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

**COMMENTS OF THE GOVERNMENT OF THE RUSSIAN FEDERATION
ON THE SECOND OPINION OF THE ADVISORY COMMITTEE ON THE
IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES
BY THE RUSSIAN FEDERATION
(received on 11 October 2006)**

The Government of Russia is pleased to respond to the invitation of the Advisory Committee on the Framework Convention for the Protection of National Minorities to comment on the Second Opinion on Russia, adopted on May 11, 2006.

The Opinion of the Advisory Committee was based on the review of the State Report submitted by the Russian Federation under the second cycle of monitoring of implementation of the Framework Convention for the Protection of National Minorities, as well as on analysis of the Russian law on interethnic relations, and on the information on implementation of the Convention, obtained by experts of the Advisory Committee during their visit to the Russian Federation in March of 2006.

The Opinion represents views of the Advisory Committee, which quite often are unreasonably negative, on the key issues of Russia's implementation of the Framework Convention.

Generally, the Russian Federation is undertaking ultimate efforts in order to implement the CE Framework Convention for the Protection of National Minorities.

Hereafter comments are presented covering specific paragraphs of the Opinion of the Advisory Committee.

Para. 8 (General legislative framework)

Russian authorities constantly work to improve legislative base on harmonizing interethnic relations in the Russian Federation:

- draft Federal Law "On Foundations of the State Ethnic Policy of the Russian Federation" is being developed jointly with Committee on Ethic Affairs of the State Duma of Russia;

- work has been completed on formulating and introducing amendments to the Concept of the State National Policy of the Russian Federation. The Ministry of Regional Development of the Russian Federation is participating in development of other statutory acts aimed at strengthening the focal areas of interethnic relations, personal development of citizens in the Russian Federation.

Currently the Ministry of Regional Development of Russia is developing the concept of a future federal law "On Foundations of the Ethno-Cultural Development of the Russian Federation".

Para. 9 (General legislative framework)

The experience of financing target programs related to minorities' ethno-cultural development has demonstrated their low efficiency. Currently, new mechanisms and frameworks of support of the ethno-cultural development Russian peoples, including the above mentioned legislative initiatives, more strict division of powers between federal and regional executive authorities etc. It could be emphasized at the same time that the Russian budget resources allocated to the cultural areas are steadily growing.

The Russian Federation strives to follow the principle of de-ethnitization of domestic political scene in view of the fact that national and ethno-cultural issues blend perfectly in the concept of basic civil rights. Nationalist political movements and parties are refused in registration. Any

parties or electoral blocks behold of promoting nationalistic views are put under sanctions provided by the Russian law.

The Russian Federation has not pursued and will not pursue assimilation policies towards any ethnic groups living on its territory, Furthermore, Russian ethnic policy is aimed at mitigation of negative effects of globalization on the ethno-cultural area. This approach can be fully attributed to the status of the Russian language as well. The Federal Law of the Russian Federation of June 1, 2005 No.53-FZ “On the State Language of the Russian Federation” stipulates that “mandatory use of the state language of the Russian Federation should not be interpreted as any denial or derogation of the right for use by republics within the Russian Federation of their state languages, as well as languages of peoples of the Russian Federation”.

Para. 10 (General legislative framework)

Statutory acts of the Russian Federation undergo continuous process of improvement and updating.

Para. 11 (the Scope of application)

Laws of the Russian Federation apply to all Russian citizens. Federal and regional executive and legislative bodies counteract illegal migration, including transit migration through the Russian territory to other countries, and promote effective integration of legal aliens in the Russian society. There is a problem of defining the exact meaning of the notion “national minority”. The Council of Europe does not provide any clear definition of this notion.

Para. 12 (Protection against discrimination)

The fully integrated civil society system has been established in the Russian Federation, that incorporates an extensive network of civil society organizations (including ethno-cultural) and human rights organizations, with the Public Chamber of the Russian Federation located at the summit of this system. Within the framework of this system, Russian citizens are able to implement their ethno-cultural needs, as well as to assert upon their rights in the area. In recent time courts of different instances considered a number of cases related to violation of human rights for reasons of inciting national hatred, which resulted in convictions of perpetrators in accordance the Russian law. The fact that these criminal proceedings received wide media coverage promotes the population’s trust in judiciary and law enforcement bodies of the Russian Federation. In case their claims are not satisfied in Russia, citizens of the Russian Federation enjoy the opportunity to apply to the European Court on Human Rights in Strasbourg and other international bodies.

Para. 13 (Support for the preservation and development of minority cultures)

In recent years the Russian Federation has been pursuing the policy of equalizing social and economic performance of the Russian Federation subjects, which should ultimately contribute to harmonious ethno-cultural development of all regions. The delegation of functions to authorities of territorial entities of the Russian Federation is on the mandatory basis accompanied by the transfer of respective budgetary funds allocated for such functions.

Para. 14 (Support for the preservation and development of minority cultures)

The practice of last years does show that wide opportunities provided by the Federal Law “On National-Cultural Autonomy” are not fully utilized in many instances. Nevertheless, in the majority of cases this situation is due to inadequate institutionalization of persons belonging to national minorities, which can be confirmed by the comparative analysis of the development level of minorities’ civil society organizations in different subjects of the Russian Federation.

Recently an additional resource of funding activities of non-governmental organizations has been established. The Public Chamber of the Russian Federation by means of competitive bidding is distributing 250 million rubles, allocated by the President of the Russian Federation for the purpose of civil society development in Russia in 2006. 617 NGOs were selected among two thousand applicants.

Para. 23 (Participation)

The Russian Government Decree dated April 17, 2006 No.527-p Ministry of Regional Development of Russia was selected as the government body within which the Advisory Council on National-Cultural Autonomies will be established.

In view of the above the Minister of Regional Development of the Russian Federation, Mr. V.A. Yakovlev issued an order No.72 on June 13, 2006 “On the Advisory Council on National-Cultural Autonomies of the Ministry of Regional Development of the Russian Federation”, thus adopting by-laws and composition of the Advisory Council.

The inauguration meeting of the Advisory Council was held on June 15, 2006. The meeting set forth work procedures of deputies of the Council Chairman, to be selected out of heads of Federal National-Cultural Autonomies (FNCAs). The Advisory Council activity plans for the 2nd half of 2006 and for 2007 were discussed, as well as other procedural matters.

On August 14, 2006 twelve federal executive bodies issued a joint order on establishing the Interdepartmental Commission (IDC) on interaction with minorities’ public associations. The Commission will serve as an advisory body created for the purpose of coordinating activities of the involved federal executive bodies on issues of their interaction with minorities’ public associations, as well as the implementation of the national policy of the Russian Federation.

Specialized expert groups, including the Expert Group on Roma will be revitalized within the framework of IDC and the Council.

Para. 24 (Participation)

Mergers between regions of Russia represent political and economic process of unification of two or more subjects of the Russian Federation, sharing common borders and enjoying close economic links, which started in 2003 with active support of the Federal Centre. The process of regional unification in Russia affected primarily those subjects of the Russian Federation having “multilayer” structure, i.e. regions (*krai* and *oblast*) which have autonomous districts (*okrug*) in their administrative structure.

The procedure of unification of Russian regions (in a more general sense – the procedure of formation of a new subject in the Russian federation, not relates to acceptance in the Russian Federation of a foreign state or any part thereof) was established by the Federal Constitutional

Law dated December 17, 2001 No.6-FKZ “On the Procedure of Acceptance into the Russian Federation and Formation of a new Subject in the Russian Federation” as amended on October 31, 2005.

Formation of any new subject of the Russian Federation (including by merger of regions) is initiated by interested subjects of the Russian Federation, the territory of which is planned to be used for formation of such new subject. Proposal of formation of any new subject of the Russian Federation is submitted to the President of Russia. The matter of formation of any new subject of the Russian Federation should be put to a referendum in the involved subjects of the Russian Federation. In case of gaining approval at the referenda in all the involved subjects of the Russian Federation, the President is entitled to submit the draft of the federal constitutional law on formation of the new subject of the Russian Federation to the State Duma. In case of failure by at least one subject of the Russian Federation to approve the matter, the repeating referendum can be held not earlier than within one year.

For the purpose of preserving interests of title nations, subcommittees are usually established within interregional committees charged with elaboration of compensatory measures taking into account ethno-cultural interests of such nations. Additionally any law on formation of a new subject of the Russian Federation includes provisions protecting minority interests.

ARTICLE BY ARTICLE FINDINGS

Article 3 of the Framework Convention

Para. 28 The reasoning of the Advisory Committee is incorrect. The Federal Law “On National-Cultural Autonomy” does not contain any provisions limiting the right of citizens of the Russian Federation to establish NCAs.

Paras. 30-32 Authorities of the Russian Federation proceed from the principle of creating equal opportunities of cultural development for all nations. At the same time, additional opportunities of building-up ethno-cultural potential are created for the least protected and particularly vulnerable groups, which are reflected in the relevant statutory acts, as well as in laws related to areas of life of such nations.

Article 4 of the Framework Convention

Para. 50 Functions of the proposed body in the Russian Federation are carried out by the Office of the Commissioner on Human Rights in the Russian Federation, and the Human Rights Commission of the President of the Russian Federation.

Furthermore, the Public Chamber was established in the Russian Federation pursuant to the Federal Law dated April 4, 2005 No.32 “On the Public Chamber of the Russian Federation”. Within the relatively short period of its existence members of the Public Chamber have carried out several widely covered high-profile anti-discrimination events in Russia. Moreover, the Public Chamber monitors protection of human rights in the Russian Federation.

Para. 60 The Russian Federation is working on regularizing the situation of former Soviet citizens, who were earlier living in the Russian Federation, and who were given the status of illegal aliens after entry into force of the federal law on the Russian citizenship and the legal status of foreign citizens in the Russian Federation. This work is especially relevant due to the fact that, in accordance with the Presidential Address to the Federal Assembly of the Russian

Federation of 2006, one of the priorities of Russian migration policy remains to induce return of out compatriots from abroad, including their naturalization and integration in the Russian society. In order to create additional favourable conditions to ensure voluntary return to the Russian Federation of those compatriots living abroad, the Presidential Decree was adopted on June 22, 2006 “On Measures to render Assistance to the voluntary relocation to the Russian Federation of compatriots, living abroad”.

Competent Russian authorities developed a Set of Measures to promote tolerance towards immigrants in the Russian Federation, which was incorporated in the draft Concept of the State Migration Policy of the Russian Federation”, currently developed by the Federal Migration Service (FMS).

Proposed measures are based on the fact that the process of social reintegration of migrants progresses only with efforts from both sides. Immigrants must observe the cultural framework of the accepting society, and the natives must keep in mind ethno-cultural specifics of immigrants.

If such process becomes unilateral, it will result in either assimilation or separation, which are not acceptable in accordance with the national policy of the Russian Federation.

The set of measures on promotion of interethnic tolerance includes two sections:

- 1) measures towards development of civil cohesion, promotion of the culture of peace and interethnic accord in the society;
- 2) measures towards development of mutual tolerance of the native Russian population and immigrants.

All measures proposed by the Advisory Committee are being actively implemented in the Russian Federation.

Para.67 The Ministry of Regional Development of Russia, pursuant to the Russian Government Decree dated July 7, 2005 No.938-r, ordered on behalf of the state the formulation of the Federal Special Programme (FSP) “Economic and Social Development of Indigenous Small Peoples of the North up to 2011” (hereinafter – the Programme), which is implemented with a view to protection of rights of indigenous small peoples of the North for social, economic and cultural development, and promotion of their economic, social and ethno-cultural objectives.

The Programme is implemented in 29 subjects of the Russian Federation in accordance with the register of indigenous small peoples of the North. The following regions of the Siberian Federal District participate in implementation of the Programme: Republics of Altai, Buryatia, Tyva, Hakassia, Altai *krai*, Irkutsk, Kemerovo, Tomsk and Chita *oblast*, Taimir (Dolgano-Nenets) and Evenki autonomous *okrug*. Applications for participation in the FSP are accepted from subjects of the Russian Federation, which in turn take into account proposals of representatives of minorities and indigenous small peoples, as a matter of necessity.

Currently the Ministry of Regional Development of Russia is working on the further increase of financing of the Programme. The Ministry has set forth proposals in increase financing in 2007 and up to 2009 (as well as up to 2011 upon introducing adjustments in the FSP and keeping the same growth rate).

At present time, pursuant to the directive of the Chairman of the Government of the Russian Federation Mr. Fradkov, dated March 9, 2006, No.MF-P13-899 adjustments are being introduced in the Programme: in the area of updating target indicators and performance efficiency indicators of measures implemented within the Programme, which will allow to assess the progress in implementing the Programme, as well as in the area of annual financing volumes of the Programme in discounted prices. The Ministry has sent enquiries to relevant regions in order to receive feed-back proposals on the Programme adjustment. The adjusted version of the Programme will be submitted for approval of the Ministry of Economic Development, the Ministry of Education and Science, and the Ministry of Finance of the Russian Federation.

Para. 68 Russian competent authorities are purposefully working with Roma communities of Russia with the goal of their consolidation and integration in the Russian society under new circumstances. As regards to creation of the Expert group on Roma, all the preparatory work was completed in April-June 2005. At the same time, there is evidence of inwardness of Roma community, and lack of desire on their part to participate in the framework of interaction of minorities with federal and local authorities.

Within the framework of the above mentioned IDC on interaction with minorities' public associations, specialized expert groups, including the Expert Group on Roma are being established.

Article 5 of the Framework Convention

Para. 99 As it was mentioned above, the Russian authorities strive to create conditions, ensuring equal opportunities for all peoples, legally residing in the Russian Federation, to meet their ethno-cultural needs. In order to achieve this goal, *inter alia*, extraterritorial mechanisms of addressing national issues are constantly improving.

Paras. 100-106 The Ministry of Regional Development of the Russian Federation, pursuant to the Federal Law dated May 7, 2001, No.49-FZ, and the Russian Government Decree dated 21.02.2005, No.185-r works on creating legal basis for establishing territories of traditional environmental management of indigenous small peoples of the North.

Creation of territories of traditional environmental management of indigenous small peoples is one of the key issues of the current stage of development of these peoples.

Taking into consideration interagency nature of issues regarding creation of protected territories of traditional environmental management of indigenous small peoples of the North, on May 30, 2006 the Ministry of Regional Development hosted the interagency meeting on the issue, which was attended by representatives of interested federal ministries and several subjects of the Russian Federation.

As a result of the work done, and with due account to recommendations of the meeting, the draft of By-laws was set forth on the "Bikin" Federal Territory of Traditional Environmental Management of Indigenous Small Peoples (located in Primorskiy *krai*). The draft was developed in co-operation with the Association of Indigenous Small Peoples of the North, Siberia and Far East of the Russian Federation, and the Russian Academy of Sciences.

The Draft is currently being approved by relevant ministries and agencies. Subsequently, it will be submitted to the Government of the Russian Federation.

Committee on ethnic affairs of the State Duma is working on amendments to the Land Code of the Russian Federation and the Federal Law “On the Transfer of Agricultural Lands” with regards to the uncompensated use of land by indigenous small peoples.

The Ministry of Regional Development has developed a comprehensive action plan on preparation and implementation in the Russian Federation of the Second International Decade in Indigenous Peoples of the World, which includes implementation of numerous legislative initiatives improving the position of indigenous small peoples.

The Ministry of Regional Development is developing the draft Concept of Sustainable Development of Indigenous Small Peoples.

Para. 108 The draft of amended State National Policy Concept of the Russian Federation is currently under the follow-up revision. Only two clauses of the draft are related to protection of the Russian language and culture, which does not allow making statements regarding “the heightened role given to the Russian language and culture”.

Paras. 122-123 Additionally 1.7 billion rubles were allocated for financing of reconstruction and development works in Chechen Republic. This fact was publicized on June 25, 2006 at the meeting of the Russian Government delegation with leaders of Chechen Republic. Items on the agenda of the meeting were: Chechen budget for 2006 and the implementation thereof, draft budget for 2007, financing of the federal special programme of reconstruction of the Republic; the concept of economic development for 2008-2011, and amnesty of militants.

During this year more than 120 million rubles will be allocated for agricultural harvesting operation, and 400 million rubles road reconstruction and development.

There are plans to complete rebuilding of the social and economic sectors of Chechnya by 2011. The main volume of works will be carried out in 2008. For these purposes, the Chechen Republic Recovery Programme for 2008-2009 should be developed already by October of 2006.

Higher emphasis is put on problems of Chechen Republic; for example, special workdays are fixed when Russian ministries are going to discuss problems of this region. Every first day of a month the Ministry of Economic Development holds meeting of key ministers on this region.

Reconstruction of Grozny airport is planned to be completed in October of 2006. About 240 million rubles are needed for its full reconstruction, and as the Minister of Finance of Russia stated, “the Federal Centre is prepared to allocate all the required funds”. Furthermore, transfer of this airport in the ownership of Chechen Republic is possible in the future.

Implementation is continuing of the Federal Special Programme “Rebuilding of Economy and Social Sphere of Chechen Republic (2002 and beyond)”, coordinated by the Ministry of Regional Development of Russia. The Interagency Commission on Rebuilding of Economy and Social Sphere of Chechen Republic also continues to function.

At present time former members of illegal armed groups are actively surrendering to the authorities. The republic has adequate experience in such activities, and this work is being carried out with due account to local customs and traditions, as well as specifics of national mentality. The President of Chechen Republic Ramzan Kadyrov stated that “the leadership of Chechen Republic bears personal responsibility towards those who will surrender”.

Article 9 of the Framework Convention

Para. 189 Experience has shown that unfortunately printed media, as well as TV and radio broadcasting in minority languages lacks popularity with the audience, including persons belonging to minorities using these languages. Mass culture products, such as MTV etc. are squeezing out local ethno-cultural media projects. For this reason, direct funding of ethnic broadcasting was deemed as inefficient spending of budgetary funds. In substitution, “Rospechat” is implementing the programme of printed media support (including ethnic media) on a tender basis, which permits to render support to the best publications.

Article 10 of the Framework Convention

Paras. 197-202 Tatar ethnos is heterogeneous. Several culturally close ethnoses live in the Russian Federation, in the opinion of mostly Kazan Tatar scholars, represent tatar sub-ethnoses. It should be noted that all these minorities currently use as a lingual standard the “Kazan” version of the Tatar language based on the current alphabet. Apart from other considerations, the complexity of transfer to Latin lies in the fact that these minorities have different vision of the possible use of the Latin alphabet.

The practice of school education in minority languages has demonstrated low interest on the part of parents as well as children in receiving teaching of standard school disciplines in their native languages. At the same time, in areas of compact settlement of minorities all teaching in primary schools is conducted in native languages of these minorities.

Article 16 of the Framework Convention

Para. 278 Quite complicated remains the issue Meskhetian Turks, which after the tragic events in “Ferghana Valley” in Uzbekistan (1989) were forced to resettle to Russia where they were provided with places for temporary settlement in 26 regions (accommodating about 50 thousand people), including Krasnodar *krai*. However with years to come their number in this region has spontaneously increased to 12 thousand people. The association of Meskhetian Turks living in the Russian Federation is the International Society of Meskhetian Turks “Vatan”, which has its regional office in Krasnodar.

The Majority of Meskhetian Turks in the Russian Federation, including those in Krasnodar *krai*, do not have any defined citizenship status.

Complaints of Meskhetian Turks are predominantly related to rejections by executive bodies of Krasnodar *krai* to issue residency registrations, considering the fact that their residency status in Krasnodar *krai* was of temporary nature. It could also be noted that Meskhetian Turks, with few exceptions, do not have the status of refugee, displaced person or temporary refuge. As per statistics of the Russian Federation, 284 Meskhetian Turks have the status of displaced persons, and 234 out of them live in Stavropol *krai*.

The Administration of Krasnodar *krai* undertook serious efforts in order to afford Meskhetian Turks the defined citizenship status (either Russian citizens, or refugees and displaced persons), which led to 4,943 persons receiving Russian citizenship, and 849 persons – obtaining residency registrations.

At the same time, by recommendation of the US Ambassador to the Russian Federation, the issue of Meskhetian Turks was reviewed by the US Government, which raised the possibility of giving some of them the refugee status and resettlement to the United States.

During the first half of 2005, the resettlement continued of ethnic Meskhetian Turks, living primarily in Krasnodar *krai*. 3,742 persons (the data of August 2005) of out of 12 thousand Meskhetian Turks received entry permits and left for the United States. Out of 21,000 applications by Meskhetian Turks, US Immigration Service has processed about 8,000. People left primarily from such villages as Kholmanskaya, N.Bakanskaya, Varennikovskaya. About 200 people were rejected exit.

One of particular features of Meskhetian Turks resettlement in the first half of 2005, was that Meskhetian Turks of Krasnodar *krai* were joined by Meskhetian Turks from other subjects of the Southern Federal District aspiring to resettle in the United States.

Meskhetian Turks sold 391 houses in Krasnodar *krai*, which were purchased mainly by local inhabitants.

At the same time, the Russian citizenship registration process is proceeding with regards to Meskhetian Turks, which expressed desire to remain in the Russian Federation. During 2004-2005 315 Meskhetian Turks acquired Russian citizenship, and 92 received temporary residency registration.

As per the information of the Administration of Krasnodar *krai* there were no applications for schools attendance by children of Meskhetian Turks in 2005-2006.

All procedures related to resettlement of Meskhetian Turks are conducted in close cooperation of the regional administration with representative of the US Immigration Service.

Therefore, as a result of joint efforts of authorities of the Russian Federation and Krasnodar *krai*, Russian public associations and the international community, the issue of Meskhetian Turks is generally losing its acute nature. Part of Meskhetian Turks opted for naturalization in the Russian Federation, another part preferred to resettle to the United States. Most difficulties are encountered by those Meskhetian Turks that prefer to return to their historic motherland, i.e. – Georgia. Active participation of the international community is needed in order to address this issue.

In general, the data of 2005 allow to talk about stabilization of the position of Meskhetian Turks and mitigation of the most acute differences. There is a clear trend for improvement of the situation.

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Additionally, we would like to draw your attention to the fact that within the framework of the Russian chairmanship in the Committee of Ministers of the Council of Europe, the major international conference on Intercultural Dialogue and Interconfessional Cooperation was held in Nizhniy Novgorod.

The Forum was co-chaired by the Minister of Regional Development of the Russian Federation, Mr. Vladimir Yakovlev, President of the Parliamentary Assembly of the Council of Europe, Mr. René van der Linden and the Commissioner for Human Rights of the Council of Europe,

Mr. Thomas Hammarberg. The international conference on Intercultural Dialogue and Interconfessional Cooperation was organized by the Ministry of Regional Development of the Russian Federation jointly with the Interreligious Council of Russia and the Council of Europe.

The religious dimension is becoming more important for the sustainable development, and politicization of cultures and religions is becoming more apparent.

Russia, as well as other European countries pursues the policy of wide involvement of religious leaders in discussion of the most important socio-political issues.

Commissions on the affairs of religious communities function in the government authorities of all levels, and no important government resolution in the area of inter-confessional relations is adopted without consent of religious leaders.

The Committee of Ministers of the Council of Europe highly appreciated the level and efficiency of the Forum's work, as well as specific steps on implementation of the Volga Forum Declaration.

The international conference on Intercultural Dialogue and Interconfessional Cooperation resulted in signing of Volga Declaration. For the first time on the pan-European level readiness was expressed in developing religious dimension of the intercultural dialogue, and the Council of Europe formulated its readiness to develop the regular and open dialogue with religious communities.

The Forum was attended by senior officials of the Council of Europe, PACE, OSCE, representatives of the United Nations, UNESCO, European Union, and other international organizations, associations and funds, as well as government officials of the Russian Federation, competent international and Russian public and religious personalities.

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With regards to the reviewed Opinion the Government of Russia expresses concern over the somewhat biased interpretation of the Russian legislation and law-enforcement practice on the part of the Advisory Committee, despite the fact that all the required information was submitted to the Committee experts during their visit to Russia in March of 2006. The competent Russian authorities acknowledge of certain problems in the ethno-cultural sphere of the Russian Federation and undertakes consistent measures to overcome such problems.