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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION  
FOR THE PROTECTION OF NATIONAL MINORITIES**

**OPINION ON THE RUSSIAN FEDERATION**

## EXECUTIVE SUMMARY

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## EXECUTIVE SUMMARY

Following the receipt of the initial State Report of the Russian Federation on 8 March 2000 (due on 1 December 1999), the Advisory Committee commenced the examination of the State Report at its 7<sup>th</sup> meeting on 6 - 9 June 2000. In the context of this examination, a delegation of the Advisory Committee visited the Russian Federation, on 11 - 15 February 2002, in order to seek further information on the implementation of the Framework Convention from representatives of the Government as well as from NGOs and other independent sources. The Advisory Committee adopted its opinion on the Russian Federation at its 15th meeting on 13 September 2002.

The Advisory Committee welcomes the fact that the Russian Federation has in a number of fields introduced legislation that generally reflects the corresponding principles of the Framework Convention. It notes that valuable efforts have been made in particular with respect to the protection of the “titular nations” of the Republics of the Russian Federation and that certain promising initiatives of more general scope, such as the national-cultural autonomies, have been launched and would merit increasing support.

The Advisory Committee notes with concern that, whereas a spirit of tolerance generally prevails in a number of regions, serious problems have emerged in inter-ethnic relations in Northern Caucasus and in some other parts of the Russian Federation. The conflict in Chechnya and human rights violations committed therein have hampered efforts to implement a number of articles of the Framework Convention both within and outside the said Republic.

The Advisory Committee notes that the practical impact of several positive initiatives has proved limited as their implementation has not been given adequate priority by the authorities, including in terms of resources. For example, the improved normative protection of numerically small indigenous peoples of the north has not led to marked progress towards full and effective equality for the persons concerned due to the lack of adequate mechanisms and support for the implementation of the laws at issue. Furthermore, the valuable efforts by many Republics to protect their “titular nations” have not always been coupled with adequate measures to implement the Framework Convention *vis-à-vis* persons belonging to other groups residing in the region at issue.

The Advisory Committee is also concerned about certain administrative practices as well as regional and local norms, e.g. with respect to residency registration, that are problematic from the point of view of non-discrimination and other principles of the Framework Convention and have created undue obstacles for persons belonging to minorities in specific regions, such as Meskhetians in Krasnodar.

As concerns the use of minority languages in the educational system and in contacts with administrative authorities, there remain shortcomings, *inter alia*, in the volume and scope of teaching in and of languages of many dispersed minorities. At the same time, there is a need to

ensure that the pending legislative initiatives aimed at protecting the Russian language are pursued with due regard to minority languages and in a manner that does not put at risk the positive steps that have been taken, e.g. with respect to the use of languages of “titular nations” of the Republics.

The Advisory Committee is of the opinion that, despite some commendable initiatives in selected areas, there remain shortcomings in the effective participation of persons belonging to national minorities. For example, there is a need to improve consultation of national-cultural autonomies and other organisations of national minorities in the decision-making processes. Furthermore, the new normative restrictions on the political means to protect the interests of national minorities need to be reviewed as they may have a negative impact on the participation of persons belonging to national minorities in public affairs and on the implementation of other principles of the Framework Convention.

## **I. PREPARATION OF THE CURRENT OPINION**

1. The initial State Report of the Russian Federation (hereinafter: the State Report), due on 1 December 1999, was received on 8 March 2000. The Advisory Committee commenced the examination of the State Report at its 7th meeting, on 6 - 9 June 2000.
2. In the context of this examination, the Advisory Committee identified a number of points on which it wished to obtain fuller information. A questionnaire was therefore sent to the authorities of the Russian Federation on 17 October 2001. The Government’s reply to this questionnaire was received on 22 March 2002.
3. Further to an invitation from the Government of the Russian Federation, and in accordance with Rule 32 of the Committee of Ministers’ Resolution (97) 10, a delegation of the Advisory Committee visited the Russian Federation from 11 - 15 February 2002 in order to obtain supplementary information from representatives of the Government, NGOs and other independent sources on the implementation of the Framework Convention. In preparing this opinion, the Advisory Committee also consulted a range of written materials from various Council of Europe bodies, other international organisations, NGOs and other independent sources.
4. The Advisory Committee subsequently adopted this opinion at its 15th meeting on 13 September 2002 and decided to transmit it to the Committee of Ministers<sup>1</sup>.
5. The present opinion is submitted pursuant to Article 26 (1) of the Framework Convention, according to which, in evaluating the adequacy of the measures taken by the Parties to give effect to the principles of the Framework Convention, "the Committee of Ministers shall be assisted by an advisory committee", as well as pursuant to Rule 23 of Resolution (97) 10 of

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<sup>1</sup> The Advisory Committee decided at its 12<sup>th</sup> meeting on 30 November 2001, to introduce certain changes to the structure of its opinions. It decided to discontinue the practice of submitting a “Proposal for conclusions and recommendations by the Committee of Ministers” (Section V of the earlier opinions) and to introduce a new section IV, entitled “Main findings and comments of the Advisory Committee”. The Advisory Committee also decided to submit its “Concluding remarks” in Section V instead of Section IV. These changes are effective as from 30 November 2001 and they apply to all subsequent opinions adopted in the first monitoring cycle. These changes have been made in the light of the first country-specific decisions on the implementation of the Framework Convention adopted by the Committee of Ministers in October 2001.

the Committee of Ministers, according to which the "Advisory Committee shall consider the state reports and shall transmit its opinion to the Committee of Ministers".

## **II. GENERAL REMARKS**

6. The Advisory Committee notes that the State Report provides an overview of the main aspects of the legislative framework pertaining to the protection of national minorities in particular at the federal level. However, there is only limited information on the relevant practice and on the situation with respect to protection of national minorities in the subjects of the federation.

7. The Advisory Committee did however obtain a fuller picture of the situation through the Government's comprehensive written reply to a questionnaire by the Advisory Committee and, in particular, through the above-mentioned visit to the Russian Federation (see paragraph 3 of the present opinion). The Advisory Committee finds that the visit organised upon an invitation by the Government of the Russian Federation provided a good opportunity to have a direct dialogue with many of the relevant sources. The additional information provided by the Government and by other sources, including by representatives of national minorities, was most valuable, especially as concerns the implementation of relevant norms in practice.

8. At the same time, the Advisory Committee would like to underline that, due to the limited time available and the size of the country at issue, it was not possible to acquire complete information on all the aspects of the situation of persons belonging to national minorities in the Russian Federation. The present opinion represents only a first stage in the evaluation of the implementation of the Framework Convention in the Russian Federation, focussing largely on the realm of the federal authorities. It is recalled that the federal authorities have the overall responsibility to ensure the implementation of the Framework Convention throughout the federation and that Article 71 of the Constitution of the Russian Federation places the issue of "regulation and protection of rights of national minorities" within their jurisdiction. But bearing in mind that Article 72 of the Constitution places "protection of the rights of national minorities" within the joint jurisdiction of the federal authorities and the subjects of the federation and that Articles 72 and 73 of the Constitution place many of the thematic issues that are pertinent to the implementation of the Framework Convention within the sole or joint jurisdiction of the subjects, it is clear that the scope of the work of the Advisory Committee needs to be expanded in the forthcoming stages of monitoring, in particular as far as various subjects of the federation are concerned.

9. The Advisory Committee notes that, although the conflict in the Republic of Chechnya as such is not examined in detail in the present opinion, the said conflict and human rights violations committed therein have hampered efforts to implement a number of articles of the Framework Convention also outside the said Republic. The Advisory Committee is therefore of the opinion that the cessation of hostilities and the consolidation of an administration that fully protects the rights of persons belonging to national minorities is not only essential for the implementation of the Framework Convention in Chechnya but it would contribute to the implementation of the Framework Convention also in other parts of the Russian Federation. It is also important that the principles of the Framework Convention are fully taken into account in the context of the drafting of a new Constitution of the Republic of Chechnya.

10. The Advisory Committee regrets that when preparing the State Report the Government did not conduct substantial consultations with representatives of national minorities or other sectors of civil society. The Advisory Committee encourages the Government to take further measures to improve awareness of the Framework Convention, its explanatory report and the rules concerning its monitoring at the international level, including through publication and dissemination of the State Report and other relevant documents.

11. The Advisory Committee notes that the structures of the federal bodies of the executive branch dealing with national minorities have been in constant flux in the Russian Federation in the past years. This has had a negative impact on the effectiveness and consistency of the work done by the said bodies and on the way in which the input of persons belonging to national minorities has been accommodated and put to use. The Advisory Committee expects that the latest development, notably the appointment of a Minister for Nationalities Affairs results in a more consolidated structure and inclusive working methods. In this connection, the Advisory Committee welcomes the commitment of the Minister for Nationalities Affairs to ensure broad consultations with organisations of national minorities and other parts of civil society. The Advisory Committee expects that the same goal will be pursued also by the Ministries concerned and other relevant authorities, such as the Presidential Representatives in the Federal Districts and the new Inter-Agency Working Group on Nationality Issues.

12. The creation of the seven federal districts has prompted questions as to whether certain administrative difficulties in maintaining contacts and cooperation between persons belonging to a specific minority may arise from the fact that the compact areas of settlement of certain minorities are located in different districts. The Advisory Committee expects that the said federal districts are administered in a manner that ensures that such difficulties are avoided.

13. The Advisory Committee understands that additional administrative reforms affecting responsibilities of various regions are currently being considered. The Advisory Committee considers it essential that these reforms are carried out in a manner that strengthens rather than limits the opportunities for participation of minorities, including those with designated autonomous *okrugs* or other territorial formations.

14. In the following part of the opinion, it is stated in respect of a number of articles that, based on the information currently at its disposal, the Advisory Committee considers that implementation of the article at issue does not give rise to any specific observations. The Advisory Committee wishes to make clear that this statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Indeed, the Advisory Committee considers that the nature of the obligations of the Framework Convention requires a sustained and continued effort by the authorities to respect the principles and achieve the goals of the Framework Convention. Furthermore, a certain state of affairs may, in the light of the recent entry into force of the Framework Convention, be considered acceptable at this stage but that need not necessarily be so in further cycles of monitoring. Finally, it may be the case that issues that appear at this stage to be of relatively minor concern, prove over time to have been underestimated.

### III. SPECIFIC COMMENTS IN RESPECT OF ARTICLES 1-19

#### Article 1

15. The Advisory Committee notes that the Russian Federation has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

#### Article 2

16. The Advisory Committee refers to its comments under Article 18.

#### Article 3

17. The Advisory Committee underlines that in the absence of a definition in the Framework Convention itself, the Parties must examine the personal scope of application to be given to the Framework Convention within their country. The position of the Government of the Russian Federation is therefore deemed to be the outcome of this examination.

18. Whereas the Advisory Committee notes on the one hand that Parties have a margin of appreciation in this respect in order to take the specific circumstances prevailing in their country into account, it notes on the other hand that this must be exercised in accordance with general principles of international law and the fundamental principles set out in Article 3. In particular, it stresses that the implementation of the Framework Convention should not be a source of arbitrary or unjustified distinctions.

19. For this reason the Advisory Committee considers that it is part of its duty to examine the personal scope given to the implementation of the Framework Convention in order to verify that no arbitrary or unjustified distinctions have been made. Furthermore, it considers that it must verify the proper application of the fundamental principles set out in Article 3.

20. The Advisory Committee notes that the Russian Federation has not established a list of national minorities and that it takes no firm position as to which groups are to be covered by the Framework Convention or what kind of definition of the term national minority should be applied. Indeed, the declaration submitted by the Russian Federation upon ratifying the Framework Convention demonstrates that the authorities of the Russian Federation consider the State Parties' margin of appreciation to be clearly limited in this respect.<sup>2</sup>

21. The Advisory Committee notes that in practice the federal authorities of the Russian Federation adopt an inclusive approach to the question of the personal scope of application of the Framework Convention, and they have apparently not objected in principle to any claims to

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<sup>2</sup> The declaration contained in the instrument of ratification states as follows: *The Russian Federation considers that none is entitled to include unilaterally in reservations or declarations, made while signing or ratifying the Framework Convention for the Protection of National Minorities, a definition of the term "national minority", which is not contained in the Framework Convention. In the opinion of the Russian Federation, attempts to exclude from the scope of the Framework Convention the persons who permanently reside in the territory of States Parties to the Framework Convention and previously had a citizenship but have been arbitrarily deprived of it, contradict the purpose of the Framework Convention for the Protection of National Minorities.*

be protected by the Framework Convention. The federal authorities appear to be ready to apply the Framework Convention also to minorities that have arrived relatively recently to the Russian Federation and to provide also non-citizens belonging to these groups the possibility to rely on the protection of the Framework Convention. This approach is to be welcomed in so far as it is applied in a manner that respects the principles contained in Article 3 of the Framework Convention.

22. Despite the aforementioned inclusive stance of the authorities, the Advisory Committee notes that some of the pertinent legislative norms have been formulated in a more restrictive manner. This is the case with respect to a number of federal norms as well as some legislative acts adopted by the subjects of the federation. In particular, the Advisory Committee notes that the 1996 Law on National-Cultural Autonomy restricts, in its Article 1, the notion of national-cultural autonomy to citizens of the Russian Federation only, and this approach is reflected also in other provisions of the said law as well as in the relevant provision of the 1996 Concept of the State National Policy. Bearing in mind that the Law at issue is considered by the authorities of the Russian Federation to be a central normative element in the implementation of the Framework Convention, the Advisory Committee finds it important that its personal scope of application is brought in line with the aforementioned inclusive approach under the Framework Convention so as to ensure that also non-citizens belonging to the minorities concerned can benefit from the said law (see also related comments under Article 5 in the present opinion). More generally, the Advisory Committee is of the opinion that the Russian Federation should re-examine, in consultation with the persons concerned, its approach as concerns the personal scope of application of normative acts pertaining to the implementation of the Framework Convention and consider the inclusion of additional groups, in particular non-citizens, in their scope of application on an article-by-article basis.

23. The Advisory Committee also notes that in the context of the discussions in the State Duma on a draft law on the rights of persons belonging to national minorities, a definition of the term national minority that would seriously restrict the prevailing inclusive approach of the authorities has been proposed. In the view of the Advisory Committee, the drafting of the said law should be pursued with the aim of strengthening rather than limiting the existing domestic principles in this field.

24. At the same time, the Advisory Committee acknowledges that the asymmetrical federal structure and the fact that minorities fall within various categories with different legal regimes, ranging from “forced migrants” to “numerically small indigenous peoples of the north”, raise particular challenges when determining the applicability of the Framework Convention in the context of the Russian Federation (see also comments with respect to the latter term under Article 5).

25. In this connection, the Advisory Committee notes that the protection of the Framework Convention can be made available to persons belonging to the groups concerned regardless of whether or not they have their own “national territorial formations” and whether they reside therein. This would include even those belonging to the “titular nations” of the Republics of the Russian Federation (most of whom are numerically a minority in the respective Republics). At the same time, bearing in mind the reservations expressed by the representatives of the latter category, it needs to be underlined that the possibility to rely on the protection of the Framework Convention should be offered only as an option and it should be applied only to the extent this is accepted by the persons concerned.

26. The same principle applies to the indigenous peoples of the Russian Federation, whose representatives have certain hesitations about the use of the term “national minority” to describe the population concerned. The Advisory Committee shares the view, held by the Government and a number of representatives of the indigenous peoples, that the recognition of a group of persons as constituting an indigenous people does not exclude persons belonging to that group from benefiting from the protection afforded by the Framework Convention. Furthermore, the Advisory Committee underlines that the applicability of the Framework Convention does not necessarily mean that the authorities should in their domestic legislation and practice use the term “national minority” to describe the group concerned. This point is particularly relevant in States such as the Russian Federation where the term “national minority” has not been widely employed and where it may for historic reasons have negative connotations for some persons concerned.

27. The Advisory Committee believes that the principles of Article 3 of the Framework Convention merit particular attention in the forthcoming census in October 2002, including in the process of drawing up a list of “ethnic origin” categories to be used in this context and in the collection and processing of the relevant data. The Advisory Committee understands that, pursuant to Article 6 of the 2002 Law on All-Russian Population Census, there will be a question pertaining to individuals’ “ethnic origin” in the census forms, but this will be an optional question to which individuals may freely choose to answer or not to answer. This, in the view of the Advisory Committee, is a suitable way to reconcile the need to have quality data in this field with the right not to be treated as a person belonging to a national minority. At the same time, not all the authorities concerned are aware of the optional nature of the question at issue, and it is therefore important that this is clearly stipulated in the envisaged Government regulations on the implementation of the census and that persons carrying out, or participating in, the census are fully informed about the applicable principles.

28. The Advisory Committee is aware of the controversies that have arisen around the draft list of ethnic origin categories that have been drawn up for the purpose of the census by the Institute of Anthropology and Ethnology. These controversies pertain in particular to some of the proposals of the said Institute to include a number of ethnic origin categories not included in the similar list used in the last census of the Soviet Union conducted in 1989. The Advisory Committee believes that, while no artificial groups should be created in this connection, particular attention should be paid to the question whether the persons concerned seek the recognition of a separate identity in the context of the census. It therefore encourages the continuation of the consultation on this issue, including with the representatives of the minorities concerned. At the same time, the Advisory Committee considers that the aforementioned list, once finalised, should not be treated as the exclusive factor in determining which minorities fall within the scope of the protection of the Framework Convention and can thereby, for example, seek support pursuant to Article 5 of the Framework Convention.

29. The Advisory Committee finds it essential that the census data that has been collected is protected in an appropriate manner and that the ethnicity data is processed, as a rule, in such a manner that data subjects are not identifiable, bearing in mind the principles contained in the Committee of Ministers’ Recommendation No. (97) 18 concerning the protection of personal data collected and processed for statistical purposes. It is important that the relevant principles, including the confidentiality of the data guaranteed in Article 8 of the 2002 Law on All-Russian Population Census, are also highlighted in the training of the persons needed to carry out the census and that the exceptions to the confidentiality rule contained in Article 8 are interpreted narrowly.

30. The Advisory Committee notes that there have been extensive debates following the decision of the authorities of the Russian Federation, in 1997, to eliminate the ethnicity entry in the internal passports. The Advisory Committee considers that an obligatory ethnicity entry in internal passports, in particular when coupled with limitations on persons' right freely to choose which ethnicity should be indicated therein, is not compatible with the principles contained in Article 3 of the Framework Convention, notably as concerns the right not to be treated as a person belonging to a national minority. Therefore, the Advisory Committee considers that a reform of the previous system, based on Soviet-era regulations, was warranted. The Advisory Committee understands that the internal passports issued under the Soviet-era regulations, which provided for an obligatory ethnicity entry, are still widely in use in the Russian Federation. It is important that the authorities' plans to have all such passports replaced by 2004 are pursued decisively and this procedure is made increasingly accessible to the persons concerned.

31. At the same time, the Advisory Committee is aware of the fact that in some circles the said entry has been seen as an important way to manifest one's identity and that its elimination has raised some concerns. While stressing that the full implementation of the Framework Convention by no means necessitates such ethnicity entries, the Advisory Committee understands that access to specific programmes designed to protect national minorities may require persons concerned to indicate their ethnicity and therefore it may be necessary to create new procedures for this purpose. The Advisory Committee notes that in 2001 the Federal Authorities and the subjects concerned reached an agreement aimed at addressing this issue, envisaging a specific insert in the internal passport in the language of the "titular nation" concerned and an indication of ethnicity of persons in their birth certificates. The Advisory Committee underlines that any ethnicity entry in birth certificates must be completely optional and that both regulations and practice must be designed in a manner that contain no elements of pressure towards stating one's ethnicity. Considering that the choice of ethnicity is in such circumstances to be made by others than the person concerned, the system would have to provide the possibility for persons to amend or eliminate that entry in their birth certificates in order for the system to be compatible with Article 3 of the Framework Convention. The Advisory Committee is of the opinion that the authorities should review the system from the point of view of these principles and introduce changes if necessary.

#### **Article 4**

32. The Advisory Committee notes that the Constitution of the Russian Federation as well as the new Criminal Code of the Russian Federation contain general anti-discrimination provisions. The Labour Code, adopted on 1 February 2002, also contains provisions against discrimination, but there are no detailed and comprehensive civil and/or administrative law provisions pertaining to discrimination in a number of other pertinent fields, such as education and housing. The Advisory Committee is of the opinion that it would be desirable to develop such legislation in order to protect, in a comprehensive manner, individuals from discrimination by both public authorities and private entities<sup>3</sup>.

33. With regard to practice concerning implementation of anti-discrimination legislation, the Advisory Committee notes that there appears to be a very limited number of cases pursued on the basis of the Criminal Code, notably on the basis of Article 136 on the violations of equality,

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<sup>3</sup> See also related comments in the Second report on the Russian Federation by ECRI, adopted on 16 March 2001 and made public on 13 November 2001.

and no detailed information is available on any cases brought on the basis of the anti-discrimination articles in civil/administrative law. It is disconcerting that the authorities are not in a position to provide information on the number and nature of cases in the latter category. In such circumstances, it is impossible to evaluate the effectiveness of the current mechanisms and to examine to what extent the principles contained in Article 4 of the Framework Convention are being implemented. It is therefore imperative that the monitoring of developments in this field is intensified.

34. At the same time, credible reports indicate that the conflict in Chechnya has contributed to the discrimination in various parts of the Russian Federation *vis-à-vis* Chechens in particular but also in respect of persons belonging to minorities originating in other parts of the Caucasus and in Central Asia. In this respect, an increasingly vigorous investigation and prosecution of human rights violations that have been committed during the conflict in Chechnya is essential also for developments outside Chechnya, in order to ensure that no real or perceived atmosphere of impunity prevails over abuse and discrimination of the persons belonging to the minorities concerned.

35. The Advisory Committee is aware that discriminatory attitudes have contributed to various problems pertaining also to other human rights. For example, the system of residency registration continues to be a particular problem in this respect. Whereas the federal norms have been markedly improved in the past years, the developments at the local and regional level have been less satisfactory, and, as a result, both *de facto* and *de jure* shortcomings remain severe despite the fact that the Constitutional Court, invoking the right to freedom of movement and choice of place of residence guaranteed in Article 27 of the Constitution of the Russian Federation, has declared a number of normative acts in this field unconstitutional.<sup>4</sup> The efforts to ensure that the registration system is truly a system based on notification rather than permits and that it is not open to abuse and discriminatory practices have not yet been successful in a number of subjects of the federation, including in the city of Moscow as well as in the Stavropol and Krasnodar regions.

36. The Advisory Committee is particularly concerned about the fact that these shortcomings in the residency registration regime disproportionately affect persons belonging to national minorities. There are also credible reports suggesting that the regional or local registration regimes have been in some instances abused by law-enforcement officials who have targeted, in particular, the persons from Caucasus and Central Asian origin for repeated unjustified document checks. The Advisory Committee recognises that certain important initiatives have been taken to counter such practices, but they need to be expanded and implemented more vigorously. It needs to be emphasised that the shortcomings in the registration regime pose problems not only with respect to Article 4 of the Framework Convention, but they also hamper the implementation of other articles of the Framework Convention as access to education and other rights have in some instances been *de facto* conditioned upon the registration of the persons concerned.

37. The above-mentioned problems related to registration are often particularly acute in situations where the citizenship status of the persons concerned is not, in the view of the authorities, defined, as is the case with respect to a number of Meskhetians in Krasnodar who have been unable to obtain citizenship of the Russian Federation. The Advisory Committee therefore expects that the Law on Citizenship, which entered into force on 1 July 2002, is

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<sup>4</sup> See e.g. the Constitutional Court decisions No. 9-P of 4 April 1996 and No. 4-P of 2 February 1998.

implemented in a manner that addresses the difficulties faced by such persons and enables them to obtain confirmation of the citizenship of the Russian Federation in accordance with the applicable norms. The Advisory Committee also notes that Article 4, paragraph 6, of the said law endorses efforts to grant citizenship to stateless persons residing in the Russian Federation.

38. The Advisory Committee notes that in a number of subjects of the Russian Federation the legal status of Meskhetians has been addressed in a satisfactory manner as they have been provided adequate access to both citizenship and registration procedures. Such solutions should be drawn upon by the authorities in those regions where widespread difficulties persist, notably in Krasnodar (see also related comments under Article 16).

39. The Advisory Committee welcomes the efforts that have been taken by the Federal Authorities, including the Prosecutor General, to bring the regional laws and practices on registration into compliance with the applicable human rights standards but considers that these efforts should be further stepped up by all actors concerned, including by the Presidential Representatives in the federal districts and the Ministry of Justice. The Advisory Committee considers that these efforts should also encompass other procedures, such as the monitoring of the implementation of legislation concerning “forced migrants” with a view to making sure that they are implemented with due regard to the applicable human rights standards and with no discrimination of persons belonging to Chechens or others concerned.

40. In this connection, the Advisory Committee welcomes the fact that the Parliamentary Ombudsman has drawn attention to problems pertaining to the implementation of Article 4 of the Framework Convention, including to the way in which the registration regime is implemented. In this connection, the Advisory Committee welcomes the commitment of the Parliamentary Ombudsman to address also other issues pertaining to the implementation of the Framework Convention more comprehensively, including with respect to the situation of persons belonging to indigenous peoples. The Advisory Committee hopes that the Ombudsman offices in the subjects of the federation will also focus increasingly on these issues. At the same time the Advisory Committee notes the fact that the State Duma is currently considering the creation of an Ombudsman office that would be devoted to the protection of national minorities.

41. The Advisory Committee notes with deep regret that ensuring full and effective equality has been particularly difficult with respect to persons belonging to many of the numerically small indigenous peoples of the north, who continue to face wide-ranging problems in economic, social, political and cultural life to the extent that the situation is not compatible with Article 4 of the Framework Convention. The Advisory Committee notes that the continuing marginalization of these minorities has contributed to the deeply disconcerting health situation amongst them. Furthermore, the generally low educational level amongst the group concerned, coupled with the decline in their access to their traditional means of livelihood, have led to disproportionately high unemployment. The Advisory Committee is of the opinion that the authorities should give increasing attention to their situation, including by taking more effective measures to ensure the implementation of the new legislation concerning their rights (see also related comments under Articles 5 and 15 in the present opinion).

42. The Advisory Committee considers that, despite the introduction of some individual initiatives, the Russian Federation has not been able to secure full and effective equality between the majority population and Roma and that the situation of Roma remains difficult in such fields as employment and housing (see also related comment under Article 15). These problems are exacerbated by the unsatisfactory situation of Roma in the educational system (see related

comments under Article 12). The Advisory Committee is of the opinion that these issues merit increasing attention.

## **Article 5**

43. The 1996 Law on National-Cultural Autonomy is a central legislative basis for the implementation of the principles contained in Article 5 of the Framework Convention. The Advisory Committee notes with satisfaction that the number of national-cultural autonomies registered on regional and local level is increasing and that it now exceeds 300. The Advisory Committee considers that such autonomies can contribute to the improvement of the protection of cultures of minorities. For example, the recent establishment of a cultural autonomy of Roma at the federal level will hopefully lead to improvements in the unsatisfactory position of their language and culture in media and other fields. At the same time, the Advisory Committee considers that the effectiveness of the implementation of the law at issue could in many ways be improved. The Advisory Committee notes that the shortcomings in the implementation of the law have also been recognised by the authorities of the Russian Federation and that amendments to it are currently being considered in the State Duma. The Advisory Committee trusts that the observations below - as well as those made under Article 3 in the present opinion - concerning the present law are taken into account in this process.

44. The Advisory Committee notes that the creation of the consultative councils not only at the federal but also at the level of the subjects of the federation, envisaged in Article 7 of the Law on National-Cultural Autonomy, is an important element in the implementation of the principles of the law and therefore they should be more consistently created in all the subjects of the federation where cultural autonomies have been established. With respect to the Consultative council at the Government of the Russian Federation, established under Article 7 of the said law, the Advisory Committee considers that in order for it to carry out its tasks effectively, the meetings of the said body would need to be more regular and its consultations more consistent than has been the case to date. For example, expanded consultations are required in order to improve the Council's participation in the preparation of draft normative acts pertaining to national minorities, as provided in Article 7 of the Law. The Advisory Committee also underlines that there is a need to provide mechanisms in the federal Consultative Council for the consideration of the views of the representatives of local and regional cultural autonomies of those minorities that have not established autonomies at the federal level.

45. The Advisory Committee also notes that the Ministry of Federation Affairs, National and Migration Policy has been the main federal body providing public support for the establishment and operation of cultural autonomies and that following the abolition of the said Ministry by a Presidential decree on 16 October 2001 it is unclear which federal body will carry out the respective tasks. The Advisory Committee trusts that the tasks will be allocated in a clear manner and so that the continuity of the important initiatives that are already being carried out is ensured. Furthermore, it is imperative that these reforms will result in a structure that is easily accessible to the persons belonging to national minorities. In this connection, the Advisory Committee refers to the establishment of the offices of the abolished Ministry in the subjects of the federation and urges the authorities to ensure that an effective regional network supporting the functioning of cultural autonomies and national minorities more generally is also a component of the new structure and that the administrative position and responsibilities of the authorities are clearly determined.

46. As regards the allocation of financial support at the federal level, the Advisory Committee notes that there is scope for improvement as concerns the involvement of representatives of national minorities in the decision-making process (see also relevant comments under Article 15 in the present opinion). There also seems to be a degree of uncertainty as to the level of support allocated in this sphere as there is no specific budget line in the federal budget devoted to the support of activities of national minorities. It appears, however, that the support provided by federal sources is rather limited and that the budgets of the subjects of the federation are often the main source of public funding for initiatives in this sphere. The Advisory Committee considers that this state of affairs can create particular difficulties for persons belonging to dispersed minorities, and therefore their initiatives should be given increasing attention by the federal authorities, in the framework of cultural autonomies and also more generally.

47. As regards the financial allocations to support cultural and other activities of national minorities in the subjects of the federation, the Advisory Committee notes that certain valuable initiatives have been taken, through the specific budget line established in 49 subjects and through other sources, for example in the Orenburg region. At the same time, the level of support varies greatly from region to region and there are reports indicating that in certain areas, notably in the Republic of Mari El, support for a number of initiatives to protect minority cultures has recently been reduced. While acknowledging that there are economic constraints, the Advisory Committee believes that the authorities should increase their efforts to ensure that there is a level of consistency in the support provided to initiatives in this sphere and that cuts are introduced only where it is necessary.

48. The Advisory Committee further notes that there is a need to pay increasing attention, both by the federal authorities and those of the subjects of the federation, that support for minority cultures is balanced as far as different minorities in a given subject of the federation are concerned. In this connection, the Advisory Committee notes that although the initiatives relating to cultures of “titular nations” of the Republic merit comprehensive support, persons belonging to “non-titular” groups in many subjects of the federation are in a particularly difficult position and deserve increasing attention from the part of the authorities concerned. For example, the Advisory Committee finds it important that in such subjects as the Republic of Bashkortostan and the Republic of Tatarstan, where impressive support is provided respectively for Bashkir and Tatar initiatives, support for persons belonging to other groups is extended further and consolidated.

49. The Advisory Committee is of the opinion that persons belonging to many of the numerically small indigenous peoples of the north are often in a particularly difficult position as far as the implementation of the principles of Article 5 and other provisions of the Framework Convention are concerned. Their cultures and languages are especially susceptible to assimilation - both to the culture of the majority population as well as to cultures of the larger minorities residing in the same region - to the extent that some of these cultures and languages are on the verge of disappearing. This is partially due to the fact that many features of their traditional culture, such as reindeer herding, fishing and hunting, are closely linked to the use of their territories and that many of these territories are simultaneously subject to competing interests and exploitation by gas, oil and other industries, which in practice frequently prevail and contribute also to the large-scale environmental problems threatening many of the territories concerned.

50. The Advisory Committee welcomes the fact that the authorities have recognised the existence of problems in this sphere and the fact that cultures concerned are susceptible to assimilation. This is reflected in the marked improvements that have been introduced in recent years in the legislative protection of the population concerned, in particular through the 1999 Law on Guaranteeing the Rights of Numerically Small Indigenous Peoples of the Russian Federation but also through the 2000 Law on the General Principles of Organisation of Communities of Numerically Small Indigenous Peoples of the North, Siberia and Far East and the 2001 Law on the Territories of Traditional Ecosystem Exploitation of the North, Siberia and Far East.

51. The implementation of these new laws and the creation of necessary mechanisms for their implementation have however progressed regrettably slowly, and some of the central elements of the protection scheme envisaged therein have not yet been put in place. This is the case, *inter alia*, with respect to the pivotal provisions pertaining to the use of land and positive measures to support access to fishing and other traditional means of livelihood. Furthermore, the establishment of the “communities” of indigenous peoples in the regions concerned have reportedly met with serious legal and technical obstacles at both federal and regional level (see also related comments under Article 15). The Advisory Committee finds it important that such obstacles are abolished and the effective implementation of the provisions of the laws at issue is addressed as a matter of priority by the Ministry of Economic Development and Trade and the other authorities concerned

52. Bearing in mind that there exists a measure of uncertainty as to the division of respective functions of various authorities, the Advisory Committee considers that the allocation of respective responsibilities of various authorities needs to be defined more clearly in order to ensure rapid implementation of the legislation as well as the design and implementation of a more coherent and comprehensive policy in this field. Furthermore, the Advisory Committee notes that there appears to be only limited expertise on the specific problems pertaining to the protection of indigenous people within some of the relevant federal bodies, notably within the Ministry of Economic Development and Trade, and that further measures are therefore needed to raise officials’ awareness of these questions.

53. The above-mentioned 1999 Law on Guaranteeing the Rights of Numerically Small Indigenous Peoples of the Russian Federation includes specific criteria as to its scope of application, including, *inter alia*, that the group concerned must be smaller than 50,000 persons. In some regions, there have been difficulties in determining which groups meet the said criteria and benefit from the protection of the said law, and the Advisory Committee urges the authorities to ensure that the criteria are applied in a consistent and coherent manner and that no group is arbitrarily excluded from the scope of the law and/or related positive measures.

54. The Advisory Committee notes that the above-mentioned general rules determining what type of groups are covered by the law do not apply to the Republic of Dagestan, whose authorities are given, in Article 1 of the law, the right to determine this question according to their own criteria. Subsequently, the State Council of Dagestan formulated its own list of 14 groups to be covered by the said law, which includes *inter alia* the Russians residing in the Republic but does not mention explicitly a number of smaller ethnic groups residing in the Republic. While recognising that the ethnic composition of the Republic of Dagestan is particularly complicated and that the groups identified by the authorities in Dagestan may indeed deserve protective measures, the Advisory Committee considers that the authorities concerned

should not lose sight of the need to protect and support all those groups that were originally considered to be primary beneficiaries of the law (i.e. numerically small indigenous peoples).

55. The Advisory Committee is of the opinion that a number of measures taken on the basis of the 1991 Law on Rehabilitation of Repressed Peoples - which relates to those minorities that faced deportation and other widespread political repression by the Soviet authorities during the Stalin regime - have contributed to the implementation of Article 5 of the Framework Convention *vis-à-vis* some of the minorities. The Advisory Committee encourages the authorities to continue to pay close attention to this question with a view to ensuring that the norms at issue, including the compensation schemes created therein for the individuals concerned, are consistently applied to all persons belonging to the groups at issue. At the same time, the Advisory Committee takes note of the reasons behind the continuing suspension of the implementation of the provisions of the aforementioned law related to territorial rehabilitation and considers it essential that the related issues are pursued in a manner that does not provoke inter-ethnic tension.

### **Article 6**

56. The Advisory Committee notes that, in a number of regions, a spirit of tolerance and inter-ethnic dialogue generally prevails. Both federal and regional authorities have designed a number of initiatives in this sphere, such as the inter-agency programme “Shaping of tolerant conscience and prevention of extremism in the Russian society”. At the same time, serious inter-ethnic problems have emerged in a number of regions, most notably in the Northern Caucasus but also in other parts of the Russian Federation, and the expansion of initiatives to promote and facilitate inter-ethnic dialogue *inter alia* between Ossetians and Ingush is clearly needed, including at the local level.

57. The lack of inter-ethnic tolerance has been particularly pronounced in the conflict in Chechnya. Serious human rights violations and terrorist acts committed in that context have also contributed to other actions and attitudes that do not reflect the principles contained in Article 6 of the Framework Convention.

58. The Advisory Committee is concerned about the research results indicating that societal attitudes towards persons belonging to specific national minorities are extremely negative. This pertains in particular to Chechens and persons belonging to other minorities originating in the Caucasus and in Central Asia as well as to the Roma. Similar problems have been encountered by persons belonging to more recent minorities in particular those of African and Asian origin. In this connection, the Advisory Committee recalls that Article 6 of the Framework Convention has a wide personal scope of application, covering also asylum-seekers and persons belonging to other groups that have not traditionally inhabited the country concerned.

59. The Advisory Committee is particularly concerned about the violent attacks on persons belonging to the aforementioned minorities at markets and other public places by persons belonging to racist and extremist groups. While these incidents have been denounced by certain political authorities, the number of investigations and prosecution of such cases appears low when compared to the reports of human rights groups and other independent bodies monitoring developments in this sphere. This suggests that many cases are not reported to law-enforcement officials, which may at least in part reflect lack of confidence in the work of the police and other law-enforcement bodies. This lack of confidence is fuelled by reports indicating that some law-enforcement officials have themselves harassed persons belonging to the minorities concerned

(see also related comments under Article 4). The Advisory Committee deeply regrets that there appears to be some reluctance within the law-enforcement bodies to acknowledge and examine these problems, including within their own ranks, and to recognise racist motivations behind attacks against persons belonging to minorities. It urges the authorities to increase the vigour with which these incidents are investigated and prosecuted. Furthermore, the Advisory Committee believes that additional human rights training activities in this sphere for law-enforcement officials could contribute to the consistent enforcement of the applicable legislation and help to counter these phenomena.

60. The Advisory Committee welcomes the fact that the highest federal authorities have made certain statements underlining the importance of inter-ethnic tolerance, but their impact has been undermined by regrettable statements made by some politicians in the city of Moscow, Krasnodar region and in a number of other regions, strengthening negative stereotypes, including ones in which persons belonging to specific national minorities have been portrayed *en masse* as being responsible for criminal activities in the region at issue.

61. The Advisory Committee is also deeply concerned about the fact that the authorities in Krasnodar and some other regions have associated themselves with certain organisations representing Cossacks while some representatives of the latter have pursued their activities in a manner that undermines inter-ethnic relations in the areas concerned and contradict the principles of the Framework Convention. The Advisory Committee has taken note of the authorities' information that the law-enforcement bodies in the Rostov region have taken some measures against Cossacks who have called for the deportation of specific minorities from the region, but the Advisory Committee considers that both federal authorities and the authorities of all the regions concerned need to counter such manifestation of intolerance more vigorously and consistently (see also related comments under Article 16).

62. Although there are a number of examples of media attempting to foster inter-ethnic tolerance, the Advisory Committee regrets that a number of media outlets continue to report on issues pertaining to certain national minorities in a manner that undermines tolerance and inter-ethnic dialogue. It welcomes the fact that some authorities have taken certain measures to counter reporting of this kind and that a number of warnings have been issued by the relevant Ministry in accordance with Articles 4 and 16 of the Federal Law on the Means of the Mass Media. Furthermore, criminal proceeding have been instituted on the basis of Article 282 of the Criminal Code prohibiting incitement of national, racial or religious hatred including in relation to publication of alleged anti-semitic articles. However, the number of cases pursued by the authorities remains very modest when compared to the results of the independent media monitoring initiatives, which indicate that, despite some positive tendencies especially in the media with coverage throughout the Russian Federation, the strengthening of negative stereotypes is fairly common in particular in local and regional media. This is particularly so with respect to reporting on persons belonging to minorities from the Caucasus and Central Asia as well as Jews and Roma. Against this regrettable background, the Advisory Committee considers that a more comprehensive approach, which fully respects freedom of expression, is required in this sphere. In addition to full implementation of the relevant legislative provisions, the Advisory Committee considers that further training initiatives on reporting concerning minorities would be needed, bearing in mind the principles contained in the Committee of Ministers' Recommendation No. (97) 21 on the media and the promotion of a culture of tolerance.

63. The Advisory Committee takes note of the new federal law of 31 July 2002 on preventing extremist activities. The Advisory Committee believes that this law may further the implementation of Article 6 and other provisions of the Framework Convention but only if its implementation is carefully limited and pursued in a manner that does not hinder any legitimate activities of persons belonging to national minorities. In this connection, the Advisory Committee also underlines that the potential of other existing legislation in this sphere could be better utilised through more effective monitoring and investigation of “hate crimes” and other related problems.

64. The Advisory Committee regrets that there have been some cases of vandalism of cemeteries and religious sites of minorities, notably those of Jews, in various parts of the Russian Federation. The Advisory Committee welcomes the statements made by the federal authorities against such acts and expresses the wish that the authorities pay careful attention to the prevention as well as investigation and prosecution of such incidents.

65. The Advisory Committee notes that the recent terrorist attacks, as well as the conflict in Chechnya, have in some cases hardened societal attitudes towards Muslims. The Advisory Committee welcomes the fact that the authorities recognise this as a matter of concern and considers that increasing attention should be paid to the prevention of inter-confessional tension and that the on-going initiatives of such nature should be expanded and consolidated further.

#### **Article 7**

66. The Advisory Committee notes that whereas the rights contained in Article 7 of the Framework Convention are largely guaranteed in the federal legislation including for persons belonging to national minorities, there are still shortcomings, including in the legislation of a number of subjects of the federation (see also comments pertaining to language legislation under Article 9). Therefore, the Advisory Committee considers it important that the federal authorities continue their efforts to ensure the conformity of the legislation of the subjects of the federation with federal norms in particular as far as human rights are concerned.

67. As concerns practice, the Advisory Committee understands that although the rights at issue are generally respected in the Russian Federation, there remain shortcomings in this respect and a number of alleged violations have been brought before domestic and international bodies. The Advisory Committee considers that attitudes of some authorities, in particular at the regional and local level, have caused certain obstacles for persons belonging to national minorities in the exercise of these rights. For example, the Advisory Committee has received reports suggesting that the process of registration of non-governmental organisations, including those of persons belonging to national minorities, has in some cases been overly cumbersome, to the extent that it has hampered the activities of some of the organisations.

68. The Advisory Committee notes that both the 1996 Law on National-Cultural Autonomy and the 1995 Law on Public Associations, following the entry into force of amendments to the latter adopted by the State Duma on 15 February 2002, are generally understood as excluding political activities from the scope of the autonomies and organisations established on the basis of these laws. Bearing in mind that activities aimed at the protection of minorities may also have a political dimension, the Advisory Committee underlines that the said exclusion should not be interpreted in a manner that hinders legitimate activities of cultural autonomies or public organisations of persons belonging to national minorities.

69. Bearing in mind the situation described in the foregoing paragraph, it is essential that persons belonging to national minorities have a possibility to pursue their legitimate interests also through political parties. The Advisory Committee therefore regrets the wording of Article 9, paragraph 3, of the 2001 Law on Political Parties, which prohibits the establishment of political parties established “on the grounds of professional, racial, national or religious belonging” and stipulates that this phrase covers the inclusion in a charter or programme of a political party the goal of protecting professional, racial, national or religious interests and also the reflection of these goals in the designation of a political party. The Advisory Committee considers that the potential scope of the said provision is so broad that it is open to interpretations that could limit legitimate activities aimed at the protection of national minorities by political parties. Furthermore, when coupled with the limits pertaining to public associations and cultural autonomies described in the preceding paragraph, the said provision could have a negative impact on freedom of association of persons belonging to national minorities.

70. With reference to the two preceding paragraphs, the Advisory Committee considers that the authorities of the Russian Federation should review the legislative framework pertaining to organisations with a view to ensuring that those legitimate activities aimed at protecting national minorities that have a political dimension are also protected, both *de jure* and *de facto*, and that they can be pursued in accordance with Articles 7 and 15 of the Framework Convention (see also related comments under Article 15).

71. The Advisory Committee underlines that in Chechnya and in the areas directly affected by the conflict in Chechnya, a number of limitations of the rights in question have been reported and therefore the cessation of hostilities and consolidation of a well-functioning administration that fully respects human rights is essential also for the implementation of Article 7 of the Framework Convention.

## **Article 8**

72. The Advisory Committee notes that the Federal Law on Freedom of Conscience and on Religious Associations adopted in 1997 has been criticised, *inter alia*, by the Parliamentary Ombudsman as raising problems from the point of view of human rights. The Advisory Committee notes that while the law at issue has not generally prevented persons belonging to national minorities from enjoying their rights under Article 8 of the Framework Convention, the reported problems in the implementation of the law, including in the registration process at the local and regional level, as regards some minority religions merit further attention from the authorities.

73. The Advisory Committee underlines in this connection that the pending legislative initiatives in this field need to be drafted in a manner that fully respects the rights of persons belonging to national minorities to manifest their religion or belief and to establish religious institutions, organisations and associations.

## **Article 9**

74. With regard to the print media, the Advisory Committee notes that freedom of persons belonging to national minorities to receive and impart information and ideas in their language without interference by public authorities is largely respected. The 1991 Law on the Languages of the Peoples of the Russian Federation provides, in its Article 20, that founders of magazines and newspapers can choose the language in which these publications are issued and in practice a

considerable number of newspapers and other publications are published in the languages of national minorities.

75. The 1996 Law on National-Cultural Autonomy envisages support by both federal and regional authorities for publications of cultural autonomies and the need to encourage mass media in minority languages at the central, regional and local level is recognised in Article 9 of the 1996 Concept of the State National Policy. Some support has been provided in line with the aforementioned provision, notably at the level of the subjects of the federation, for example in the Orenburg region, but there is a need to consolidate and expand such practices throughout the federation. The Advisory Committee understands that financial difficulties are a major obstacle in particular with respect to the media of numerically small as well as dispersed minorities such as Azeris and Ukrainians, and it considers that the federal authorities should increase their efforts to address this issue.

76. With respect to the electronic media, the Advisory Committee notes that Article 20, paragraph 1, of the Law on Languages of the Peoples of the Russian Federation provides that broadcasts of the “all-Russian” TV and radio programmes are conducted in the Russian language. At the same time, Article 20, paragraph 2, of the said law envisages the use of other languages in the mass media of the subjects of the federation. While recognising that the Russian Federation can legitimately demand broadcasting licensing of broadcasting enterprises and that the need to promote the state language can be one of the factors to be taken into account in that context, the said article appears to be overly restrictive as it implies an overall exclusion of the use of the languages of national minorities in federal radio and TV broadcasting. The Advisory Committee considers that such an *a priori* exclusion is not compatible with Article 9 of the Framework Convention, bearing in mind, *inter alia*, the size of the population concerned and the fact that a large number of persons belonging to national minorities are dispersed and reside within several subjects of the federation.

77. Furthermore, the Advisory Committee notes that in the legislation of a number of subjects of the federation, the legitimate goal of protecting the language of the “titular nation”, alongside the Russian language, has been pursued through legislation that does not adequately reflect the principles of Article 9 of the Framework Convention. In particular, regulations envisaging only the use of Russian and the language of the “titular nation” at issue in the public TV and radio of the subject of the federation, as is provided for example in Article 28 of the 1992 Law of the Republic of Buryatia on the Languages of the Peoples of the Republic of Buryatia, are not suitable for regions with a large number of residents who have other minority languages as their language. Similarly, the Advisory Committee considers that Article 19 of the 1996 Law of the Republic of Tatarstan on the Languages of the Peoples of Tatarstan, which provides that languages other than Russian and Tatar can be used in the mass media if the minority concerned constitutes a majority of the territory at issue, is too restrictive in nature for the circumstances prevailing in the said subject of the federation.

78. As regards practice, the Advisory Committee welcomes the fact that broadcasting in a minority language has been introduced in a number of subjects of the federation. With some exceptions, such programmes are largely provided in the language of the titular nation of the subjects at issue. In contrast, persons belonging to minorities who find themselves outside their territorial formation or who do not have a specific formation within the Russian Federation face widespread difficulties in ensuring access to electronic media in their own language. The Advisory Committee recognises that in some subjects of the federation, for example in the

Samara region, promising initiatives have been launched to introduce broadcasting in a range of minority languages, but such initiatives need to be expanded further.

### **Article 10**

79. The Advisory Committee notes that the existing legislation of the Russian Federation, notably Article 26 of the Constitution and Article 2 of the Law on the Languages of the Peoples of the Russian Federation, provide in general the right of persons belonging to national minorities to use their languages. It is notable that although the latter law provides for a range of norms pertaining to the use of the state language, it also stipulates, in its Article 1, paragraph 2, that the said legal norms do not regulate the use of languages in inter-personal unofficial relations or in the activities of non-governmental and religious associations.

80. At the same time, the Advisory Committee takes note of the initiatives to strengthen further, and expand the scope of, the legal protection of the Russian language through a new law on the Russian Language as the State Language of the Russian Federation, a draft of which was adopted in the first reading by the State Duma on 7 June 2002. While recognising the legitimacy of the aim to protect the Russian language, the Advisory Committee considers it instrumental that this protection is carried out in a manner that fully protects the rights contained in Articles 10, 11 and other pertinent provisions of the Framework Convention. Therefore, the Advisory Committee is concerned that pending legislative initiatives should not contain elements that would interfere with the use of minority languages in private and in public, including with regard to activities of organisations or private enterprises. In this connection, it is essential that the scope of any such law and the terms used therein are defined in a careful manner so that they do not leave scope for interpretations that would interfere with the rights at issue.

81. The Advisory Committee welcomes the fact that a number of the subjects of the Russian Federation have adopted laws aimed at protecting languages. It further notes that a number of the Republics of the Russian Federation have, in addition to the Russian language, introduced the languages of the respective “titular nations” as state languages in accordance with Article 68, paragraph 2, of the Constitution of the Russian Federation. While the goal of protecting such languages is laudable and merits being pursued further and expanded to other subjects of the federation, the Advisory Committee underlines that the laws protecting these state languages concerned need to be interpreted and implemented so they do not have a negative impact on the right to use other languages in such fields as private enterprises and organisations.

82. The Advisory Committee is aware of the draft amendment to the 1991 Law on the Languages of the Peoples of the Russian Federation, adopted in the first reading by the State Duma on 5 June 2002, requiring the use of an alphabet based on the Cyrillic for the state languages of the Russian Federation and its Republics, unless exceptions are introduced through federal legislation. The Advisory Committee notes that this would mean that the right of Republics to introduce a state language to be used alongside the Russian language, provided in Article 68, paragraph 2, of the Constitution of the Russian Federation, is not considered to entail the right to choose the alphabet for the use of the language at issue.

83. The Advisory Committee notes that, unlike Article 11, paragraph 1 of the Framework Convention (as interpreted in the Explanatory Report), Article 10 of the Framework Convention does not address the issue of a choice of an alphabet separately from the right to use a minority language. Indeed, the Advisory Committee considers it difficult to draw a clear distinction between, and to design separate legal regimes for these two inter-linked concepts. While

acknowledging that there is not always consensus within the minorities concerned - such as Tatars - as to which alphabet should be used in the context of their minority language, the Advisory Committee considers that in principle this should be a matter to be decided by those directly concerned and that the federal authorities should refrain from imposing any artificial solutions. Furthermore, the Advisory Committee is of the opinion that in cases where the use of a language does not concern relations with public authorities, the choice of alphabet should as a rule be left to the discretion of the individuals concerned and not be subject to any normative limitations. The Advisory Committee expects that any pending legislative initiatives are formulated in a manner reflecting these principles and that they contain no undue restrictions in this respect.

84. As concerns the use of minority languages in relations between persons belonging to national minorities and administrative authorities, the Advisory Committee notes that Article 16 of the Law on the Languages of the Peoples of the Russian Federation provides that the citizens of the Russian Federation have the right to address the government bodies, organizations, enterprises and institutions of the Russian Federation with proposals, applications, complaints in the state language of the Russian Federation, native language or any other language of the peoples of the Russian Federation which they know, and that the answers are to be given in the language of the address, unless this is “impossible”. The Advisory Committee welcomes the fact that, while worded in a general manner, the provision largely reflects the principles of Article 10, paragraph 2, provided that the term “impossible” is interpreted narrowly enough so as to ensure that the right at issue is guaranteed in all areas inhabited by persons belonging to national minorities traditionally or in substantial number.

85. The Advisory Committee welcomes the fact that in a number of subjects of the federation, the principles of the preceding paragraphs have been elaborated and strengthened further. Such measures have been taken, *inter alia*, through Article 4 of the 1992 Law on the State Languages of the Republic of Komi and Article 14 of the 1996 Law of the Republic of Tatarstan on the Languages of the Peoples of Tatarstan. While these measures to protect the languages of the republics at issue are laudable, the Advisory Committee notes that the right to use those minority languages that have no state language status in contact with administrative authorities has usually not been developed beyond the standards of the federal law described in the preceding paragraph. In this connection, the Advisory Committee notes that whereas the right to introduce state languages at the level of the subjects of the federation is limited in accordance with Article 68, paragraph 2, of the Constitution of the Russian Federation, to the Republics of the federation, this does not exclude the possibility of other subjects of the federation introducing specific norms protecting their minority languages, including with respect to their use in contacts with administrative authorities, without declaring the languages concerned as state languages. The Advisory Committee considers that the introduction of such initiatives should be considered in the subjects concerned as they would strengthen the implementation of the general principle contained in Article 4 of the Law on Languages of the Peoples of the Russian Federation.

86. In practice as well, persons belonging to the minorities whose language is not the state language of the region concerned appear to have relatively limited opportunities to use their languages before administrative authorities, and the Advisory Committee considers that this situation merits further attention. In this connection, it is essential to ensure that the initiatives to strengthen the role of the Russian language as a state language (see above paragraph 80) do not risk reducing these opportunities further.

## **Article 11**

87. The Advisory Committee notes that the principles of Article 11 of the Framework Convention are reflected in a number of legislative provisions of the Russian Federation and of its subjects. As concerns topographical signs, the Advisory Committee notes that Article 8 of the 1997 Federal Law on Denomination of Geographic Objects envisages geographical names, “where necessary”, also in minority languages and it also provides the possibility to indicate them using the Latin alphabet. The Advisory Committee welcomes this principle, although it notes that to limit this possibility only to the situations where such names in minority languages are “necessary”, appears restrictive. The Advisory Committee urges the Government to ensure that the envisaged amendments of the Law on the Languages of the Peoples of the Russian Federation (see paragraph 82 above) does not curtail the scope of this provision or negatively affect other guarantees furthering the implementation of Article 11 of the Framework Convention.

## **Article 12**

88. The Advisory Committee notes that the limited availability of textbooks is an obstacle in the context of the teaching of many of the minority languages of the Russian Federation. For example, concerns have been expressed that the shortcomings with respect to textbooks in Ukrainian have hampered the development of education in this language in the Russian Federation. The Advisory Committee welcomes the fact that the federal authorities, while referring to economic constraints, recognise that shortcomings exist in this sphere. The Advisory Committee encourages the authorities to review the situation and address these shortcomings and to draw in this context on the positive experiences that have been gained in bilateral co-operation, for example, with respect to the German language education and textbooks (see also related comments on tolerance and inter-ethnic dialogue in general under Article 6).

89. The Advisory Committee understands that there have been improvements with respect to the way in which minorities are portrayed in history and other text-books. At the same time, reports noting that there is scope for improvement for example in the way in which Tatars are portrayed in the history textbooks suggest that continuous vigilance is required to improve the situation further.

90. The Advisory Committee notes with concern that there are serious problems as concerns equal opportunities for access to education for persons belonging to national minorities in a number of regions. The situation appears particularly acute with respect to the displaced Ingush and Chechen population in Ingushetia, where the lack of adequate educational facilities - such facilities are at times limited to commendable private initiatives - are undermining children’s equal opportunities for access to education at various levels beginning from pre-schools. The Advisory Committee considers that this is an issue that merits increased attention by the authorities concerned.

91. In addition to limited resources, the Advisory Committee is deeply concerned about the measures that have been taken by certain local and regional authorities to restrict the access of persons belonging to national minorities to existing educational facilities of the locality at issue. The Advisory Committee refers in particular to the attempts to link access to education to the residency registration, which when coupled with the problems of the registration regime (see comments under Article 4), would seriously undermine the equal opportunities of persons belonging to national minorities for access to education and would thereby not be compatible

with Article 12 of the Framework Convention. It is essential that no such measures are, *de jure* or *de facto*, tolerated by the federal, regional or local authorities.

### Article 13

92. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

### Article 14

93. The Advisory Committee notes that Article 9 of the 1991 Law on the Languages of the Peoples of the Russian Federation provides that the citizens of the Russian Federation have the right to free choice of the language of upbringing and education and the right to receive basic general education in their native language, as well as to the choice of the language of instruction within the limits offered by the system of education. It further provides that the right of the citizens of the Russian Federation to receive education in their native language is ensured by establishment of the necessary number of corresponding educational establishments, classes, groups, as well as by creating conditions for their functioning. Similar guarantees are contained in Article 6 of the 1996 Law on Education.

94. The Advisory Committee finds that the above-mentioned principles reflect, in a general fashion, the rights contained in Article 14 of the Framework Convention. But aside from general principles, there are no detailed federal norms on this issue at the federal level that would provide, *inter alia*, numerical thresholds for the introduction of instruction in or of minority languages. Some of the subjects of the federation have regulated the issue in more detail, but these regulations apply only to a limited number of the relevant languages. As a result, the normative framework for the implementation of Article 14 remains vague and merits being clarified, even though a measure of flexibility is clearly warranted especially at the federal level taking into account the large differences between various minorities and regions concerned.

95. As regards the relevant practice, the Advisory Committee notes with satisfaction that the educational system of a number of subjects of the federation have gradually evolved from the comprehensive dominance of the Russian language to a system that partially reflects also the needs of persons belonging to national minorities. Such positive developments are particularly clear in the Republics but there are also valuable small-scale initiatives with respect to the teaching of the languages of some of the numerically small indigenous peoples, in areas such as the Khanty-Mansiysk autonomous *okrug* and the Yamalo-Nenets autonomous *okrug*.

96. At the same time, the right to choose the language of instruction, as provided in Article 9 of the Law on Languages of the Peoples of the Russian Federation, is not fully reflected in practice throughout the Federation. In a number of cases, the introduction of a minority language as a language of instruction has been accepted in principle, but in practice the measures taken are rather limited. This is reportedly the case, *inter alia*, with respect to the Nogay language in the Stavropol *krai*, the Mari language in the Republic of Mari-El or Sami languages in the Kola peninsula. Particular challenges are faced by persons belonging to dispersed minorities such as Ukrainians, whose language is taught in only a relatively small number of schools, classes and courses (as pointed out by the OSCE High Commissioner on National Minorities in his findings on the topic, communicated to the authorities of the Russian Federation on 12 January 2001), despite certain commendable efforts in some regions, including in the Republic of Bashkortostan. There are also serious shortcomings in the implementation of the rights at issue

in a number of large cities, where the opportunities for persons belonging to national minorities to receive instruction in or of their language appear not to correspond to the needs and demands expressed by the persons concerned, albeit some commendable initiatives have been launched to address these shortcomings - partially with private funding - e.g. in Moscow and in St Petersburg, including through bilingual education.

97. It is often the case that the language at issue is made available only at the lowest grades of the primary education and that at higher grades the pupils concerned receive their instruction only in the Russian language. With a view to the scope of Article 14, which covers, *inter alia*, secondary education, the Advisory Committee considers that the extension of the availability of the instruction in and of minority languages to higher grades needs to be considered in a number of regions. In this connection, the Advisory Committee notes with satisfaction that in a number of subjects of the federation - such as the Republic of Altai - such extension is envisaged at least as regards some of the relevant languages and that in some cases relatively broad opportunities to receive instruction in certain languages are already in place, for example as concerns instruction in the Bashkir language in the Republic of Bashkortostan and in the Tatar language in the Republic of Tatarstan.

98. The Advisory Committee further notes that the volume of education in minority language in those grades and localities where it is available is often inadequate; for example, the instruction in or of the language of the indigenous peoples of the north is, where available, often limited to a few hours per week.

99. Against this background, the Advisory Committee considers that further efforts are needed in order to expand the scope and volume of teaching in and of minority languages. In pursuing this goal, the authorities should also implement Article 11 of the Law on National-Cultural Autonomy by including cultural autonomies in the development of the state educational standards as well as exemplary programmes for the state and municipal educational establishments with teaching in various languages.

100. The Advisory Committee notes that on 21 June 2001 the Government of the Russian Federation adopted a draft 2002-2005 Russian Language Federal Target-Oriented Programme, which contains as an objective “reinforcing the role of the Russian language in education”. While acknowledging that the measures in support of minority languages are without prejudice to the learning of, and teaching in, the official language, the Advisory Committee expects that the aforementioned objective is pursued in a manner that does not hinder the further development of the volume and quality of teaching in and of minority languages.

## **Article 15**

101. The Advisory Committee notes that persons belonging to national minorities are represented in a range of bodies in the executive and legislative branch, albeit there are still shortcomings in this respect, as is explained in the paragraphs below. It further notes that the importance of issues pertaining to national minorities is also to an extent reflected in the committee structure of the federal legislature.

102. At the level of the subjects of the federation, the situation appears to vary greatly between subjects and minorities concerned. Whereas in a number of the Republics laudable progress has been achieved in terms of the participation of persons belonging to respective “titular nations” in public affairs, there are various shortcomings with respect to the

implementation of Article 15 of the Framework Convention as regards a number of other minorities concerned.

103. The Advisory Committee notes that there are also considerable regional differences in methods chosen to address the issue of participation of national minorities in public affairs. It notes that in some regions, the subjects concerned have established quotas for the persons belonging to indigenous peoples in their legislatures, notably in the Khanty-Mansiysk autonomous *okrug* and in the Yamalo-Nenets autonomous *okrug*. Such quotas are explicitly sanctioned in Article 13 of the 1999 Law on Guaranteeing the Rights of Numerically Small Indigenous Peoples of the Russian Federation. The Advisory Committee notes however that such measures affect only a limited number of the indigenous peoples and that regrettably in many of the subjects concerned the aim of ensuring effective participation of persons belonging to these peoples has not been reflected in the relevant regional or local norms and practice. The Advisory Committee considers that both federal and regional authorities need to increase their attention to these shortcomings and to consider the advisability of introducing new innovative mechanisms, such as a specific representative body of indigenous peoples, proposed by a number of their representatives.

104. The Advisory Committee notes that in the Republic of Dagestan, the authorities have attempted to secure the participation of national minorities in the local councils and in the People's Assembly through the allocation of electoral districts to a specific ethnic group by providing that only persons belonging to the ethnic group designated to represent the district concerned could stand for elections therein. The Advisory Committee understands that the aim of these measures was to ensure an ethnically balanced system of political representation in accordance with Article 72 of the Constitution of the Republic of Dagestan. While they have indeed improved representation of some of the minorities of the region, the Advisory Committee considers that such rigid restrictions regarding ethnicity of candidates in a given district poses serious problems from the point of view of Article 15, in conjunction with Article 3, of the Framework Convention. They pose problems notably as regards the participation of persons belonging to ethnic groups other than the designated one residing in the district concerned and of those persons who wish to stand for elections but prefer not to state their ethnicity. Against this background, the Advisory Committee notes with satisfaction that the authorities have decided to introduce reforms, which are to be implemented at the People's Assembly election of 2003. The Advisory Committee expects that the reform will be implemented in a manner that demonstrates that the specific needs under Article 15 of the Framework Convention of the persons belonging to the minorities in Dagestan can be addressed without electoral districts exclusively devoted to the candidates of a specific ethnicity.

105. As concerns the 2001 Law on Political Parties, the Advisory Committee refers to the shortcomings identified elsewhere in the present opinion (see related comments under Article 7) and further notes that there are also other new requirements with respect to political parties that may affect the implementation of Article 15 of the Framework Convention. The Advisory Committee notes in particular that Article 3 of the law at issue requires that a political party must have a regional branch in more than half of the subjects of the federation. This is likely to affect the possibilities of persons belonging to national minorities that are regionally concentrated to form parties and it could have a negative impact on their effective participation in public affairs. The Advisory Committee is of the opinion that the authorities should carefully examine the impact of this provision on the right of persons belonging to national minorities to participate in public affairs with a view to ensuring that it does not harm the implementation of principles contained in Article 15 and to introduce amendments if necessary.

106. The Advisory Committee notes that a number of subjects of the Russian Federation have introduced in their legislation language proficiency requirements for presidential candidates, requiring them to have knowledge of the Russian language and that of the “titular nation” of the respective subjects. The Advisory Committee recognises the importance of supporting the languages of the “titular nations” at issue and that the knowledge of the minority languages by highest officials can contribute to the implementation of the Framework Convention and merits being promoted. Nevertheless, the Advisory Committee is of the opinion that rigid legal language proficiency requirements for electoral candidates are not a suitable tool for achieving these objectives as they may have a negative impact on the effective participation of persons belonging to minorities other than the titular one and thereby hamper the implementation of Article 15 of the Framework Convention. Furthermore, the Advisory Committee notes that the Constitutional Court of the Russian Federation has in its decisions<sup>5</sup>, concluded that such requirements are problematic from the point of view of human rights provisions of the Russian Federation. Against this background, the Advisory Committee welcomes the fact that some of the subjects concerned are in the process of abolishing such requirements, and it urges the other subjects concerned to do the same.

107. The Advisory Committee notes that a number of consultative structures have been set up on issues that touch upon the protection of national minorities, but it appears that their potential has not been fully utilised by the authorities. For example, the Advisory Committee notes that the consultation mechanisms envisaged in the Law on National-Cultural Autonomy have not all received sufficient support and they have not been adequately consulted in the decision-making processes. It urges the authorities to address these shortcomings (see also the related general comments and comments under Article 5).

108. The Advisory Committee notes that the federal authorities have also established certain bodies to address problems of specific minorities, notably an “Interagency Commission on the Problems of Meskhetians Turks”. The work of this Commission has however been criticised as ineffective and the Advisory Committee notes that the Commission has not been able to prevent the wide-spread problems that prevail in particular in the Krasnodar region, as detailed elsewhere in the present opinion. The Advisory Committee hopes that the appointment, on 10 April 2002, of the Minister for Nationalities Affairs as the new chairman of the Commission and the envisaged new composition of the Commission will help to improve its efficiency and impact and contribute to the protection of the Meskhetians in the Russian Federation. In order to reach this goal, it is essential that representatives of the Meskhetians are closely consulted and involved in the work of the Commission.

109. The Advisory Committee notes with concern the shortcomings that remain as concerns the effective participation of persons belonging to national minorities in economic life. While recognising that unemployment is a problem affecting the society at large, it appears to affect disproportionately, *inter alia*, a number of the small indigenous peoples of the north and also a number of other groups covered by the Framework Convention. In some regions, the situation is aggravated by the problems in the registration regime, which may lead to undue limits on the access of the persons concerned to the labour market. For these reasons, the Advisory Committee believes the Government should pursue decisively its efforts to address these shortcoming (see also related comments under Article 4).

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<sup>5</sup> Most recent decision on the matter concerned the Republic of Adygeya (see decision No. 260-O of 13 November 2001).

## Article 16

110. The Advisory Committee is deeply concerned about legislative and other measures taken by the legislative and executive authorities of the Krasnodar region which are apparently aimed at putting pressure on persons belonging to national minorities to leave the said region. This pertains in particular to Meskhetians but it has also affected negatively persons belonging to a number of other minorities living in the region, notably Armenians, Kurds and Roma. In addition to difficulties in obtaining residency registrations (see related comments under Article 4), there are disconcerting reports about undue obstacles placed on their access to land and various means of employment as well as threats of their outright eviction from the region.

111. The above-mentioned problems have increased following the adoption by the Legislative Assembly of the Krasnodar Region on 20 February 2002 of the “Resolution on Additional Measures Aimed at Decreasing the Inter-Ethnic Tension in the Places of Compact Settlements of Meskhetian Turks Temporarily Residing in the Territory of the Krasnodar Region”. The Advisory Committee recalls that evictions and expulsions of persons belonging to national minorities which alter the proportions of the population of their areas of residence are not compatible with Article 16 of the Framework Convention when they are aimed at restricting their rights under the Framework Convention.

112. In this connection, the Advisory Committee underlines that the wish expressed by some persons belonging to the Meskhetian minority to take up residence in Georgia must not be used by the authorities as an argument against the residency of the entire minority in Krasnodar.

113. With a view to the preceding paragraphs, the Advisory Committee considers that decisive measures are urgently required from the federal authorities to ensure that the authorities of Krasnodar revise their norms and policies in this field so as to make them compatible with Article 16 and other provisions of the Framework Convention.

114. The Advisory Committee notes that due to the armed conflicts and violence notably in the North Caucasus, the number of displaced persons within the Russian Federation is high. The Advisory Committee considers it essential for the full implementation of Article 16 and other provisions of the Framework Convention that issues relevant for the return process are addressed in a manner that foster sustainable voluntary return. In this connection, the Advisory Committee highlights the need to take additional measures, including at the regional and local level, to facilitate voluntary return of Ingush who were displaced from the Prigorodny region in North Ossetia as a result of the 1992 conflict. As regards persons displaced due to the conflict in Chechnya, the Advisory Committee urges the authorities to ensure that the measures aimed at facilitating their return are taken in a manner that ensures the voluntary nature of the return and that in this respect no direct or indirect pressure is imposed by the authorities on the persons concerned (see also related comments under Article 4).

## Article 17

115. The Advisory Committee notes that persons belonging to certain minorities residing in border regions have faced some difficulties in maintaining free and peaceful contacts across frontiers in accordance with Article 17. In this respect, the Advisory Committee encourages the authorities concerned to examine further the situation and particular challenges of persons belonging to minorities residing in border regions, such as Lezgins, Ossetians, Setus and Sami.

The Advisory Committee supports the efforts of the Russian Federation to ensure with its neighbours that visa requirements are implemented in a manner that does not cause undue restrictions on the right of persons belonging to national minorities to establish and maintain contacts across frontiers.

#### **Article 18**

116. The Advisory Committee welcomes the fact that the Russian Federation is party to a number of bilateral treaties and cultural agreements touching upon the protection of persons belonging to national minorities and the attempts to conclude additional bilateral agreements with countries of the region. It further notes that the 1999 Federal Law on the State Policy of the Russian Federation in Respect of Compatriots Abroad envisages a number of measures aimed at protecting the Russian minorities residing in other countries. The Advisory Committee expects that the implementation of the law and related activities are carried out in consultation with the countries concerned and pursued in a manner that is in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.

#### **Article 19**

117. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

### **IV. MAIN FINDINGS AND COMMENTS OF THE ADVISORY COMMITTEE**

118. The Advisory Committee believes that the main findings and comments set out below, could be helpful in a continuing dialogue between the Government and national minorities, to which the Advisory Committee stands ready to contribute.

#### **In respect of General comments**

119. The Advisory Committee *finds* that the structures of the relevant federal bodies of the executive branch have been in constant flux and *considers* that the recent appointment of a Minister for Nationalities Affairs should result in a more consolidated structure and inclusive working methods.

120. The Advisory Committee *finds* that the recent and envisaged administrative reforms have prompted questions as to their impact on national minorities. The Advisory Committee *considers* it essential that these reforms are pursued so that they cause no difficulties for persons belonging to national minorities to maintain contacts and co-operation and that they will strengthen the opportunities for participation of national minorities.

#### **In respect of Article 3**

121. The Advisory Committee *finds* that it would be possible to consider the inclusion of persons belonging to additional groups in the application of normative acts pertaining to the implementation of the Framework Convention on an article-by-article basis and *considers* that the Russian Federation should examine this issue in consultation with those concerned.

122. The Advisory Committee *finds* that the questionnaires on the basis of which the 2002 census will be conducted contain a question on individuals' ethnic origin and *considers* that the optional nature of this question should be made clear in the implementation of the census.

123. The Advisory Committee *finds* that the old internal passports with obligatory ethnicity entries, which are not compatible with Article 3 of the Framework Convention, are still in use in the Russian Federation. It *considers* that the authorities should pursue decisively their plans to have all such passports replaced by 2004 and ensure that any other collection of persons' ethnicity data - including in birth certificates - is fully in line with the principles laid down in Article 3 of the Framework Convention.

#### **In respect of Article 4**

124. The Advisory Committee *finds* that there are no detailed and comprehensive civil/administrative law provisions pertaining to discrimination in a number of pertinent fields and *considers* that the Russian Federation should develop such legislation in order to protect, in a comprehensive manner, individuals from discrimination by both public authorities and private entities.

125. The Advisory Committee *finds* that government officials have very limited information available on the practice concerning implementation of anti-discrimination articles in civil/administrative law and *considers* that monitoring of developments in this field needs to be intensified.

126. The Advisory Committee *finds* that problems in the residency registration disproportionately affect persons belonging to national minorities and hamper the implementation of a number of articles of the Framework Convention. It *considers* that efforts to make the system compatible with applicable human rights standards need to be stepped up.

127. The Advisory Committee *finds* that ensuring full and effective equality has been particularly difficult with respect to numerically small indigenous peoples of the north, to the extent that the situation is not compatible with Article 4 of the Framework Convention, and that the position of Roma is also difficult in this respect. It *considers* that the authorities should give increasing attention to the situation of the populations concerned.

#### **In respect of Article 5**

128. The Advisory Committee *finds* that there are still shortcomings in the implementation of the legislation pertaining to national-cultural autonomies and in the consultation of these autonomies and *considers* that the authorities should address these shortcomings.

129. The Advisory Committee *finds* that there exist initiatives to involve national minorities in the decision-making processes concerning allocation of financial support for projects of persons belonging to national minorities and *considers* that such initiatives should be developed and consolidated further.

130. The Advisory Committee *finds* that support given by the subjects of the federation for initiatives of national minorities varies greatly from region to region and from minority to minority and *considers* that support for minority cultures should be given in a consistent and balanced manner.

131. The Advisory Committee *finds* that persons belonging to many of the numerically small indigenous peoples of the north are often in a particularly difficult position as far as the implementation of the principles of Article 5 of the Framework Convention is concerned and that the implementation of the improved legislative guarantees for their protection has progressed slowly. The Advisory Committee considers that the authorities should address the effective implementation of the new laws, in a consistent and coherent manner, in this sphere as a matter of priority.

### **In respect of Article 6**

132. The Advisory Committee *finds* that a spirit of tolerance and inter-ethnic dialogue generally prevails in a number of regions of the Russian Federation, but, at the same time, serious problems have emerged in other regions in inter-ethnic relations. It *considers* that the expansion of initiatives to promote and facilitate inter-ethnic dialogue is needed, including at the local level.

133. The Advisory Committee *finds* that the conflict in Chechnya has contributed to actions and attitudes that do not reflect the principles contained in Article 6 of the Framework Convention. It notes that societal attitudes towards persons belonging to specific national minorities are extremely negative and that violent attacks on persons belonging to the aforementioned minorities have taken place. At the same time, there appears to be some reluctance within the law-enforcement bodies to acknowledge and examine these problems, including within their own ranks. The Advisory Committee *considers* that the authorities should increase the vigour with which these incidents are investigated and prosecuted and expand human rights training activities in this sphere for law-enforcement officials.

134. The Advisory Committee *finds* that some politicians have made statements strengthening negative stereotypes concerning persons belonging to specific national minorities and that some regional authorities have associated themselves with organisations whose representatives have undermined inter-ethnic relations in the areas concerned. It *considers* that both federal authorities and the authorities of all the regions concerned need to counter manifestation of intolerance more vigorously and consistently.

135. The Advisory Committee *finds* that a number of media outlets continue to report on issues pertaining to certain national minorities in a manner that undermines tolerance and inter-ethnic dialogue. It *considers* that the authorities need to take a more comprehensive approach to counter reporting of this kind and that, in addition to the full implementation of the relevant legislative provisions, further training initiatives on reporting concerning minorities would be needed.

136. The Advisory Committee *finds* that a new federal law has been adopted on preventing extremist activities. It *considers* that the implementation of this law needs to be limited and pursued in a manner that does not hinder any legitimate activities of persons belonging to national minorities.

137. The Advisory Committee *finds* that there have been some cases of vandalism of cemeteries and religious sites of national minorities and *considers* that the authorities should pay careful attention to the prevention as well as investigation and prosecution of such incidents.

138. The Advisory Committee *finds* that the recent terrorist attacks as well as the conflict in Chechnya have in some cases hardened societal attitudes towards Muslims and *considers* that increasing attention should be paid to the prevention of inter-confessional tension and that the on-going initiatives of such nature should be expanded and consolidated further.

### **In respect of Article 7**

139. The Advisory Committee *finds* that there are still shortcomings, including in the legislation of a number of subjects of the federation, concerning the implementation of the rights contained in Article 7 of the Framework Convention and *considers* it important that the federal authorities continue their efforts to ensure the conformity of the legislation of the subjects of the federation with federal norms, in particular as far as human rights are concerned.

140. The Advisory Committee *finds* that the current federal legislation places limitations on the political activities of organisations of national minorities and prohibits the establishment of political parties established “on the grounds of professional, racial, national or religious belonging”. The Advisory Committee *finds* that these limitations could have a negative impact on freedom of association of persons belonging to national minorities and it *considers* that the authorities of the Russian Federation should review the legislative framework at issue with a view to ensuring that those legitimate activities aimed at protecting national minorities that have a political dimension are protected.

141. The Advisory Committee *finds* that in Chechnya and in the areas directly affected by the conflict in Chechnya, a number of limitations of the rights under Article 7 have been reported and *considers* that the cessation of hostilities and consolidation of a well-functioning administration that fully respects human rights is essential for the implementation of Article 7 of the Framework Convention.

### **In respect of Article 8**

142. The Advisory Committee *finds* that there are reported problems in the implementation of the Federal Law on Freedom of Conscience and Religious Associations, including in the registration process at the local and regional level, as regards some minority religions and *considers* that these problems merit further attention from the authorities.

### **In respect of Article 9**

143. The Advisory Committee *finds* that the media environment is to a large extent dominated by Russian language publications and *considers* that there is a need to consolidate and expand support given to the media of national minorities.

144. The Advisory Committee *finds* that the overall, *a priori*, exclusion of the use of the languages of national minorities in federal radio and TV broadcasting, implied in the Law on Languages of the Peoples of the Russian Federation, is overly restrictive and not compatible with Article 9. It further *finds* that the pertinent legislation of a number of the subjects of the federation does not adequately reflect the principles of Article 9 of the Framework Convention and that in practice a number of minorities face widespread difficulties in ensuring access to electronic media in their own language. The Advisory Committee *considers* that the authorities concerned should address these shortcomings.

### **In respect of Article 10**

145. The Advisory Committee *finds* that there exists both federal and regional legislation to protect state languages and that there are initiatives to strengthen further, and expand the scope of, the legal protection of the Russian language through a new law on the Russian Language as the State Language of the Russian Federation. It *considers* that the existing laws should be pursued, and legislative initiatives drafted, so that they do not interfere with the use of minority languages in private and in public, including with regard to activities of organisations or private enterprises.

146. The Advisory Committee *finds* that in some cases the laws aimed at protecting state languages in specific subjects of the federation have been formulated in such a broad and vague manner that they may give rise to interpretations that would have a negative impact on the right to use other languages. The Advisory Committee *considers* that the authorities concerned should examine this issue and introduce any necessary amendments to their legislation and practice.

147. The Advisory Committee *finds* that draft amendments to the 1991 Law on the Languages of the Peoples of the Russian Federation would regulate the issue of a choice of an alphabet on which the state languages should be based. The Advisory Committee *considers* that, in principle, this should be a matter to be decided by those directly concerned and that the federal authorities should refrain from imposing any artificial solutions when formulating legislation in this sphere.

148. The Advisory Committee *finds* that the right to use in contacts with administrative authorities those minority languages that have no state language status has usually not been developed beyond the general principles contained in the Law on the Languages of the Peoples of the Russian Federation and *considers* that the subjects concerned should consider specific norms protecting these minority languages.

### **In respect of Article 11**

149. The Advisory Committee *finds* that the 1997 Federal Law on Denomination of Geographic Objects also envisages geographical names in minority languages, but restricts this possibility only to the situations where such names in minority languages are “necessary”. The Advisory Committee *considers* that the government should ensure that the envisaged amendments of the Law on the Languages of the Peoples of the Russian Federation do not curtail further the scope of this provision or negatively affect other guarantees furthering the implementation of Article 11 of the Framework Convention.

### **In respect of Article 12**

150. The Advisory Committee *finds* that the limited availability of textbooks is an obstacle in the context of the teaching of many of the minority languages of the Russian Federation and *considers* that the authorities should review the situation and address these shortcomings.

151. The Advisory Committee *finds* that there is scope for improvement with respect to the way in which certain minorities are portrayed in history and other text-books and *considers* that continuous vigilance is required from the authorities to improve the situation further.

152. The Advisory Committee *finds* that there are serious problems as concerns equal opportunities for access to education for persons belonging to national minorities in a number of

regions, particularly with respect to certain displaced populations. The Advisory Committee *considers* that this is an issue that merits increased attention by the authorities concerned.

153. The Advisory Committee *finds* that certain local and regional authorities have taken measures to restrict the access of persons belonging to national minorities to existing educational facilities and *considers* it essential that no such measures are, *de jure* or *de facto*, tolerated by the federal, regional or local authorities.

#### **In respect of Article 14**

154. The Advisory Committee *finds* that the normative framework for the implementation of Article 14 remains vague and *considers* that this framework merits being clarified.

155. The Advisory Committee *finds* that, despite some positive developments, in a number of cases the measures taken in practice to introduce a minority language as a language of instruction have been rather limited and that particular challenges are faced in large cities and by persons belonging to dispersed minorities. The Advisory Committee *considers* that further efforts are needed in order to expand the scope and volume of teaching in and of minority languages.

#### **In respect of Article 15**

156. The Advisory Committee *finds* that there are considerable regional differences in methods chosen to address the issue of participation of national minorities in public affairs. The Advisory Committee *finds* that in many of the subjects of the federation concerned, the aim of ensuring effective participation of persons belonging to indigenous peoples has not been reflected in the relevant regional or local norms and practice. The Advisory Committee *considers* that both federal and regional authorities need to increase their attention to these shortcomings.

157. The Advisory Committee *finds* that rigid restrictions regarding ethnicity of electoral candidates in the Republic of Dagestan pose serious problems from the point of view of Article 15, in conjunction with Article 3, of the Framework Convention. It *considers* that the authorities should carry out their envisaged reforms in this sphere in a manner that reflects the principles of the Framework Convention.

158. The Advisory Committee *finds* that the requirement that a political party must have a regional branch in more than half of the subjects of the federation is likely to affect the possibilities of persons belonging to national minorities that are regionally concentrated to form parties. The Advisory Committee *considers* that the authorities should carefully examine the impact of this provision on the right of persons belonging to national minorities to participate in public affairs and to introduce amendments if necessary.

159. The Advisory Committee *finds* that a number of subjects of the Russian Federation have introduced in their legislation language proficiency requirements for presidential candidates, requiring them to have knowledge of the Russian language and that of the titular nation of the respective subjects. The Advisory Committee *finds* that rigid legal language proficiency requirements for electoral candidates may have a negative impact on the effective participation of persons belonging to minorities other than the titular one and it *considers* that the on-going process of abolishing such requirements should be pursued and expanded.

160. The Advisory Committee *finds* that the potential of the consultative structures that have been set up on issues that touch upon the protection of national minorities has not been fully utilised by the authorities and *considers* that the authorities should address these shortcomings.

161. The Advisory Committee *finds* that there remain shortcomings as concerns the effective participation of persons belonging to national minorities in economic life and *considers* that the Government should pursue decisively its efforts to address them.

### **In respect of Article 16**

162. The Advisory Committee *finds* that the legislative and executive authorities of the Krasnodar region have taken measures which are apparently aimed at putting pressure on persons belonging to national minorities, in particular the Meskhetians, to leave the said region. The Advisory Committee *considers* that decisive measures are urgently required from the federal authorities to ensure that the authorities of the subject at issue revise their norms and policies in this field so as to make them compatible with Article 16 and other provisions of the Framework Convention.

163. The Advisory Committee *finds* that the number of displaced persons within the Russian Federation is high and that it is essential that issues relevant for the return process are addressed in a manner that foster sustainable voluntary return. The Advisory Committee *considers* that there is a need to take additional measures, including at the regional and local level, to facilitate the voluntary return of Ingush who were displaced from the Prigorodny region in North Ossetia. It also *considers* that the authorities should ensure that the measures aimed at facilitating the return of persons displaced due to the conflict in Chechnya are taken in a manner that ensures the voluntary nature of the return and that in this respect no direct or indirect pressure is imposed by the authorities on the persons concerned.

### **In respect of Article 17**

164. The Advisory Committee *finds* that persons belonging to certain national minorities residing in border regions have faced difficulties in maintaining free and peaceful contacts across frontiers and *considers* that the authorities should pursue further their efforts to improve the possibilities of the minorities concerned to maintain such contacts, including by addressing the issue of relevant visa requirements.

### **In respect of Article 18**

165. The Advisory Committee *finds* that the Russian Federation is party to a number of bilateral treaties and cultural agreements touching upon the protection of persons belonging to national minorities and that its legislation envisages a number of measures aimed at protecting the Russian minorities residing in other countries. The Advisory Committee *considers* that the legislation and related activities should be carried out in consultation with the countries concerned and pursued in a manner that is in conformity with the principles of good neighbourliness.

## V. CONCLUDING REMARKS

166. The Advisory Committee considers that the concluding remarks below reflect the main thrust of the present opinion and that they could therefore serve as the basis for the corresponding conclusions and recommendations to be adopted by the Committee of Ministers.

167. The Advisory Committee welcomes the fact that the Russian Federation has in a number of fields introduced legislation that generally reflects the corresponding principles of the Framework Convention. It notes that valuable efforts have been made in particular with respect to the protection of the “titular nations” of the Republics of the Russian Federation and that certain promising initiatives of more general scope, such as the national-cultural autonomies, have been launched and would merit increasing support.

168. The Advisory Committee notes with concern that, whereas a spirit of tolerance generally prevails in a number of regions, serious problems have emerged in inter-ethnic relations in the Northern Caucasus and in some other parts of the Russian Federation. The conflict in Chechnya and human rights violations committed therein have hampered efforts to implement a number of articles of the Framework Convention both within and outside the said Republic.

169. The Advisory Committee notes that the practical impact of several positive initiatives has proved limited as their implementation has not been given adequate priority by the authorities, including in terms of resources. For example, the improved normative protection of numerically small indigenous peoples of the north has not led to marked progress towards full and effective equality for the persons concerned due to the lack of adequate mechanisms and support for the implementation of the laws at issue. Furthermore, the valuable efforts by many Republics to protect their “titular nations” have not always been coupled with adequate measures to implement the Framework Convention *vis-à-vis* persons belonging to other groups residing in the region at issue.

170. The Advisory Committee is also concerned about certain administrative practices as well as regional and local norms, e.g. with respect to residency registration, that are problematic from the point of view of non-discrimination and other principles of the Framework Convention and have created undue obstacles for persons belonging to minorities in specific regions, such as Meskhetians in Krasnodar.

171. As concerns the use of minority languages in the educational system and in contacts with administrative authorities, there remain shortcomings, *inter alia*, in the volume and scope of teaching in and of languages of many dispersed minorities. At the same time, there is a need to ensure that the pending legislative initiatives aimed at protecting the Russian language are pursued with due regard to minority languages and in a manner that does not put at risk the positive steps that have been taken, e.g. with respect to the use of languages of “titular nations” of the Republics.

172. The Advisory Committee is of the opinion that, despite some commendable initiatives in selected areas, there remain shortcomings in the effective participation of persons belonging to national minorities. For example, there is a need to improve consultation of national-cultural autonomies and other organisations of national minorities in the decision-making processes. Furthermore, the new normative restrictions on the political means to protect the interests of national minorities need to be reviewed as they may have a negative impact on the participation

of persons belonging to national minorities in public affairs and on the implementation of other principles of the Framework Convention.