such names as Malak (Angel), Nabi (Prophet) and Djibril (Gabriel). Such popular Western names as Maya, Linda and Lorin are also banned.

In Canada, there is no national legislation that regulates the naming of a newborn. However, as in the USA, there are restrictions at the level of local legislations. For example, in Ontario, it is forbidden to use any symbols and numeral adjectives for names. In the provinces of Quebec, British Columbia and Saskatchewan, names should not be given if they are considered degrading to the child.

Since there was no any norm in this respect in Russia, people felt free for choosing names for their children. That is why, the 18-year-old student of the medical college Brilliant Bazuev is very pleased with his name and saying that when he has children, he will definitely give them rare names. According to the young man, he realized that he had an uncommon name, even in his childhood, all the children were surprised by his name. Nevertheless, he never wanted to change it. Relatives call him a diamond, and friends- Brill. The young man is sure that even if he were called in a different way, life would hardly have changed, since he thinks that one should focus on actions, not words.

However, the Doctor of Psychology, an expert on the influence of a name on a person's personality, Boris Hiegir, holds the opposite point of view. In his opinion, when parents give a child a wrong name, he becomes unstable, toxic and can die a premature death. The earlier a person changes his name to "normal", the earlier he becomes stable

A name with numeric symbols, as in BOCH pVF 260602, according to the expert, has nothing common with a human name. He met the boy when he was four years old. 'This child should be taken from parents, because he has a risk of developing schizophrenia with that name', the expert says.

Summing it all up, one can come to the conclusion that wrongly chosen name may cause various problems from psychological to legal. Thus, legislators should be sensitive and sensible dealing with this issue.

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