



COUNCIL OF EUROPE CONSEIL DE L'EUROPE
Committee of Ministers
Comité des Ministres

**Resolution CM/ResCMN(2007)7
on the implementation of the Framework Convention for the Protection of National Minorities
by the Russian Federation**

*(Adopted by the Committee of Ministers on 2 May 2007
at the 994th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as “the Framework Convention”),

Having regard to Resolution (97) 10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution (97) 10;¹

Having regard to the instrument of ratification submitted by the Russian Federation on 21 August 1998;

Recalling that the Government of the Russian Federation transmitted its state report in respect of the second monitoring cycle under the Framework Convention on 26 April 2005;

Having examined the Advisory Committee’s second opinion on the Russian Federation, adopted on 11 May 2006, and the written comments of the Government of the Russian Federation, received on 11 October 2006;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of the Russian Federation:

a) Positive developments

Since the adoption of the Advisory Committee’s first opinion in September 2002, the Russian Federation has continued to pay attention to the protection of national minorities, and subjects of the federation have taken steps to consolidate existing federal norms pertaining to minority protection in their respective laws and regulations.

The personal scope of application of the Framework Convention is particularly wide in the Russian Federation, bearing in mind that there are over 160 peoples and ethnic groups living in the federation, including a high number of indigenous peoples.

High-level representatives of the federal administration have publicly endorsed the fight against racism and intolerance and a number of programmes have been adopted to implement these objectives. This has been accompanied by an increase in the number of convictions under the relevant criminal law provisions sanctioning violent actions aimed at inciting national, racial or religious hatred.

¹ In the context of adopting Resolution (97) 10 on 17 September 1997, the Committee of Ministers also adopted the following rule: “Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour”.

There is a lively minority language media scene in most subjects of the federation. The authorities report that there are more than 1 350 newspapers and magazines, 300 TV channels and 250 radio stations in over 50 minority languages. Waivers have been introduced in federal legislation which had previously prohibited the use of minority languages in federal radio and TV broadcasting.

Efforts have been made to improve the supply of minority language textbooks and teachers as well as to expand the availability of minority language teaching in public education.

Advisory councils for representatives of national minorities have been established in a number of subjects of the federation providing opportunities for the leaders of national-cultural autonomies and ethnic minority associations to participate in decision making. Recent steps at the federal level include the establishment of an Advisory Council on National-Cultural Autonomies under the Ministry of Regional Development.

b) Issues of concern

Notwithstanding the above-mentioned positive developments, the situation of persons belonging to national minorities in the Russian Federation has experienced in certain respects a number of setbacks since the adoption of the first opinion, particularly as regards the implementation of existing federal guarantees regarding minority protection.

Although the Russian Federation Constitution, Criminal Code and Labour Code contain general anti-discrimination provisions, the Russian Federation has still not adopted comprehensive anti-discrimination legislation offering effective remedies for victims of discrimination. In spite of reported cases of discrimination, anti-discrimination provisions that exist are seldom used, partly owing to the absence of statistical data broken down by ethnicity concerning employment and access to public services.

Although efforts have been made to improve access to residency registration and citizenship for persons belonging to national minorities, the measures adopted so far have not regularised the situation of all the persons concerned, who face difficulties in the implementation of their economic, social and civil rights.

The amount of state support for the preservation and development of minority cultures is still inadequate in many subjects of the federation. This situation has not been improved by recent reforms affecting the allocation of funding for education and cultural activities and by continuing shortcomings in the functioning of national cultural autonomies.

Despite some initiatives such as the Federal Special Programme "Economic and Social Development of Indigenous Small Peoples of the North up to 2011", the social and economic situation of numerically small indigenous peoples has been affected by legislative amendments at the federal level which removed several positive measures as regards access for indigenous peoples to land and other natural resources.

There has been an alarming increase in the number of racially motivated violent assaults in the Russian Federation since the first opinion, yet many law enforcement officials and prosecuting authorities still often appear reluctant to acknowledge racial or nationalist motivation in these crimes. Hate speech has become more common in the media and in political discourse.

The situation of persons originating in the Northern Caucasus is particularly disturbing, with incidents of violence and intolerance reported in a number of regions. The investigation of human rights violations in the Northern Caucasus needs to be carried out more vigorously and without discrimination.

Although the authorities report that more than 2 000 national minorities' public associations and 560 national cultural autonomies have been registered in the Russian Federation, existing federal legislation regulating public associations and non-profit organisations contains general provisions, the implementation of which has to be carefully monitored in order to avoid undue restrictions on the legitimate activities of persons belonging to national minorities.

There has been a reduction in the amount of state financial support allocated to minority language media. A new law on the State Language of the Russian Federation, if strictly implemented, could present obstacles to the use of minority languages in certain contexts.

Detailed norms for implementing the right to receive instruction in or of minority languages, provided for in federal legislation and in the laws of a number of subjects of the federation, have still not been developed. Although the authorities report that 6 260 schools provide teaching in altogether 38 minority languages, and over 75 minority languages are taught as a discipline in 10 404 schools, there remain shortcomings in the access to education of persons belonging to certain minorities.

While the number of persons belonging to national minorities in elected bodies at various levels is considerable, there have been setbacks related to minority participation in public life, including the abrogation of federal provisions allowing quotas for the participation of indigenous peoples in regional legislatures. Changes introduced to federal legislation on elections and referenda may create barriers for persons belonging to national minorities to participate in decision making.

It is important to ensure that mergers between subjects of the Russian Federation and administrative and territorial changes are carried out in a manner that does not infringe upon the rights enshrined in the Framework Convention.

2. Adopts the following recommendations in respect of the Russian Federation:

In addition to the measures to be taken to implement the detailed recommendations contained in chapters I and II of the Advisory Committee's opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

- adopt comprehensive anti-discrimination legislation, guaranteeing a wide scope of protection and effective remedies, to further strengthen anti-discrimination provisions contained in existing legislation;
- continue to adopt measures to enable persons belonging to national minorities who lack legal status to regularise their situation and ensure that procedures for issuing Russian citizenship are carried out in a non-discriminatory manner;
- redouble efforts to improve the social and economic situation of persons belonging to particularly vulnerable groups, including dispersed minorities, numerically small indigenous peoples and Roma;
- take steps to ensure that funding for cultural activities is balanced as far as different national minorities are concerned. Identify means of increasing the involvement of representatives of national minorities in decision making concerning the allocation of these funds, including by strengthening the effectiveness of national and cultural autonomies;
- increase the vigour with which crimes motivated by racial, ethnic or religious hatred are investigated and prosecuted and step up activities aimed at raising awareness among the general population of the dangers of hate speech and the importance of tolerance and respect for diversity;
- ensure the vigorous and non-discriminatory investigation of human rights violations in Chechnya with a view to ensuring the effective protection of national minorities;
- ensure that the implementation of existing legislation regulating public associations and non-profit organisations is non-discriminatory and does not create undue restrictions on the legitimate activities of persons belonging to national minorities;
- ensure that initiatives aimed at protecting the Russian language do not present undue obstacles to the use of minority languages;
- further improve access to the media of persons belonging to national minorities;

- continue expanding the provision of minority language instruction in public education and increase efforts to ensure equal access to education for persons belonging to minorities;
- step up efforts to ensure the effective participation of persons belonging to national minorities in both elected bodies and consultative organs at the federal level and in the subjects of the federation;
- ensure that any mergers or administrative and territorial changes conducted between or within subjects of the federation take due account of the concerns of persons belonging to national minorities.

3. Invites the Government of the Russian Federation, in accordance with Resolution (97) 10:

- a.* to continue the dialogue in progress with the Advisory Committee;
- b.* to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in section 1 and 2 above.