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**Promotion et protection de tous les droits de l'homme,
civils, politiques, économiques, sociaux et culturels,
y compris le droit au développement**

Rapport de la Rapporteuse spéciale dans le domaine des droits culturels, Farida Shaheed

Additif

Mission en Fédération de Russie (16-26 avril 2012)*

Résumé

Dans le présent rapport, la Rapporteuse spéciale dans le domaine des droits culturels présente les conclusions et recommandations qu'elle a formulées à l'issue de la visite officielle qu'elle a effectuée en Fédération de Russie du 16 au 26 avril 2012 à l'invitation du Gouvernement.

L'objet de cette visite était d'évaluer, dans un esprit de coopération et de dialogue, les mesures qui ont été prises dans le pays afin de garantir l'exercice du droit de participer à la vie culturelle, notamment du droit à la liberté artistique, du droit de manifester son identité culturelle et du droit d'avoir accès au patrimoine culturel et d'en jouir. La Rapporteuse spéciale a également examiné les questions relatives à la participation des individus et communautés concernés au recensement, au classement et la gestion de leur patrimoine culturel.

* Le résumé du présent rapport est distribué dans toutes les langues officielles. Le rapport proprement dit est joint en annexe au résumé, et il est distribué dans la langue originale et en russe seulement.

Annexe*[Anglais et russe seulement]***Report of the Special Rapporteur in the field of cultural rights on her mission to the Russian Federation****Contents**

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I. Introduction

1. At the invitation of the Government, the Special Rapporteur in the field of cultural rights, Farida Shaheed, visited the Russian Federation from 16 to 26 April 2012.
2. An examination of the country's legal framework, institutional policies and mechanisms for the promotion and protection of human rights were of particular importance. During her visit, the Special Rapporteur visited Moscow, Saint Petersburg, Barnaul (Altai Krai) and Kazan (Tatarstan), where she met with senior Government officials and members of legislative bodies working in the areas of culture, education and regional development.
3. The Special Rapporteur also met with artists, directors of cultural and educational institutions, representatives of research institutes, religious communities, indigenous peoples and civil society, including from regions other than those she visited, as well as of United Nations agencies. She also visited a number of cultural, educational and religious institutions.
4. Throughout her visit, the Special Rapporteur considered the enjoyment of cultural rights with a view to assist the Government and other relevant actors in their efforts to address the challenges and obstacles to their realization. Depending on their specific situation, identity and status, interlocutors hold diverging perspectives, which must be taken into account. The wider the discrepancy in the perceptions or assessments, the more urgent it is to strengthen modalities for meaningful discussion between all stakeholders.
5. The Special Rapporteur thanks the Government for the invitation to undertake the visit and for the support provided by all before, during and after the visit. She also thanks all those who took time to meet with her and to share their valuable experiences.

II. General context

A. Cultural diversity

6. The Russian Federation is a State governed by the Federal Constitution adopted in 1993. Since 2008, the country has been administratively divided into 83 federal constituent entities with differing degrees of autonomy.
7. According to the 2010 census, the Russian Federation has a population of almost 143 million. Some 194 ethnic groups speak 277 languages and dialects. Ethnic Russians account for approximately 80 per cent of the population. The main minority groups include Tatars (3.8 per cent), Ukrainians (2 per cent), Bashkirs (1.1 per cent), Chuvash (1.1 per cent), Chechens (0.9 per cent), Armenians (0.8 per cent), Mordovans (0.6 per cent) and Avars (0.6 per cent).¹ Although official statistics estimate that the Roma population amounts to some 200,000 persons, unofficial estimates reach 1 million. The immense Far-East region has a very low population density.

¹ "Implementation of the Policy of Sustainable Development of the Indigenous Small Peoples of the North, Siberia and the Far East of the Russian Federation". Presentation by the Russian Federation to the Permanent Forum on Indigenous issues, May 2012.

8. “Numerically small indigenous peoples”, a specific category under Russian law, consisting of some 316,000 persons, includes 47 groups² mainly located in the North, Siberia and the Far East. These peoples are defined as “those who live in territories traditionally inhabited by their ancestors; maintain a traditional way of life and economic activity; number fewer than 50,000; and identify themselves as separate ethnic communities.”³ The Special Rapporteur notes that this definition does not cover larger groups that share similar characteristics and face comparable problems.⁴ This may lead groups to either restrict population growth or to refrain from declaring actual numbers, should these exceed 50,000.

9. Estimates of the actual number of persons identifying with specific religions in the Russian Federation vary considerably. The most common religion remains Russian Orthodox, followed by Islam, Roman Catholicism, Judaism and Jehovah’s Witnesses. Buddhism and Hinduism are also practised in the country, though to a lesser degree.

B. Trends and challenges

10. In a country as vast as the Russian Federation, with a great diversity of ethnicities, languages and faiths, challenges to ensure the enjoyment of cultural rights by all are inevitable.

11. Overall, numerous interlocutors assess that, since the end of the Soviet Union, substantial progress has been made in achieving the enjoyment of greater artistic freedom and in the freedoms of expression, religion and participation in cultural life. However, some actors note a clampdown on freedom of expression in the past five years, including against art activists.

12. The scope for private support for cultural institutions, programmes and activities – negligible in Soviet times – has expanded. In parallel, however, State support for cultural activities and related infrastructure has generally decreased, especially in remote areas. The period 1990/2000 was particularly difficult in this regard. Since then, the State has increased initiatives to support cultural institutions. Debates continue on what should be the respective roles of the public and the private sectors in cultural matters. In that context, interlocutors expressed concern that, as in other countries, public respect for high forms of culture and artistic excellence has diminished drastically and is being replaced by commercially-oriented mass culture and entertainment.⁵

13. A number of interlocutors have noted the greater influence of the Russian Orthodox Church in public debates and cultural matters, including when identifying and interpreting the “cultural values” of the Russian Federation. While noting the Government’s response that the term “cultural values” refers to tangible secular and religious heritage, the Special Rapporteur stresses that this notion was also used by many interlocutors as encompassing at

² Third report submitted by the Russian Federation pursuant to article 25, paragraph 2 of the Council of Europe Framework Convention for the Protection of National Minorities (ACFC/SR/III(2010)005), 9 April 2010, p. 117; “Parallel information concerning the economic, social, and cultural rights of indigenous small-numbered peoples of the North, Siberia and the Far East of the Russian Federation”, submitted by the Russian Association of Indigenous Peoples of the North and the International Work Group for Indigenous Affairs to the Committee on Economic, Social and Cultural Rights at its forty-sixth session (available from www2.ohchr.org/english/bodies/cescr/docs/ngos/IWGIA_RAIPON_RussianFederation_CESCR46.pdf), p. 6.

³ A/HRC/15/37/Add.5, paras. 7-8.

⁴ Ibid.

⁵ See the profile of the Russian Federation in the Council of Europe Compendium on Cultural Policies (www.culturalpolicies.net/web/russia.php), updated in December 2011, p. 3.

the same time objects, attitudes and beliefs, and tangible and intangible forms of cultural heritage.

III. Normative and institutional framework

A. National framework

1. Relevant constitutional provisions

14. The Federal Constitution has important provisions relating to cultural rights, including the principle of equality of rights and freedoms for all (art. 19); the rights of everyone to determine and indicate their nationality, to use their native language, and to choose freely the language of communication, upbringing, education and creative work (art. 26); the right to freedom of conscience and religion (art. 28); and the freedom of ideas and speech, including the right to look freely for, receive, transmit, produce and distribute information by any legal means and the freedom of mass communication (art. 29). In addition, article 44 affirms the right to literary, artistic, scientific, technical and other types of creative activity, to participate in cultural life, to the use of cultural institutions, and to access to cultural treasures, as well as everyone's obligation to care for the preservation of cultural and historical heritage and to protect monuments of history and culture.

15. Certain constitutional provisions recognize the Federation's multi-ethnic and multi-confessional character. Article 68 stipulates that Russian is the State language throughout the Russian Federation; that the Republics have the right to establish their own State languages, which will be used, together with the State language of the Russian Federation, in the bodies of State authority and local self-government and State institutions of the Republics; and that the Russian Federation guarantees to all of its peoples the right to preserve their native language and to create conditions for its study and development.

16. Article 69 guarantees the rights of numerically small indigenous peoples according to the universally recognized principles and norms of international law and international treaties and agreements to which the Russian Federation is party.

2. Relevant laws

(a) *Draft laws on culture*

17. Articles 10 to 21 of the 1992 Principles of Cultural Legislation include the rights to creative activity, a distinct cultural identity, access to cultural values, humanitarian and artistic education, to establish voluntary cultural associations, to cultural activities in foreign countries, to preserve and develop the distinct cultural and ethnic identity of peoples and other ethnic communities, and to cultural and ethnic autonomy. There are also legislative acts governing social relations in various cultural spheres.

18. Many believe that the Principles of Cultural Legislation are obsolete and should be reviewed to bring them into line with international standards. A draft new law on culture, under discussion for several years, introducing new definitions more in line with international practices, and the notion of intangible cultural heritage, was submitted to Parliament in October 2011.⁶ The process has, however, reportedly stalled. The Special Rapporteur encourages all stakeholders to continue discussions on this important topic.

⁶ See also Council of Europe Compendium on Cultural Policies (see footnote 5), p. 34.

(b) *Law on national cultural autonomies*

19. Federal Law No. 74-FZ on national cultural autonomies, passed in 1996 and amended in 2009, entitles ethnic groups to establish public organizations, referred to as "national cultural autonomies", at the local, regional or federal level. Such entities are eligible for State funding to conduct activities in the area of culture, language and education in particular, to participate in the activities of international non-governmental organizations and to establish contacts with foreign citizens and public organizations. By 2011, approximately 829 such entities had been registered. The main concern regarding the law relates to its unclear and vague clauses combined with the uncertainties surrounding governmental obligations.⁷

(c) *Laws relating to numerically small indigenous peoples*

20. The Special Rapporteur appreciates the Government's recognition of the urgent need to preserve the culture and traditional ways of life of numerically small indigenous peoples.

21. The rights of these peoples are protected in a series of federal laws, in particular by the Law on Guarantees of the Rights of Numerically Small Indigenous Peoples of the Russian Federation of 1999, the Law on the General Principles of Organizing Communities of Numerically Small Indigenous Peoples of the North of 2000 and the Law on Territories of Traditional Nature Use of Numerically Small Indigenous Peoples of the North, Siberia and Far East of the Russian Federation of 2001.⁸

22. The concept paper of 2009 on the sustainable development of the numerically small indigenous peoples of the North, Siberia and the Far East of the Russian Federation defining federal policy from 2009 to 2025 has been described as an important step in this regard.⁹

23. Criticism has nevertheless been voiced at the lack of effective implementation and concrete outcomes of these policies.¹⁰ The Special Rapporteur received testimonies that supported the concluding observations of the Committee on Economic, Social and Cultural Rights that changes to federal legislation regulating the use of land, forests and water bodies, in particular the revised Land (2001) and Forest (2006) Codes and the new Water Code, deprive indigenous peoples of the right to their ancestral lands, fauna and biological and aquatic resources, on which they rely for their traditional economic activities, through granting of licenses to private companies for development of projects, such as the extraction of subsoil resources.¹¹ She is concerned that indigenous peoples feel they were not meaningfully consulted before these amendments were adopted. While interlocutors stressed that the Law on the General Principles of Organizing Communities of Numerically Small Indigenous Peoples of the North had helped them to protect their culture and traditions, they regretted that the clan communities created under the Law (*obshchinas*) were banned from entering into business. Consequently, communities remained dependent on subsidies and felt that their culture was becoming simply a subject of folklore. In addition, reporting to State institutions on the use of subsidies is cumbersome for small communities and should be made less complicated.

⁷ See also Third opinion of the Advisory Committee, 2011 (ACFC/PO/III(2011)010), in particular paras. 71-76 and 134-137, and comments of the Russian Federation, 2012 (GVT/COM/III82012)004).

⁸ A/HRC/15/37/Add.5.

⁹ Presentation by the Russian Federation to the Permanent Forum on Indigenous Issues at its eleventh session. See also A/HRC/15/37/Add.5, para. 24.

¹⁰ See A/HRC/WG.6/4/RUS/3, para. 75.

¹¹ E/C.12/RUS/CO/5, para. 7.

3. Relevant institutions

24. Numerous institutions are mandated to deal with cultural policies and rights, including several State Duma Committees; an advisory council for State cultural policies under the Chairman of the Federal Assembly; several institutions under the Federal Ministry of Culture; and a presidential council on culture and the arts. The Ministry for Regional Development is in charge of social and cultural issues in the country's entities. State structures in the regions generally mirror those at the federal level.

25. The Special Rapporteur was pleased to meet some members of the Public Chamber of the Russian Federation, established in 2005 to connect the Government with local self-governments and public associations, involve them in decision-making and provide advice on legislation.¹² Many regions have also established Public Chambers.

26. While the Special Rapporteur appreciates the fact that a Commissioner for Human Rights, established through the Constitution and Federal Constitutional Law No. 1-FKZ of 1997, was granted "A" status in November 2008, she regrets that she was unable to meet him.

27. Currently, 60 of the 83 constituent entities of the Federation also enjoy the presence of a commissioner. In 2011, the Commissioner for Human Rights of the Council of Europe called upon the authorities of the Russian Federation to "respect the integrity and independence" of regional ombudspersons.¹³ The Special Rapporteur commends the establishment of a council of ombudspersons under the federal commissioner, to discuss common issues on a monthly basis.

28. The Special Rapporteur was pleased to meet the Commissioner for Human Rights of the Republic of Tatarstan, who engages in a wide range of activities, including responding to people's queries and complaints. The Commissioner's reports on the situation of human rights in the Republic are submitted to the President, the State Council, the Supreme Court, the Prosecutor and the Court of Arbitration. They are also made publicly available in Tatar and Russian.

29. In Kazan, the Special Rapporteur found discussions with members of the State Council's Committee on Culture, Science Education and Nationalities very informative.

B. International framework and cooperation policies

30. The Russian Federation has ratified the main United Nations instruments relevant to the implementation of cultural rights, as well as a number of relevant treaties of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Council of Europe.

31. The Russian Federation, its regions and cultural institutions have initiated numerous cultural cooperation projects. The Special Rapporteur welcomes the cooperation between the Ministry of Culture and the Council of Europe programme on the review of cultural policies. Numerous programmes developed with neighbouring and other countries in the area of education and culture include the multilingual publication of textbooks, the exchange of literature and textbooks, the teaching of history, the organization of years of culture and the promotion of artists' mobility. The international cooperation programmes developed by Altai Krai are also welcomed.

¹² See Council of Europe Compendium on Cultural Policies (see footnote 5), p. 10.

¹³ Visit to the Russian Federation, 12 - 21 May 2011, CommDH(2011)21, p. 4.

IV. Cultural rights: good practices and challenges

32. According to the Ministry of Culture, the key objectives of the country's cultural policy include providing equal access to cultural goods and opportunities for personal cultural development; increasing the quality of cultural institutions and the diversity of services provided; preserving and popularizing cultural heritage; and using culture to shape a positive image of the Russian Federation abroad.¹⁴

33. The Special Rapporteur appreciates the fact that the authorities have adopted, or decided to support, a number of important initiatives to increase access to cultural life. These include organizing national exhibitions and numerous contests to promote creative activities and participation in cultural life; establishing a State-run television channel (Kultura) dedicated to culture with no advertisements, and *bibliobus* as mobile libraries. Library and information services are provided free of charge throughout the country.

34. Access to museums and other cultural institutions has been enhanced by opening museums and libraries at night, reduced entry fee policies and digitalized access. The Special Rapporteur found the Saint Petersburg project to introduce interactive tours for students and a unified membership card for the city's libraries very interesting.

35. The Special Rapporteur was pleased to learn of innovative initiatives launched by the city of Moscow to promote participation in cultural life and the right to have access to and enjoy cultural heritage. These include organizing free tours for Muscovites, with commentaries from highly qualified historians and journalists, which drew some 120,000 people in 2011, including persons with disabilities; the "18/18/18" programme, involving 18 public figures leading 18 excursions or cultural tours for groups of 18 people at a time; contests for the best restoration of a building, with prizes presented by renowned figures; and incentives for private companies to restore and maintain buildings while enjoying their usage at a very reduced rent.

36. The Special Rapporteur visited the Youth Centre for Theatre and Cinema, supported by the Saint Petersburg authorities and the Federal Ministry of Culture. This interesting institution enables young artists to run their own theatre, with about 200 actors and 25 directors. On the occasion of festivals on human rights, the theatre has organized events and discussions on, inter alia, lesbian, gay, bisexual and transsexual issues.

37. The Special Rapporteur was impressed by the management of the State Hermitage Museum and welcomes its policies aimed at attracting more visitors while according priority to the research and educational functions of the Museum. Many educational activities cater for children and adults, and State support ensures the publication of quality books at more affordable prices.

38. Several programmes enhance museum access for persons with disabilities. The Special Rapporteur witnessed significant efforts made or currently under way to ensure wheelchair access to cultural institutions.

39. Excursions are organized for school children. The Ministry of Culture estimates that children account for approximately 65 per cent of the 80 million annual visitors to the country's museums. The Special Rapporteur appreciates the fact that, at least in some places, children and youth have free access to cultural or sports clubs in their own neighbourhoods. She was pleased to visit a sports centre for persons with disabilities in Barnaul, also open to persons without disabilities, which includes training for the Paralympics. She was impressed by the Suzuki Teenager Centre in Kazan, one of the main clubs in a network of 67, financially supported by the city of Kazan. The Special

¹⁴ See also Council of Europe Compendium on Cultural Policies (see footnote 5), pp. 5-6 and 8.

Rapporteur is aware that, in Kazan, an interdepartmental plan is being developed to enable persons with disabilities to have access to sport and cultural facilities. She encourages the Republic's authorities to address this issue proactively.

40. The Special Rapporteur further commends the authorities for their efforts to ensure a high rate of Internet connectivity for, in particular, cultural and educational institutions. She was informed that, in Altai Krai, all 1,216 general schools on its territory, without exception, have Internet access. National e-libraries have been or are being established to provide free access to literature, and the Internet is available in most rural libraries.

41. Aware that cultural policies in regions vary, the Ministry of Culture seeks to intensify cultural policies in the regions, in cooperation with the Ministry of Regional Development.

42. The Ministry of Regional Development supports a significant number of activities designed to raise public awareness of the history and culture of the peoples of the Russian Federation and to promote ethnic tolerance in society. The visibility and participation of diverse communities is also supported through houses of friendship, ethnic theatres and various festivals.

43. The Special Rapporteur commends the Saint Petersburg authorities for their programme of harmonization of intercultural, inter-ethnic and inter-confessional relations, education of the culture of tolerance (tolerance programme), which has entered its second phase. The programme, which aims to ensure, in particular, better integration of immigrants, is believed to have reduced the number of hate crimes in the city. In Saint Petersburg, museums organize exhibitions on ethnic cultures throughout the year. There are more than 193 libraries; in 2004, a library of ethnic literatures was created, free of access.

A. Ensuring the right to have access to and enjoy cultural heritage¹⁵

1. Access to and enjoyment of cultural heritage, in particular through education

(a) The right to learn and use one's own language and cultural heritage

44. As described above, the Constitution contains key provisions on linguistic rights. Significant achievements have been made in this area. Approximately 10 per cent of teaching in the country is in a language other than Russian; tuition is provided in 39 languages (17 of which are northern indigenous languages). Fifty other languages are taught as separate subjects.¹⁶ The Ministry of Education and the Ministry of Regional Development, in particular, support the publication and supply of educational literature in the languages and dialects of the numerically small indigenous peoples of the North and undertake activities promoting these languages, such as assisting some of those peoples to develop their own script and alphabet.

45. The Special Rapporteur remains concerned, however, at the uneven implementation of constitutional provisions in different regions, including for minorities that may constitute a small proportion of the Federation's total population, but a sizeable proportion of the population in a specific territory, and for groups falling outside the definition of numerically small indigenous peoples. This is even more worrying since it seems to be generally acknowledged, including among officials, that cultural homogenization is increasing throughout the country owing in particular to the sheer predominance of the

¹⁵ A/HRC/17/38, paras. 78-79.

¹⁶ Presentation by the Russian Federation to the Permanent Forum on Indigenous Issues (see footnote 1).

Russian language and culture in the mass media and in written publications. Even in Tatarstan, which stands at the forefront of the defence of local culture, people raised concerns regarding the difficulties of preserving an ethnic language. Various interlocutors felt that they did not receive sufficient support from the federal and regional authorities. In addition, as indigenous settlements are in remote locations, most indigenous children are taught in boarding schools, and are therefore separated, physically and culturally, from their communities.

46. In Altai Krai, where more than 90 per cent of the population is ethnic Russian, officials underlined that the issue of having a language other than Russian for instruction had never been raised. Nonetheless, bilingual schools exist in Russian and Kazakh. The director of one of the two Kazakh national schools in Altai Krai confirmed that measures had been taken to help the community to preserve its culture and language and that, thanks to the support of Kazakhstan, textbooks in Kazakh were available. German, the second most important linguistic group in the region, is also taught as a subject at all levels of education.¹⁷ German may also be studied at the German / Russian House of Friendship in Barnaul.

47. The Special Rapporteur was informed that, in the Altai Republic, some programmes support the development of Altai languages, including endangered languages. Only a few hours are, however, actually devoted to teaching the languages. The State reportedly supports the publication of textbooks to enable the teaching of, but not in, the Altai languages. Textbooks in the Altai languages depend entirely on private initiatives and are of poor quality. Courses on the history and culture of Altai are extra-curricular, and the study of the languages is not mandatory.

48. In Saint Petersburg, officials stressed that many communities publish newspapers in their own language. Usually, this depends on the communities' own initiatives; however, some who asked for support had received it.

49. Various interlocutors expressed their concern regarding federal reforms on education, reportedly passed despite the disagreement of many regions, in particular, the introduction of a new unified school examination. Previously, the curriculum had a federal component (accounting for 75 per cent of students' time, which included the study of Russian history and literature, as well as mathematics); a national/regional or ethno-cultural component (15 per cent; which included the study of the languages, histories and cultures of ethnic groups in the region); and a school component (10 per cent, which enabled school authorities to establish and determine the content of classes to teach the language and culture of one or more national minorities). Although this previous flexible system permitted different types of degrees and forms of minority language teaching,¹⁸ some stressed that not all regions or schools of the Federation choose studies on the local peoples, languages and cultures as additional mandatory subjects, for instance in the Altai Republic.

50. Federal Law of 1 December 2007 amending the Federal law on Education is being progressively implemented through the various levels of the education system. One major concern was that it eliminates the national, regional and school components from State

¹⁷ See also the simulation of the application of the European Charter for Regional or Minority Languages in the Russian Federation (Altai Kray), Council of Europe 2010. Available from http://hub.coe.int/c/document_library/get_file?uuid=2148d22a-e18b-4cf0-a578-6d0fbcd37424&groupId=10227.

¹⁸ See also the second opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on the Russian Federation (ACFC/OP/II(2006)004) (available from www.unhcr.org/refworld/country,,COESFCPNM,,RUS,,465d6c5c2,0.html), p. 39.

educational standards, making it difficult for regions to develop teaching programmes relating to their own languages, cultures and histories.¹⁹

51. Reforms in 2009 removed the right to take State examinations in a minority language: students can study in another language, but must take the examination in Russian.²⁰ In Altai Krai, however, it was decided to provide translations of test materials in local languages.

52. Concern was also expressed by interlocutors that some regions are reluctant to ensure education in congruence with the culture of the peoples, and that declarations made at the highest level of the State are not always implemented at the regional level. This was reported to be the case in the Altai Republic. The Special Rapporteur was informed, however, that a pilot project was currently being conducted in some schools of the Altai Republic to allow for the study of indigenous traditional knowledge, and that a number of textbooks on Altai culture had been published.

(b) *Teaching of religious and secular ethics*

53. A widely discussed issue in the Russian Federation today is a pilot project introduced in 2011 in 21 regions to teach the basics of religious culture or secular ethics, in which parents select whether their children will study one of the four main religions (Russian Orthodox, Islam, Judaism or Buddhism), world religions or secular ethics. The project has been implemented for the fourth and fifth grades, in 9,980 schools. According to estimates provided by the Government, parental choices were as follows: secular ethics (42 per cent), Russian Orthodox (30 per cent), world religions (18 per cent), Islam (9 per cent), Buddhism (1 per cent) and Judaism (1 per cent).

54. The Special Rapporteur was given assurances that the intention was to teach the religious or ethical foundations of culture, not dogma or ideologies. She was also informed by the Government that the objective was to promote behaviour based on knowledge and respect of the cultural and religious traditions of the multinational peoples of the Russian Federation, as well as to promote dialogue with representatives of other cultures.

55. While the Special Rapporteur understands the desire to teach local culture and history, she also notes that these are never monolithic. Representatives of indigenous communities, for example in the Altai Republic, expressed concern that their spiritual beliefs were not an offered option and that Buddhism was being imposed on them through this educational project. In addition, the Special Rapporteur is concerned that this approach, rather than building greater cross-cultural understanding may actually divide children, as also noted by civil society groups, some public officials and bodies, as well as some religious leaders.

(c) *Teaching of history*

56. An important aspect of the right to cultural heritage is the right to have access to one's own history and that of others. The Special Rapporteur learned about several initiatives, such as the establishment of approximately 12 commissions comprising historians from the Russian Federation and foreign countries to elaborate guidelines on how textbooks with shared elements of history could be drafted in a more balanced manner, and governmental programmes encouraging school children to run school museums and

¹⁹ See also Konstantin Zamyatin, "The education reform in Russia and its impact on teaching of the minority languages: an effect of nation-building?", *Journal on Ethnopolitics and Minority Issues in Europe*, vol. 11, No. 1, 24 April 2012, in particular pp. 18 and 32-47.

²⁰ See also ACFC/PO/III(2011)010 (see footnote 7), para. 24.

research their own past, including by interviewing their community elders and displaying the results in student-run school museums (for example in Altai Krai).

57. The Special Rapporteur believes that the authorities should encourage children to discover the history of their own people in a multifaceted manner disconnected from “patriotic education” programmes. She is worried, in particular, that extracurricular activities on the history of the Second World War, which seem to be numerous, are associated with military clubs in schools and patriotic camps for youth, the latter involving significant numbers of students. She acknowledges the tragedy that the Second World War represents for the Russian people and understands that summer camps are organized for children on various issues. Having taken note of the response from the Government, she remains concerned, however, that the State programme for patriotic education (2011-2015) involves not only the ministries of education, sport and culture, but also the Ministry of Defence.²¹

2. Cultural heritage protection policies: the need for a rights-based approach

58. The Republic of Tatarstan decided to restore, with the support of the Federation, the Sviyazhsk complex, on which is situated an Orthodox church, and the Bolgar complex, a crucial historical town for Muslims. The Special Rapporteur welcomes the tribute paid to the Republic’s cultural and religious diversity and appreciates that the authorities consulted the population on the projects. Interestingly, some site-relevant family histories found a place in the museums of Sviyazhsk, for example narratives of the Soviet labour camps. The Special Rapporteur notes that the restoration of these sites entailed the displacement of some communities, and would appreciate receiving more information on the consultation undertaken prior to this process.

(a) Cityscapes

59. Following the fall of the Soviet Union, and after the difficult 1990s, many historic buildings were knocked down and new constructions hastily built. The Special Rapporteur encourages the city of Moscow to continue to conduct innovative initiatives to safeguard the city landscape and dialogue with civil society groups on issues relating to the preservation of cultural heritage.²²

60. The Special Rapporteur welcomes the decision not to build the controversial Gazprom tower in Saint Petersburg in response to strong public opposition. She stresses, however, the need to establish proper permanent channels to enable local communities to voice their concerns and suggestions on matters relating to their cultural heritage in both rural and urban settings.

61. The Special Rapporteur was informed that, in Saint Petersburg, some public hearings may be organized on development plans that may have an impact on cultural heritage. Interlocutors stressed, however, that these should not remain pure formalities and ensure timely and adequate feedback to those participating. In addition, sites listed as World Heritage by UNESCO, for example the city of Saint Petersburg, cease to be the responsibility of regional authorities and are transferred to the federal authorities. This seems to deprive local concerned communities of any possibility to participate in decision-making concerning their own cultural heritage. The Special Rapporteur was informed that the requirement to seek the agreement of relevant regional and local bodies prior to

²¹ See also ACFC/PO/III(2011)010 (see footnote 7), paras. 185 and 187.

²² See in particular Anna Bronovitskaya, Clementine Cecil, Edmund Harris, *Moscow heritage at crisis point*, Publication supported by Save Europe’s Heritage, Institut Minos, *Project Russia* magazine, DoCoMoMo International, Archnadzor, 2009. Available from www.maps-moscow.com/userdata/e_MAPS.pdf.

implementing development plans for areas under protection had been abolished in 2006. The Special Rapporteur notes that the Urban Development Code contains references to the requirements established through Law No. 73 of 2002 “on objects of cultural heritage of the people of the Russian Federation”, in particular for the preparation of general development plans in zones of protected heritage. She remains concerned, however, that, according to information received, construction is sometimes undertaken without proper consultations on cultural heritage matters, without proper documentation, and before completing measures to establish protective zones around buildings.

(b) *Respecting and protecting the cultural heritage of indigenous peoples*

62. The Special Rapporteur is concerned about the planned building of a gas pipeline over the Ukok Plateau in the Altai Republic, which is part of a UNESCO World Heritage site. It is alleged that such construction would seriously damage the sacred site of the local indigenous peoples, who were excluded from the decision-making process.

63. The Special Rapporteur acknowledges the Government’s response that all possible routes for the pipeline would be considered at the planning stage, particularly to ensure the safety of the project and to protect the unique nature of the Altai Republic, and would take into account the special legal status of the protected natural reserves and of the Ukok Plateau. In building the pipeline, the Government indicated that special attention would be paid to ecological aspects to guard against any adverse impact on the environment and on the traditional lifestyle of the indigenous peoples.

64. The Special Rapporteur underlines the necessity of consulting and involving the local indigenous populations concerned in decision-making processes through mutually agreed mechanisms.

65. The Special Rapporteur would like to share with the Russian authorities and those of the Altai Republic worrying allegations regarding the right of indigenous peoples to have access to and enjoy their cultural heritage in the Altai Republic, in a variety of areas. She is concerned by reports made by representatives of indigenous peoples’ associations that they were treated as unpatriotic or separatists and felt unsafe.

66. It appears that, in the Altai Republic, meaningful consultation with indigenous peoples on matters regarding their cultural heritage, including the building of the gas pipeline, has been rendered impossible. The Congress of the Altai People, Kulturaltai, an institution aiming to promote culture and ensure coordination among the peoples of Altai, which was initially a grass-roots movement, has allegedly become a tool of political influence. The highest authorities of the Republic allegedly appointed local bureaucrats as members of the Congress and the Vice-Mayor of Gorno-Altaysk as its head. This was achieved by the Altai authorities calling an extraordinary meeting of Kulturaltai on 31 March 2012, pre-empting the regular meeting already scheduled for 15 April. Complaints were brought to courts, with no success. It is also alleged that the many grants intended for distribution among indigenous peoples’ organizations are being channelled to satellite organizations created by family members of those in power, and that no mechanism exists to ensure that the grant money actually reaches the intended beneficiaries.

67. Interlocutors explained that it was difficult for them to stay informed about legal and policy developments with an impact on the enjoyment of their cultural rights. They face such hurdles as the closing of their organizations for several days to impede them from standing for elections for the Public Chamber. In that respect, the establishment of effective information channels with the federal and regional authorities was requested.

68. According to interlocutors, in the Altai Republic, the Altai people consider themselves to be one single indigenous people, accounting for 34 per cent of the population. Allegedly, the local authorities, relying on ethnographic and anthropologic

studies that stressed slight differences, consider the Altai to be several peoples who speak five different languages (not dialects), overriding the point of view of the community itself. Interlocutors believe the intention was to divide the Altai people and incite different groups to remain under 50,000 in number in order to benefit from programmes for numerically small indigenous peoples. It seems that disputes have arisen now over these issues among the Altai people themselves. The Special Rapporteur also underlines the concerns expressed by indigenous representatives that the population censuses fail to reflect their identities, because enumerators were untrained and the formulation of questions complex.

69. In 1993, the federal authorities granted a permit for the excavation of the mummy of the Ukok Princess,²³ apparently without holding consultations with the local population. Indigenous peoples consider that the type of mounds in which the Princess was found are sacred places, which they want to keep as living heritage. They are further concerned by the information that the mummy will be displayed in a sarcophagus in a museum, which is unacceptable to them. The Special Rapporteur takes note of the response of the Government that there is no scientific proof that the Princess is the ancestor of the local indigenous population, and that limited access will be granted to the public in the museum. She recalls, however, that States should acknowledge, respect and protect the possible diverging interpretations that may arise over cultural heritage.²⁴

70. Other concerns expressed include issues relating to restricted access to sacred rivers and lakes (owing to the privatization of riverbanks) that indigenous peoples cannot afford to purchase; poor application of the provisions of the Water Code regarding possible constructions on the banks; the failure to prosecute cases of illegal hunting of sacred animals; and the misuse and misrepresentation of traditional throat singing for commercial and tourist purposes.

71. Furthermore, representatives of indigenous peoples are under the impression that private companies have no legal obligation to obtain consent from local indigenous groups for activities on their sacred sites. The Ministry of Regional Development, however, informed the Special Rapporteur that clear and transparent procedures are in place requiring regional authorities to consult communities before companies are authorized to commence activities, and that written agreements between regional authorities and companies stress the obligations of the latter. The Special Rapporteur notes, however, that the populations concerned do not find these procedures transparent. She appreciates the openness of the Ministry of Regional Development in acknowledging that the joint interests of companies and of the region may diverge from those of the local communities.

(c) *Restitution of cultural and religious property*

72. The Law on Transfer to Religious Organizations of Property of Religious Significance Owned by the State or Municipalities of 2010 has generated much public debate as well as criticism from professionals in the field of culture. Restitution to religious communities of religious property nationalized by the Soviet Union started in the 1990s, with tensions emerging regarding matters of maintaining, preserving, safeguarding and using such cultural monuments and artistic objects.²⁵ In particular, concerns were raised about public institutions, such as museums, that would be obliged to vacate their premises and/or transfer some of their collections.

73. While understanding that property being transferred had often suffered damage, the Special Rapporteur remains concerned that, in a number of cases, the transfer of property to

²³ See UNESCO, Preservation of the Frozen Tombs of the Altai Mountains (available from <http://whc.unesco.org/uploads/news/documents/news-433-1.pdf>), 2008.

²⁴ A/HRC/17/38, para. 80 (a).

²⁵ See Council of Europe Compendium on Cultural Policies (see footnote 5), pp. 3, 4 and 20.

religious institutions is accompanied by public funds to restore what, effectively, has become private property. She also stresses that there are ambiguities concerning the ownership status of such transferred property: some interlocutors maintained that actual property rights are granted, while others referred to a grant of free usage only. She would welcome clarification from the authorities on this point.

74. The restitution of movable and immovable cultural heritage is a complex and multifaceted matter requiring careful consideration. The restitution of religious property may be considered a measure fostering the enjoyment of freedom of religion by a given community. Care should be taken, however, to ensure that restitution does not hinder the right of individuals to have access to and enjoy cultural heritage. The Special Rapporteur stresses that the protection of cultural heritage (and therefore access to it) is a legitimate aim that the State may pursue when restricting the right to property. She encourages the authorities to resolve all these issues through open dialogue and debate that includes all stakeholders.

B. Ensuring the right to participate freely in cultural and scientific life

1. Right to freedom of artistic expression

75. Artistic life is vibrant in Russian society. The Special Rapporteur appreciates the Government's aims to foster freedom of all forms of creativity, to support the creation and preservation of the best traditions in the arts, to safeguard and advance arts education, to support artists and artists' unions, to protect authors' rights and to promote Russian arts.²⁶

76. The Special Rapporteur welcomed the assurances received from the Ministry of Culture that artistic exhibitions, including very provocative ones, may be organized without impediment, for example at the Garage Centre for Contemporary Culture, in Moscow.

77. The Special Rapporteur is nonetheless concerned by reports she received of curators, artists and art activists being prosecuted and convicted of criminal offences, in particular for forms of artistic expression deemed to be critical of political power, the Russian Orthodox Church, or both. Articles 213 and 282 of the Criminal Code, designed to combat "hooliganism" and "incitement of national, racial or religious enmity" respectively, are increasingly used against artists.²⁷ Art activists seem to be under particular pressure, notably with regard to outdoor performances, although some indoor exhibitions have also been prohibited. Some artists and art activists feel harassed, threatened and consider they are under surveillance by the Federal Anti-Extremist Centre or local anti-extremism police. The Special Rapporteur received testimonies that some artists and art activists have received threats, including death threats, and that artists and their supporters have been subjected to violence by non-State actors, in particular by people allegedly having personal connections with the Federal Anti-Extremist Centre and/or members of paramilitary-type organizations.

78. Cases of prosecutions under article 282 brought to the attention of the Special Rapporteur include the cases of the curators of the 2007 exhibition "Forbidden Art", Andrei Erofeev, former head of the department for contemporary art at the State Tretyakov Gallery, and Yury Samorudov, former director of the Sakharov Museum; and Avdey Ter-Oganian, who, after being granted political asylum abroad, encountered difficulties in 2010 in having his work sent from the Russian Federation to the Louvre in France. Oleg Mavromati,

²⁶ Ibid., pp. 5-6, 13 and 18.

²⁷ See also Nick Sturdee, "Voyna: Russia's Robin Hoods", Index on Censorship, 9 November 2011. Available from www.indexoncensorship.org/2011/11/russias-robin-hoods/.

another recognized artist also granted political asylum abroad, is under federal investigation under article 282.²⁸

79. Cases of prosecutions under article 213 include the case of two members of the provocative Voina art collective in 2010. The Special Rapporteur notes that the Voina group won the prestigious State Innovation Art Award in 2011 for another performance, and appreciates the fact that the Russian authorities respected the decision of the award jury.²⁹ During the Special Rapporteur's visit, the case of the punk band Pussy Riot was widely debated. Three of the band members were convicted under article 213 in August 2012 to a two-year term of imprisonment, although one of them was subsequently given a suspended sentence with a two-year probation period.

80. Fulfilling the right to participate in cultural life requires that people enjoy the freedoms necessary to create and contribute to cultural meanings and manifestations in a continuously developing manner. The right to artistic freedom is protected by article 19 of the International Covenant on Civil and Political Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights, as well as article 44 of the Federal Constitution. The Special Rapporteur stresses that art and other kinds of creative expression may include religious, social or political content, and be used as a means to provoke social responses. This includes opening debates and challenging religious symbols as well as dominant values through the medium of artistic expression.

81. The Special Rapporteur understands that some of the artworks or expressions referred to above are provocative, but emphasizes the need to comply with human rights standards regarding possible limitations to freedom of expression.

82. In particular, as underlined by the Special Rapporteur on the protection of the right to freedom of opinion and expression, it is important to clearly distinguish between (a) expression that constitutes an offence under international law and can be prosecuted criminally; (b) expression that is not criminally punishable but may justify a restriction and a civil suit; and (c) expression that does not give rise to criminal or civil sanctions, but still raises concerns in terms of tolerance, civility and respect for others.³⁰

83. Advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law. The sole purpose of these restrictions, however, must be to protect individuals from hostility, discrimination or violence, rather than to protect belief systems, religions or institutions from criticism.³¹ In addition, only serious and extreme instances of incitement to hatred should be criminalized.

84. The Special Rapporteur believes that applying provisions 213 and 282 of the Criminal code in the case of curators, artists and art activists is disproportionate. She is also concerned that article 282 is related to anti-extremist legislation, the vagueness of which has already been criticized by the Human Rights Committee.³²

2. Discussing drug issues through science and art

85. During her visit, the Special Rapporteur heard allegations that the Government prohibited access to artistic works and scientific studies that it deemed tantamount to drug propaganda, and prevented any discussion of the issue.

²⁸ See also France 24, "Censored Russian artist threatens to boycott Louvre exhibition", 10 May 2010. Available from <http://observers.france24.com/content/20101005-russian-artist-threatens-boycott-louvre-exhibition-after-censorship-Avdey-Ter-Oganian>.

²⁹ See Sturdee (see footnote 27).

³⁰ A/66/290, para. 18.

³¹ *Ibid.*, para. 30.

³² CCPR/C/RUS/CO/6 and Corr.1, para. 25.

86. The Special Rapporteur welcomed the assurances given by the Government that products amounting to drug propaganda could only be confiscated following a court decision. She notes, however, that concern was expressed by interlocutors that publishers and bookstores, afraid of facing possible sanctions, refrain from releasing literary or scientific publications addressing drug-related issues.

C. Situation of specific categories of the population

1. Persons with disabilities

87. The Special Rapporteur welcomes the greater attention paid to the rights of persons with disabilities and the ratification of the Convention on the Rights of Persons with Disabilities in September 2012. She appreciates the adoption of an “accessible environment” programme, requiring that all sports and entertainment institutions be equipped for access by persons with disabilities, and an “inclusive education” programme, aimed at integrating children with disabilities into the mainstream education system.

88. Numerous programmes are supported by the Government, such as the Mimic and Gesture Theatre in Moscow, which is open to the public at large, stars deaf people and functions as a centre for many intellectuals as well as artists with disabilities. Unfortunately, the theatre, unique in the Federation, is in dire financial straits.

89. The Special Rapporteur commends the Altai Krai authorities for their efforts in this area, including the pedagogical lyceum for children with disabilities in Barnaul.

90. There is an urgent need to involve persons with disabilities in all policy formulation and decision-making relating to cultural activities. The requests of civil society organizations include, in particular, more sign language interpreters, more subtitling on television, specialized teachers and greater support for cultural activities in rehabilitation centres for children. The Special Rapporteur appreciates the draft legislation aiming to make the subtitling or sign language interpretation of movies compulsory.

91. The Special Rapporteur conveys to the authorities the serious concerns expressed by many parents regarding the new “inclusive education” programme, which, they believe, requires progressive preparatory steps prior to implementation, in particular by providing schools with special equipment, interpreters and specialists; the training of teachers; adjustments to the curricula; and sensitization programmes to prepare the mainstream population.

92. In Tatarstan, children with disabilities who cannot attend regular schools are catered for through rehabilitation centres. The Special Rapporteur was impressed by the city rehabilitation centre for children with disabilities in Kazan, Gorki district, which will probably become a model for the whole region. In rehabilitation centres, two months of attendance per year are mandatory; two additional months remain at the discretion of the centre. Parents request that centres welcome children for longer periods each year.

93. For the rest of the year, parents try to provide educational and leisure activities to their children on a self-help basis with very limited means. The Special Rapporteur visited the “Light in the Window” centre in Kazan, which provides educational and cultural activities. These structures need more State support, including affordable accommodation.

94. Teachers in private centres and parents described their experience as “accidental”, and would like to receive formal training to benefit from available expertise. They hope that exchanges between pedagogical centres of Kazan and Moscow can be promoted and that a well-resourced centre of pedagogy is established to train teachers and specialists.

95. In all interactions, the attitudes towards persons with disabilities were described as the biggest obstacle to the participation of persons with disabilities in cultural life.

96. Regrettably, discrepancies between the programmes adopted by the authorities and the reality experienced by persons with disabilities still exist. For example, in Kazan, when children with disabilities were invited to a special concert inaugurating the new puppet theatre, the theatre staff refused them entry, as they only had one ticket for both the child and the accompanying parent, who would seat the child on her/his lap. Finally, when allowed entry, they found that the elevators specially installed to facilitate access were not working. After climbing up four floors, they were informed that two people could not occupy one chair.

2. Roma

97. The situation of the Roma, in particular those living in Roma-only settlements, should be addressed more proactively. Roma children reportedly have great difficulty in their access to quality education; they often do not speak Russian fluently, and these difficulties are encountered by Roma who are Russian nationals as well as non-nationals, including those who were born Russian nationals and have difficulties proving their nationality owing to a lack of documents.³³

98. According to interlocutors, access to education is difficult because schools are not suited to the needs of Roma children and are often insensitive to their cultural background. Roma children are usually not welcome in general schools. When special classes or schools are created for Roma children, a practice that seems to amount to segregation, education is of low quality, with no ethno-cultural component. Teachers working with Roma children do not receive special training. The Special Rapporteur encourages the authorities to create materials and textbooks for Roma children that take into account their language and cultural background and to support the publication of bilingual books (Russian / Romani).

99. Roma artistic groups are popular and perform successfully throughout the country. The reality for less renowned Roma may, however, be different. In some cases, Roma children feel unwelcome as participants in cultural events.

100. The Special Rapporteur recalls that the Committee on Economic, Social and Cultural Rights and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance both noted the absence of a comprehensive law or federal plan of action addressing the marginalization of the Roma.³⁴

3. Lesbian, gay, bisexual and transgender people

101. The identity of individuals is always multi-faceted, and this includes gender identity. During her visit, the Special Rapporteur was informed that it is increasingly difficult for lesbian, gay, bisexual and transgender (LGBT) people in the Russian Federation to use cultural spaces such as film festivals and other events to explore and express that part of their identity safely.

102. In recent years, in several cities, groups trying to organize festivals to offer a space of interaction between LGBT and others and to promote tolerance and human rights through art and culture have faced great difficulties, including threats and violence (for example, the International Queer Culture Festival in Saint Petersburg, and the Side by Side LGBT international film festival, in Saint Petersburg, Novosibirsk, Kemerovo, Tomsk and

³³ See Memorial, "Discrimination and violation of Roma children's rights in schools of the Russian Federation", update to the 2009 report, submission to the Committee on Economic, Social and Cultural Rights, March 2011.

³⁴ E/C.12/RUS/CO/5; A/HRC/4/19/Add.3, paras. 39 and 53.

Arkhangelsk). Permissions for exhibitions and screenings have been revoked, allegedly under the pressure of the administration, forcing groups to relocate to more obscure locations. The Special Rapporteur appreciates, however, that since 2008, the Saint Petersburg authorities have not interfered with the Side by Side festival and that, in 2012, it was held without any problem in Tomsk.

103. The Special Rapporteur is concerned that numerous statements in the media reportedly depict homosexuality as a mental disorder and call for the segregation of LGBT persons to prevent their participation in cultural life. The prevailing atmosphere is said to have an impact on the attitude of the private sector.

104. The Special Rapporteur is also concerned that the Saint Petersburg Law of 29 February 2012 prohibiting “propaganda of homosexuality” among minors, and apparently similar laws in Arkhangelsk, Ryazan and Kostroma, exacerbate this situation.³⁵ Furthermore, similar laws are reported to be envisaged in other regions and at the federal level. The Government has stressed that these laws aim to prohibit the aggressive imposition of one group’s lifestyle and norms of behaviour on children, and to protect the health and development of children. However, it is feared that, in practice, the laws will lead to eliminating any expression of LGBT identity and the dissemination of information or artistic creations addressing LGBT issues. It is also of concern that, by dealing with the two together, the laws confuse homosexuality with paedophilia.

4. Women

105. Retrogressive trends have been noted on gender issues in the Russian Federation following the break-up of the Soviet Union, as have an upsurge in religious identity and political discourse on traditional values. This, according to interlocutors, has weakened the position of women in Russian society.

106. Cultural practices violating women’s rights are said to be resurgent in Chechnya and Ingushetia where, reportedly, honour killings have taken place; women have been forced to wear a headscarf, or experience extreme pressure to do so; and may be humiliated and physically attacked if not deemed to be dressed appropriately. It was also reported that the imposition of these new codes and customs as culturally necessary in North Caucasus has resulted in women being afraid to rely on the Federation’s law to defend their rights, as they fear retaliation.³⁶

107. The Special Rapporteur recalls that the right of women to have access to, participate in and contribute to all aspects of cultural life encompasses their right to engage actively in identifying and interpreting cultural heritage and to decide which cultural traditions, values or practices are to be kept, reoriented, modified or discarded.³⁷

³⁵ See RIA Novosti, “St. Petersburg Approves Fines for ‘Gay Promotion’”, 8 February 2012 (available from <http://en.rian.ru/society/20120208/171215909.html>); ILGA-Europe, Statement on St Petersburg’s ‘propaganda’ law adopted today in 2nd reading, 8 February 2012 (available from www.ilga-europe.org/home/guide/country_by_country/russia/ilga_europe_s_statement_on_st_petersburg_s_propaganda_law_adopted_today_in_2nd_reading); and “St. Petersburg enacts limits on gays”, *Moscow Times*, 1 March 2012 (available from www.themoscowtimes.com/news/article/st-petersburg-enacts-limits-on-gays/453877.html).

³⁶ See also CEDAW/C/USR/CO/7, paras. 20, 24-25 and 48-49.

³⁷ A/67/287.

V. Conclusions and recommendations

108. The Special Rapporteur welcomes the measures taken by the Russian authorities at the federal and regional levels to promote the realization of cultural rights of all persons, including in the most remote areas. She encourages them to continue their efforts and recommends:

(a) That they establish and strengthen appropriate mechanisms to ensure people's participation in decision-making concerning the identification, interpretation and stewardship of cultural heritage. Such mechanisms are needed regardless of whether the heritage in question is listed as World Heritage by UNESCO or not. Relevant communities should be consulted before a site or building is declared protected cultural heritage, internationally or nationally, in particular if such declarations imply a shift in responsibilities for managing the sites or buildings.

(b) That they adopt appropriate information and consultation modalities to ensure that indigenous peoples and minorities are informed and consulted prior to the adoption of new legislation affecting the enjoyment of their cultural rights. The establishment of a ministry devoted to indigenous and minority issues at the federal level should be envisaged.

(c) That the federal authorities, together with the authorities of the Altai Republic, discuss with the indigenous peoples of Altai Republic all points raised in the report in order to clarify the issues at stake, and take appropriate measures to ensure the enjoyment of cultural rights of local indigenous peoples.

(d) That rules and procedures regarding the obligations of private companies conducting activities that may have an impact on the cultural rights of the local population, including the consultation processes, be clarified, strengthened and made easily accessible.

(e) That the federal authorities, together with the authorities of the North Caucasus regions, engage with civil society organizations and other stakeholders to address the rights of women in a sustainable manner, ensuring that all women enjoy cultural rights without fear and hindrances.

109. The Special Rapporteur appreciates that the Constitution and laws of the Russian Federation contain far-reaching provisions relating to cultural and linguistic rights, including of minorities and indigenous peoples, and that many projects have been adopted in this regard. She encourages the federal and regional authorities to increase their efforts to ensure better application of these provisions, including for groups which do not fit into the definition of numerically small indigenous peoples. In the light of the prevailing influence of the ethnic Russian culture and the Russian Orthodox Church in cultural matters, the Special Rapporteur recommends that the authorities:

(a) Clarify the term "cultural values", taking into consideration the multiplicity of views by various groups, religious and non-religious;

(b) Review the reform on the new unified school examination and the pilot project on the teaching of the basics of religious culture or secular ethics, taking into consideration the concerns expressed by representatives of minorities and indigenous peoples, as well as alternative proposals prepared by regional authorities;

(c) Recognize the right to take State examinations in a minority language;

(d) Adopt a more proactive policy towards the Roma community.

110. With regard to education and educational activities for students, the Special Rapporteur recommends that the teaching of history be disconnected from patriotic education, and that no competence be attributed to the Ministry of Defence in any educational programmes for children and youth. Noting with great interest the efforts already made in Tatarstan to teach history from a multi-perspective point of view, she recommends that the teaching of history enable all children to learn of the diverse histories and perspectives on the history of the various people and groups in the Russian Federation.

111. The Special Rapporteur encourages the city of Saint Petersburg to continue its “Tolerance programme” as a good example for other cities. More efforts should be made to ensure that not only migrants learn of the cultural heritage of the Russian Federation but that all Russian citizens learn of the rich diversity of the cultural heritage of migrants.

112. The Special Rapporteur encourages the private sector, including the media and institutions supporting cultural activities and artistic creativity, to offer more space to the recognition of the cultural diversity in the Russian Federation, and to address the specific needs of persons with disabilities.

113. The Special Rapporteur commends the considerable efforts made to ensure the rights of persons with disabilities, including children, in particular in terms of physical access to cultural and sport institutions, as well as access to education. She encourages the Government:

(a) To consult with and involve persons with disabilities, including parents of disabled children, in all policy discussions and decision-making;

(b) To consider hosting an international conference with neighbouring countries and civil society organizations, including parents’ associations from these countries, on the issue of inclusive education, so as to contribute to the development of best practices in the area;

(c) To increase support for the Mimic and Gesture Theatre. The Government is encouraged to promote the establishment of a network of similar theatres across the Russian Federation;

(d) To increase efforts to combat prejudice and hostility against persons with disabilities.

114. The Special Rapporteur encourages the Government to continue to support artistic creation and education. She also recommends, however, a shift in policy towards artistic expression criticizing political power or the Russian Orthodox Church, or both. In particular, she recommends that the Government:

(a) Refrain from using articles 213 and 282 of the Criminal Code against artists and art activists, which is disproportionate. Only serious and extreme instances of incitement to hatred should be criminalized these provisions should not be used to protect belief systems, religions or institutions from criticism;

(b) Exercise its due diligence obligation and protect artists and art activists from violence and threats by others.

115. The Special Rapporteur encourages the Government to respect and protect the right of LGBT persons to express their identity safely, including through attending and organizing cultural events. She recommends that the Government and relevant regional authorities ensure that all legislation respects this right, and that they:

(a) Exercise due diligence and protect from violence and threats by others LGBT persons as well as organizers and audiences of LGBT events;

(b) Increase efforts to combat prejudice and hostility against LGBT persons.

116. The Special Rapporteur recommends that the Russian Federation take the steps necessary to implement the recommendations of the Special Rapporteur on the rights of indigenous peoples and of the Committee on Economic, Social and Cultural Rights.

117. The Special Rapporteur calls upon the Russian Federation to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the UNESCO Conventions for the Safeguarding of the Intangible Cultural Heritage and on the Protection and Promotion of the Diversity of Cultural Expressions, the Council of Europe Framework Convention on the Value of Cultural Heritage for Society and the European Charter for Regional or Minority Languages.
