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

Third Opinion on the Russian Federation adopted on 24 November 2011

EXECUTIVE SUMMARY

The Russian authorities have maintained a generally positive approach towards the monitoring process of the Framework Convention and a flexible and pragmatic attitude to the recognition of national minorities. However, only limited progress has been made in the protection of persons belonging to national minorities. There have been no substantial legislative developments since the second monitoring cycle and comprehensive anti-discrimination legislation is still lacking. Amendments to the federal education law could lead to fewer opportunities for minority language education. While support continues to be provided to a large number of minority cultural events, minority representatives report a general decrease in support for and interest in the use of minority languages in daily life, including in official settings.

Steps have been taken to prosecute offences committed by far-right groups and various campaigns against racism and for increased respect for cultural diversity have been launched at federal and regional level. However, the number of racially-motivated crimes, targeting in particular persons originating from the Caucasus, Central Asia, as well as the Roma, remains alarming. Moreover, some minorities continue to face widespread discrimination in areas such as access to employment and housing as hostility against 'non-Slaves' is exhibited with increasing openness and sometimes fuelled by politicians. Persons originating from the Caucasus and Central Asia, as well as the Roma, experience selective and disproportionately frequent identity checks by the police and are vulnerable to police corruption and other abuse, including the disproportionate use of force. The system of residency registration continues, in some regions, to be implemented in a discriminatory manner. Considerable inequality is also found in the justice and prison systems.

A comprehensive Concept Paper to promote the sustainable development of indigenous peoples was adopted in 2009, containing ambitious objectives to improve the socio-economic conditions for the groups concerned while protecting their traditional environment and lifestyle. However, implementation has been slow and has been offset by simultaneous legislative developments that have resulted in reduced access of numerically small indigenous peoples to their traditional territories and natural resources.

The participation of persons belonging to national minorities in public life appears limited to the organisation of cultural events. No effective consultation mechanisms are in place to ensure that persons belonging to national minorities have an opportunity to influence effectively decisions on issues concerning them, including on relevant legislative developments.

Issues for immediate action

- **Ensure that regional and local residency registration regimes comply with federal legislation and are implemented in a non-discriminatory and transparent manner and that the right to appeal is guaranteed for all persons; registration must not be made a precondition for accessing fundamental rights;**
- **Ensure that all instances of alleged police misconduct, abuse and violations of human rights are swiftly investigated, prosecuted and effectively sanctioned and that the persistent practice of ‘ethnic profiling’ is eliminated; take far more resolute measures to increase awareness and training of the police on equality and non-discrimination provisions and on human rights in general;**
- **Take further and more resolute measures to prevent, investigate, prosecute and sanction effectively all instances of racially-motivated offences; condemn firmly, swiftly and unequivocally all expressions of intolerance, racism and xenophobia, particularly in politics and in the media; redouble efforts to combat the dissemination of racist ideologies in the population, particularly among young people;**
- **Ensure that firm legal guarantees for persons belonging to national minorities to learn and speak their languages are introduced in regional legislation and closely monitor their implementation; take measures to promote respect for linguistic and cultural diversity and increase the presence of minority languages and cultures in all areas of daily life;**
- **Intensify efforts, including financial, to implement the objectives contained in the Concept Paper on the Sustainable Development of Numerically Small Indigenous Peoples of the North, Siberia and Far East, in close co-operation with the persons concerned; take further steps to ensure that representatives of indigenous peoples are closely consulted on all issues of relevance to them; ensure that the aim of promoting the sustainable development of indigenous peoples is not jeopardised by simultaneous legislative developments that undermine their preferential access to land and natural resources.**

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

THIRD OPINION ON THE RUSSIAN FEDERATION

1. The Advisory Committee adopted the present Opinion on the Russian Federation in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the State Report (hereinafter the State Report), received on 9 April 2010, and other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Perm *Krai*, Tyumen and Moscow *Oblasts*, as well as the city of Moscow, from 12 to 16 September 2011.
2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in the Russian Federation. These findings reflect the more detailed article-by-article findings contained in Section II, which covers those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.
3. Both sections make extensive reference to the follow-up given to the findings of the monitoring of the Framework Convention, contained in the Advisory Committee's first and second Opinions on the Russian Federation, adopted on 13 September 2002 and 11 May 2006 respectively, and in the Committee of Ministers' corresponding Resolutions, adopted on 10 July 2003 and 20 May 2007.
4. The concluding remarks, contained in Section III, could serve as the basis for the Committee of Ministers' forthcoming conclusions and recommendations on the Russian Federation.
5. The Advisory Committee looks forward to continuing its dialogue with the authorities of the Russian Federation as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt. The Advisory Committee would also like to bring to the attention of State Parties that on 16 April 2009, the Committee of Ministers adopted new rules for the publication of the Advisory Committee's Opinion and other monitoring documents, aiming at increasing transparency and at sharing the information on the monitoring findings and conclusions with all the parties involved at an early stage (see Resolution CM/Res(2009)3 amending Resolution (97) 10 on the monitoring arrangements under Articles 24-26 of the Framework Convention for the protection of National Minorities).

I. MAIN FINDINGS

Monitoring process

6. The Advisory Committee fully acknowledges the exceptionally complex situation regarding minority issues in the Russian Federation, given the large number of minorities and indigenous peoples living on a vast territory and presenting considerable diversity. It welcomes the authorities' mainly positive approach towards the Framework Convention's monitoring process. The discussions concerning and during the third country visit of the Advisory Committee were held in a generally open and constructive spirit and were most helpful. The Advisory Committee would like to express its gratitude to the governmental as well as non-governmental actors involved in the organisation of this visit.

7. The Advisory Committee understands that the State Report was drafted based on information received from various ministries as well as other governmental and non-governmental bodies, including at regional level. It notes, however, that very few of its interlocutors indicated that they were involved in the actual drafting process. The Advisory Committee expects that wider consultation, particularly of minority representatives, will be held in subsequent monitoring cycles, as well as during the phase of implementation of the recommendations of the third cycle of monitoring.

8. The Advisory Committee also regrets that general knowledge of the Framework Convention and its monitoring system remains limited among governmental and non-governmental representatives. In addition, members of regional and local authorities, as well as civil society representatives, were mostly unfamiliar with the results of the second monitoring cycle and the previous recommendations made by the Advisory Committee. In this context, the Advisory Committee regrets that neither its second Opinion nor the corresponding Resolution of the Committee of Ministers were translated into Russian. It believes that the swift translation of its third Opinion into Russian as well as the organisation of a follow-up seminar after completion of the third cycle of monitoring will contribute to a wider dissemination of recommendations of the Advisory Committee and of the Committee of Ministers among those concerned.

General overview of the implementation of the Framework Convention after two monitoring cycles

9. The Advisory Committee notes overall that only limited progress has been made in a number of areas that were pointed out as problematic in the previous cycles of monitoring. The implementation of minority policies continues to be hampered by a certain lack of consultation and coordination of minority policies and legislations among the subjects of the Federation, as well as between the regional and federal levels, resulting in varying levels of implementation of the rights protected under the Framework Convention in different regions and a lack of legal certainty for persons belonging to national minorities concerning the enjoyment of their rights. In addition, efforts by the federal authorities to exert more influence on developments in the subjects of the Federation, including the fact that the regional governors are now appointed rather than elected, have led to a perceived democratic deficit in some regions, which has a negative impact on the implementation of human and minority rights in general.

10. In Chechnya, the authorities have allocated substantial funds to reconstruct destroyed houses and infrastructure. A Federal Investigative Committee was created in 2010 to improve the effective investigation of human rights violations committed during the conflicts, including those allegedly committed by law enforcement officials. However, the region continues to be plagued by serious human rights violations and a climate of security, mutual trust and tolerance is still lacking, which has a detrimental impact on the implementation of the Framework Convention in the North Caucasus. While substantial efforts have been made to promote the return of displaced persons to Chechnya, increased attention must be paid to ensuring its voluntary, safe and sustainable nature. Safe and dignified return to the former places of residence in Prigorodniy District must also be made possible for those who are wishing to return.

11. Since the adoption of the second Opinion of the Advisory Committee in 2006, it appears that it has become more difficult for persons and NGOs active in the field of human and minority rights to exercise their rights to freedom of association, expression and opinion, despite amendments of the law on NGOs in 2009. When voicing concerns about minority rights protection, they sometimes face prosecution under the legislation against extremist activities. This adverse environment has led to a decrease in civil society involvement in human rights and minority rights protection.

Legislative framework and institutional structures

12. Since the previous monitoring cycle, there has been no substantial legislative progress in the area of minority protection at federal level. Amendments to the federal education law could lead to fewer opportunities for minority language education. Existing guarantees contained in various federal laws related to, *inter alia*, minority media, education in and of minority languages, or the use of minority languages, continue to be in need of laws as well as relevant mechanisms at regional level to guarantee their effective implementation. This leaves considerable discretion to the regional authorities and results in different levels of protection at regional level, due to sometimes considerable differences between the various legislative acts in force in the subjects of the Federation.

13. Despite the existence of anti-discrimination provisions in the Russian legislation, there is a need for comprehensive anti-discrimination legislation, covering all spheres of life and containing a clear definition of what constitutes discrimination. An independent and specialised body dealing solely with the issue of discrimination should be set up. It should conduct extensive monitoring of the situation in the field of discrimination and raise awareness of discrimination-related problems in society in general.

Combating discrimination and racism and promoting respect for diversity

14. More resolute measures have been taken to investigate and prosecute offences committed by far-right and neo-Nazi groups. The authorities have also taken action to combat racism and intolerance in society, both at federal and regional levels; various campaigns against racism and for increased respect for cultural diversity have been launched in this context.

15. The Criminal Code was amended in 2007 to enlarge the list of offences for which the motivation of ethnic, racial or religious hatred is to be considered an aggravating circumstance. The racist motivation of offences is increasingly acknowledged by law enforcement officials and the number of racially-motivated crimes started to decrease in 2011. Additionally, guidelines

were issued in 2011 by the Supreme Court on prosecution for “extremism” with a view to limiting misuse of the Law on Countering Extremism.

16. However, the number of racially-motivated crimes, targeting in particular persons originating from Central Asia, the Caucasus, Asia and Africa, as well as Roma, remains alarming. Expressions of Islamophobia and anti-Semitism are also frequently reported, as well as instances of inter-ethnic clashes, sometimes fuelled by local politicians and the media. Adequate and swift sanctions must be taken against politicians who incite intolerance or hatred. There is an increasing use of xenophobic and racist rhetoric by politicians, especially during electoral campaigns, and the reaction of the authorities to racist statements has not always been adequate. Media are widely disseminating prejudice, sometimes hate speech, regarding some minority groups, in particular those originating from the Caucasus and Central Asia, as well as Roma. Increased pressure is exerted in Chechnya on all persons, including those belonging to non-Muslim minorities, to conform to strict “customary practices”.

17. Moreover, persons belonging to some minorities, in particular those originating from the Caucasus, Central Asia, as well as the Roma, continue to face widespread discrimination in areas such as access to employment and housing, as hostility against ‘foreigners’ is exhibited with increasing openness. Alarming gaps in equality are also reported in the justice and prison systems. Forced evictions of Roma without the offer of alternative accommodation or adequate compensation continue to take place in a number of regions, often involving excessive use of force by the police. Income and working conditions for the majority of indigenous peoples engaged in traditional activities fail to meet basic legal requirements.

18. No comprehensive strategy has been adopted at federal or regional level to tackle the multiple disadvantages facing Roma in many areas of life, including education, housing, employment and access to health care.

19. While substantial efforts have been made by the authorities to reduce the number of stateless persons in the Russian Federation, the system of residency registration remains problematic and discriminatory in some regions, due to administrative barriers and, at times, corruption and discriminatory attitudes of law-enforcement officials. Consequently, there are still a number of unresolved cases of statelessness in various regions, including in the *Krasnodar Krai*. In addition, due to the obstacles faced in access to registration and work permits, migrant workers are particularly vulnerable to exploitation and abuse. Persons originating from the Caucasus and Central Asia, experience selective and disproportionately frequent identity checks by the police and are, according to numerous reports, very vulnerable to police corruption and other abuse, including in some cases disproportionate use of force. In the North Caucasus, persons belonging to non-traditional Muslim groups, and their relatives, are frequently harassed and mistreated by law enforcement officials.

Support for the preservation of national minority cultures

20. The authorities continue to support the organisation of numerous cultural events of persons belonging to national minorities throughout the country. There is, however, a lack of support for activities other than cultural in a narrow sense. The procedures and criteria for the allocation of financial support lack transparency and there is a need for more effective involvement of minority representatives in decision-making on funding allocation. Amendments to the Law on National-Cultural Autonomies in 2009 confirm the right of the different levels of government to fund national-cultural autonomies without, however, establishing an obligation to do so. National-cultural autonomies are limited to the organisation of cultural activities, whereas

the interpretation of ‘culture’ in the implementation of the above-mentioned law, as well as other relevant legislative acts, is narrow. This discourages the engagement of national-cultural autonomies with other relevant issues related to minority identity.

Situation of numerically small indigenous peoples of the North, Siberia and Far East

21. A comprehensive Concept Paper on the Sustainable Development of Numerically Small Indigenous Peoples of the North, Siberia and Far East was adopted in 2009. It sets objectives for the improvement of the socio-economic situation of these peoples until 2025. An action plan to implement the Concept was also adopted, with financial allocations earmarked from the federal budget. The implementation of the Concept Paper and of the related action plan is only slowly progressing. Moreover, concerns have been expressed regarding recent changes in federal laws governing the use of natural resources (including hunting, fishing and the use of land) that contradict the objectives and goals of the above-mentioned Concept Paper as they undermine the right of indigenous peoples to preferential, free and non-competitive access to land and natural resources.

Language legislation

22. Despite the existence of legislative guarantees at federal level for equality among the different languages of the Russian Federation, the overall climate is not conducive to the use of minority languages in daily life, including in official settings and on topographical signs. In particular, while minority languages continue to be used in rural areas where persons belonging to minorities live traditionally and in substantial numbers, the use of minority languages in urban centres appears to be rapidly decreasing, even for persons belonging to minorities within their own territorial formation. The amount of television and radio programmes broadcast in minority languages is also decreasing which reduces further the respect for and appreciation of minority languages as enriching aspects of cultural society. However, there continues to be a large selection of print media organised by minority associations.

Equal access to education and teaching of and in minority languages

23. Steps have been taken to put an end to the practice of denying enrolment in schools of pupils of unregistered and/or stateless families. However, Roma children whose parents lack identity documents continue to face denials of registration. Furthermore, Roma pupils are often placed in separate ‘Gypsy’ classes or schools, with reportedly very low quality of education. The situation is made worse by a lack of support provided to teachers working with Roma pupils.

24. There continue to be opportunities to study in and of many of the minority languages spoken in the Russian Federation, in some cases as from pre-school education onwards. However, few opportunities exist for access to secondary education in minority languages and the right to take the state examination in a minority language was removed in 2009. Federal legislative provisions concerning minority language education are too broad and often not effectively implemented at local level and there are no guarantees regarding weekly hours of minority language classes or quality standards in the curriculum. Moreover, the ongoing process of “optimisation” of schools has resulted in the closure of various schools with instruction in and of minority languages, even where parents have requested minority language education.

Participation in public affairs

25. A Consultative Council of National-Cultural Autonomies was re-established at federal level in 2006. Inter-ethnic and inter-religious councils have also been created in a large number of regions and consultative bodies for indigenous peoples have been set up in some regions, such as Khabarovsk. The impact of these councils remains, however, limited as the extent to which consultations are carried out depends on the willingness of local authorities. There is no systematic and consistent involvement of minority representatives in decision-making on issues concerning them. Representatives of small indigenous peoples of the North, Siberia and Far East in particular regret their lack of effective involvement in decision-making on industrial development of their traditional territories.

26. Moreover, it is regrettable that the activities of national-cultural autonomies are limited to the sphere of culture in a narrow sense, particularly in view of the fact that the creation of political parties established on the grounds of racial, national or religious belonging is prohibited.

27. Mergers of territorial formations have sometimes resulted in a limitation of opportunities for minority communities to participate effectively in public affairs and to have their concerns duly taken into account.

II. ARTICLE-BY-ARTICLE FINDINGS

Article 1 of the Framework Convention

Ratification of the European Charter for Regional or Minority Languages

Present situation

28. When acceding to the Council of Europe, the Russian Federation committed itself to signing and ratifying the European Charter for Regional or Minority Languages by 28 February 1998. It signed the Charter on 10 May 2001, and, from 2009 to 2011, implemented a Joint Programme related to the development of minority languages and cultures in co-operation with the Council of Europe and the European Union. However, no progress has been made as regards the ratification of this instrument.

Recommendation

29. The Advisory Committee calls on the authorities to ratify the European Charter for Regional or Minority Languages without further delay.

Article 3 of the Framework Convention

Scope of application

Recommendations from the two previous cycles of monitoring

30. In the previous monitoring cycles, the Advisory Committee encouraged the Russian Federation to consider the possibility of including additional groups in the application of normative acts pertaining to the implementation of the Framework Convention, and urged the authorities to ensure that the criteria used, among others, in the Law on Guaranteeing the Rights of Numerically Small Indigenous Peoples, do not result in arbitrary or *a priori* exclusion of specific groups.

Present situation

31. The Advisory Committee notes that the approach towards the personal scope of application of the Framework Convention in the Russian Federation has not changed since the second cycle of monitoring. The draft law on the rights of persons belonging to minorities, which contained a definition of the term ‘national minority’, was not adopted. The Federal Law on National-Cultural Autonomy continues, after amendments in 2009, to restrict the right citizens of the Russian Federation to set up and join a national-cultural autonomy. At the same time, however, the Advisory Committee is pleased to note a general level of flexibility and pragmatism on the side of regional and federal authorities as regards the creation of national-cultural autonomies or other minority associations.

32. The Advisory Committee notes that the 1999 Federal Law on Guaranteeing the Rights of Numerically Small Indigenous Peoples still defines that only those groups that are smaller than 50,000 persons can enjoy the status of numerically small indigenous groups and related guarantees.¹ The Advisory Committee is aware of a request by some representatives of the

¹ The official listing of the numerically small indigenous peoples of the Russian Federation identifies 40 such groups, residing within 28 constituent political-administrative units of the Russian Federation, mainly in the North, Siberia, and Far East. See The *List of Numerically Small Indigenous Peoples of the North, Siberia, and Far East of*

Siberian Tatars in Tyumen *Oblast* for recognition as a numerically small indigenous group due to their shared perception of belonging to a group which is different from the broader Tatar population by virtue of its specific traditional lifestyle, culture and history in Siberia. In this regard, the Advisory Committee invites the authorities to consider the applicability of the provisions of the Convention to numerically small and distinct groups within larger national minorities, in line with the principle of free self-identification as contained in Article 3 of the Framework Convention.

Recommendation

33. The Advisory Committee encourages the Russian authorities to maintain their generally flexible approach towards the recognition of national minorities and the scope of application of the Framework Convention. It calls on federal and regional authorities to enter into a constructive dialogue with numerically smaller groups, including those within established minority communities, requesting to be recognised as numerically small indigenous people, in line with the principle of free self-identification.

Collection of data on ethnic origin

Recommendations from the two previous cycles of monitoring

34. In the previous monitoring cycles, the Advisory Committee stressed the necessity to ensure the optional nature of any ethnicity entry in official documents pertaining to personal identification, as well as the fact that during census exercises, both the participant and the census taker should be aware of the optional nature of ethnicity related questions.

Present situation

35. The Advisory Committee is pleased to note that the questionnaire used during the nationwide census that was conducted in the Russian Federation from 14 to 24 October 2010 contained an optional question on the individual's "ethnic origin", in line with Article 26 of the Constitution of the Russian Federation. The Advisory Committee expects that the analysis of the collected data, which according to official information will be published in 2013, will take place in full compliance with internationally accepted data protection standards, as provided in the Committee of Ministers Recommendation (97) 18 and the Council of Europe Convention ETS 108 concerning the personal data collected and processed for statistical purposes.

36. The Advisory Committee is concerned by reports regarding efforts to combine the two languages of Mordovia, Moksha and Erzya, into one, thereby creating only one minority group out of two, called "Mordvins" (see further comments on Article 10 below). In this regard, the Advisory Committee notes with concern that pressure has reportedly been placed by federal and regional authorities on persons belonging to the Moksha as well as Erzya national minorities in Mordovia to declare themselves as 'Mordvins' in the 2010 census, which would constitute a violation of the principle of free self-identification contained in Article 3 of the Framework Convention.

37. With regard to personal identity documents, the Advisory Committee notes recent discussions in the State Duma concerning the question whether to reintroduce indication of ethnic origin into passports. Given the nationalistic undertones of at least some parties in the election campaign of 2011/2012, the Advisory Committee understands the concerns of some

the Russian Federation, N°536 of 2006, and the Concept on the Sustainable Development of Numerically Small Indigenous Peoples of the North, Siberia and Far East of the Russian Federation, N°132 of 2009.

minority representatives that a reintroduction of an ethnicity entry in Russian passports could lead to a situation where the non-indication of one's ethnic background based on Article 26 of the Constitution could in practice be interpreted as meaning 'non-Russian' or 'not supporting the Russian state', which would not be in line with the principle of free self-identification contained in Article 3 of the Framework Convention.

Recommendation

38. The Advisory Committee reiterates its call on the Russian authorities to ensure that any discussion regarding the indication of ethnic origin in personal identity documents is led in full awareness by all involved that all such entries – or lack thereof – are entirely optional and carry no negative consequences for the persons concerned.

Article 4 of the Framework Convention

Legal and institutional framework for combating discrimination

Recommendations from the two previous cycles of monitoring

39. In the previous monitoring cycles, the Advisory Committee strongly encouraged the authorities to develop comprehensive anti-discrimination legislation containing a clear definition of direct and indirect forms of discrimination, and providing effective remedies against discrimination both by public authorities and private entities. It further urged the authorities to consider the creation of an independent body specialised in combating discrimination, which should also be responsible for the collection of reliable data on the specific situation of persons belonging to national minorities in employment and other societal settings.

Present situation

40. The Advisory Committee notes with regret that no comprehensive anti-discrimination legislation has been adopted and no such plans exist for the future. While acknowledging that some positive steps have been made in this regard with the inclusion of equality guarantees in a number of federal and regional legislative acts, the Advisory Committee notes with concern that the overall understanding of issues related to discrimination in all spheres of life but particularly related to access to social and economic rights, appears to be still limited in society, including among public officials. The Constitution of the Russian Federation is often referred to as sufficient in terms of protection against discrimination, as its main provisions establish social and economic rights for all, citizens and non-citizens alike. However, specific legislation at the level of the subjects of the Federation regarding, for instance, housing rights or social security, are often directed at citizens only and even there, the implementation of the provisions depends frequently on the registration of the applicant as resident.²

41. The Advisory Committee therefore finds that there is an urgent need to adopt comprehensive and directly applicable anti-discrimination legislation in order to ensure that federal and regional state authorities and the public at large obtain a better understanding of the many forms of discrimination that are persistent throughout the territory of the Russian Federation today. Such legislation must contain a comprehensive definition of racial discrimination, that includes direct and indirect forms of discrimination, including multiple forms of discrimination, and should cover all fields of law and public life. The law should

² See, for instance, the Law of Leningrad Province N°5-OZ of 2 March 2010 "On providing Housing to Several Categories of Citizens Registered as in Need of Housing Accommodation after 1 January 2005".

equally provide for a shared burden of proof in civil and administrative court proceedings concerning acts of discrimination.

42. The Advisory Committee further regrets that no independent body specialised in combating discrimination throughout the territory of the Russian Federation has been created, as was recommended by the European Commission against Racism and Intolerance (ECRI) in its second and third report, as well as in the Advisory Committee's Second Opinion.³ While noting the argument of the Russian authorities that the functions of such a body are fulfilled by the Office of the Commissioner on Human Rights and the Federal Human Rights Commission,⁴ the Advisory Committee observes that the Commissioner is accountable to the executive and that his competency is limited to an advisory function. In addition, his Office of 20 staff deals with the human rights situation in the Russian Federation in general which, according to its website, 'remains extremely tense'. The Advisory Committee finds that a specialised body at federal level is still needed to monitor the implementation of existing anti-discrimination measures in the country and, importantly, engage in targeted awareness-raising activities for the public at large, including groups that are particularly exposed to incidents of discrimination such as persons belonging to national minorities, internally displaced persons, and other disadvantaged groups.

43. The Advisory Committee notes with interest that an increasing number of cases are brought before the courts against alleged instances of discrimination. It welcomes the fact that a revision of the Criminal Code in 2007 enlarged the list of offences for which the motivation of ethnic, racial or religious hatred is to be considered an aggravating circumstance, including homicide, bodily harm, hooliganism and vandalism. At the same time, it notes with concern that the number of cases taken to court are still very low when compared to the documented reports from intergovernmental and non-governmental organisations that point at persistent discriminatory behaviour in public services as well as within private entities in all spheres of life, particularly as regards the judiciary, employment and housing. Against this background, the absence of formal complaints by victims of discrimination can be interpreted as an indication of their lack of awareness of the legal remedies available to them, or their lack of trust in the will of the authorities to implement these remedies.

Recommendations

44. The Advisory Committee reiterates its call on the Russian authorities to adopt comprehensive anti-discrimination legislation that covers all fields of law and public life and provides effective protection from discrimination in all its forms.

45. The Advisory Committee reiterates its call on the authorities to establish a specialised and independent body to combat racism and racial discrimination in all its forms by, among others, monitoring the implementation of the anti-discrimination legislation. In addition, such a body could engage in organising awareness-raising and training activities among relevant public services as well as society at large, particularly those groups most exposed to discrimination.

³ See European Commission against Racism and Intolerance (ECRI), *2nd Report on the Russian Federation*, 16 March 2001, *3rd Report on the Russian Federation*, 16 December 2005.

⁴ See Government Comments on the Second Opinion on the Russian Federation of the Advisory Committee on the Framework Convention, 11 October 2006.

Collection of data on ethnic origin

Recommendations from the two previous cycles of monitoring

46. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to collect reliable data concerning the situation of persons belonging to national minorities in employment and other societal settings, without which it would be difficult to assess the effectiveness of existing anti-discrimination provisions.

Present situation

47. The Advisory Committee is aware of repeated statements by the Russian authorities that they refrain from gathering comparative statistical data on the enjoyment of rights by ethnic minorities in order to prevent any discrimination on the basis of ethnicity or nationality. The Advisory Committee would like to reiterate its view that, on the contrary, a comprehensive and consistent data collection system is indispensable to ensure that the implementation of relevant anti-discrimination and measures to promote equality effectively be monitored and evaluated, and achievements or the lack thereof adequately measured. In this regard, the Advisory Committee welcomes the objective contained in the 2009 Concept Paper on the Sustainable Development of Numerically Small Indigenous Peoples of the North, Siberia and Far East (hereinafter 'Concept Paper') of developing a system within the competence of federal authorities for the collection of statistics to monitor and analyse the conditions and living standards of numerically small indigenous peoples (hereinafter referred to as indigenous peoples). Such data collection could contribute to devising more effective strategies and concrete measures to promote equal opportunities for persons belonging to these groups.⁵

48. Any data related to the living conditions and access to rights of persons belonging to national minorities should be collected, including through independent research, with full respect for the national legislation as well as international standards in the field of personal data protection.⁶ The Advisory Committee finds that the responsibility for the collection of such data should lie with an independent and specialised body tasked solely with the aim to promote equality and combat all forms of discrimination in society.

Recommendation

49. The Advisory Committee reiterates its recommendation to the Russian authorities to create a comprehensive data collection system on the situation of persons belonging to national minorities in various areas such as education, employment, and housing, in order to assess the extent to which they are exposed to discrimination in daily life and to identify the best policies of countering such discriminatory practices. In this context, it invites the authorities to pay attention to independent research related to these issues.

⁵ See *Concept Paper on the Sustainable Development of Numerically Small Indigenous Peoples of the North, Siberia and Far East of the Russian Federation*, adopted on 11 February 2009.

⁶ See, for example, the *Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data* (ETS No. 108) and the *Recommendation Rec(97)18 of the Committee of Ministers to member states concerning the protection of personal data collected and processed for statistical purposes*, 30 September 1997. See also Council of Europe *Recommendation CM/Rec(2010)13 of the Committee of Ministers to member states on the protection of individuals with regard to automatic processing of personal data in the context of profiling*, 23 November 2010.

Discrimination in the residency registration system

Recommendations from the two previous cycles of monitoring

50. In the previous monitoring cycles, the Advisory Committee called on the authorities to step up their efforts to make the system of residency registration compatible with applicable human rights standards and increase, in particular, their efforts to grant citizenship to stateless persons residing in the Russian Federation.

Present situation

51. The Advisory Committee welcomes the fact that the 2006 Federal Law on Migration and Registration of Foreign Nationals and Stateless Persons in the Russian Federation and the amendments to the Federal Law on the Legal Status of Foreign Citizens simplified the procedure for obtaining temporary residence and work permits, especially for newly-arrived non-citizens (see comments on Article 6 below). It notes with concern, however, that the implementation of the residency registration system as such, applicable to all citizens, remains reportedly problematic and discriminatory. Despite the fact that registration, according to Article 27 of the Constitution as well as constant Constitutional Court jurisprudence, has only notification character and does not constitute a permission to stay, a series of ‘administrative barriers’ are reportedly put in place by the police in some areas to delay or sometimes even prevent the registration of individuals belonging to some minorities, including Chechens and other persons originating from the Caucasus, as well as Roma. The Advisory Committee is deeply concerned about numerous reports it received about the police arbitrarily imposing fines on or demanding bribes from unregistered persons belonging to certain minorities (see further comments on Article 6 below).

52. The Advisory Committee is further concerned by continued reports from non-governmental and intergovernmental sources that, in practice, the enjoyment of many rights and benefits, such as access to housing, social services, and health care as well as, in some instances, education, depends on registration. It welcomes, however, that access of children of unregistered persons to education seems, according to information received by the Advisory Committee, to have improved in recent years, except in the case of Roma (see further comments Article 12 below).

53. The Advisory Committee is pleased to note the concerted efforts made by the Russian authorities between 2003 and 2009, resulting in nearly 600,000 stateless persons acquiring Russian citizenship, due to a fast-track system open to foreign citizens and stateless persons who were previously citizens of the Soviet Union and were legally registered in Russia before 2 July 2002.⁷ According to UNHCR estimates, however, around 50,000 stateless persons are still residing in the Russian Federation, among those 17,000 who are legally registered by the Federal Migration Service. The Advisory Committee notes with concern that undocumented stateless persons still face significant difficulties in legalising their stay and, eventually, acquiring citizenship.

54. Problems are particularly acute for persons belonging to some ethnic minorities in many regions, including a number of Batumi Kurds, Hemshils, Yezidis and those Meshketian Turks and other groups who were deported from Georgia in the 1940s, who remained in Krasnodar Krai, as they often face discriminatory attitudes and reluctance from police officers to provide

⁷ See UN High Commissioner on Refugees Moscow, *Statelessness in the Russian Federation*, 2011.

them with the necessary registration and temporary residence permits to legalise their stay.⁸ The situation is reportedly made worse by the inability of undocumented stateless persons to seek redress from the courts. The Advisory Committee is also concerned about pockets of statelessness that remain in the North Caucasus, including in North Ossetia-Alania as well as the Far East of the Russian Federation, and about reports of non-ethnic Russians with former Soviet passports being instructed to 'return' to Georgia and then come back as migrants. It welcomes in this regard recently-reported efforts by some authorities, including within Krasnodar *Krai*, to issue migration cards to former Soviet citizens without any documents, to assist them to legalise their stay. In this regard, the Advisory Committee also welcomes efforts to adopt amendments to the relevant federal legislation that intend to facilitate the regularisation of stateless persons, and, upon adoption, could assist in effectively addressing the still high number of unresolved cases of statelessness in the Russian Federation.

Recommendations

55. The Advisory Committee reiterates its urgent call on the Russian authorities to ensure that the residency registration system is implemented without bias. Discriminatory or arbitrary behaviour by the police forces must be prosecuted and sanctioned appropriately and swiftly. Regional and local registration regimes must comply with federal legislation, and registration must not be made a precondition for accessing basic rights.

56. The Advisory Committee reiterates its recommendation that procedures for processing registration and citizenship applications must be transparent and guarantees for legal representation put in place, in order to ensure the right to appeal against decisions deemed discriminatory by the applicant, including for persons without documents or established citizenship.

Full and effective equality for persons belonging to national minorities

Recommendations from the two previous cycles of monitoring

57. In the previous monitoring cycles, the Advisory Committee called on the authorities to pay increased attention to the severe social and economic difficulties faced by certain minority groups and develop targeted assistance programmes in close consultation with those concerned.

Present situation

58. The Advisory Committee regrets that no significant developments have been made in the promotion of equality of persons belonging to particularly disadvantaged groups, in particular the Roma as well as, in some areas, persons belonging to indigenous peoples. In the absence of a comprehensive study, a number of national and international reports portray the overall socio-economic situation of persons belonging to these groups as still significantly worse than that of the general population, with particular gaps in equality reported in the areas of housing, education, and access to the labour market (see further comments on Article 15 below). As regards indigenous peoples, the Advisory Committee is alarmed by reports that the salaries and working conditions for the overwhelming majority of indigenous peoples engaged in traditional

⁸ See UN High Commissioner on Refugees Moscow, *Submission by the Office of the United Nations High Commissioner for Refugees in the case of Lakatos and Others v. Russia* to the European Court on Human Rights, March 2011. See also *Concluding Observations of the Committee on the Elimination of Racial Discrimination on the Russian Federation* (CERD), 20 August 2008.

activities, such as fishing, fail to meet basic legal requirements, that wages are extremely low and often paid in the form of food or alcohol.⁹

59. The Advisory Committee is further particularly concerned about the continuing separation and isolation of Roma children in many schools where barriers to their access to quality education openly demonstrate discriminatory attitudes by teachers, principals and education authorities alike (see further comments on Article 12 below). The situation is made worse by the apparent lack of acknowledgement of the problem on the side of some authorities.¹⁰ A comprehensive approach to end these practices and promote full and effective equality in education for Roma children is urgently required.

60. In addition, the Advisory Committee is deeply concerned about the continued reports concerning forced evictions of Roma, which are frequently carried out with violence.¹¹ According to some reports, Roma are often not offered alternative housing or adequate compensation and are forced to find, themselves, alternative places to settle.¹² Even if evictions are accomplished in accordance with a court ruling, the right to a fair trial is frequently violated, as many Roma lack registration and their claims are therefore not duly considered. The Advisory Committee is worried about the situation in the Roma settlement in Shagol, Chelyabinsk *Oblast*, whose inhabitants have been threatened with eviction for over one year without any concrete steps from the side of the administration to offer alternative accommodation. Against this background, it is encouraging to learn about the positive example in Tyumen *Oblast*, where an investment company that had purchased land in Tyumen City on which a Roma community had settled, has provided, in consultation with the administration, civil society, and Roma representatives themselves, alternative accommodation for approximately 60 families. However, they have reportedly not been able to actually move into their new homes because of resistance from the neighbourhood, a problem which is not being addressed appropriately by the local administration.¹³

61. In addition, the Advisory Committee is deeply concerned about continued reports on inequalities in the justice and prison system. National minorities such as Chechens and other persons originating from the Caucasus, as well as Roma, continue to be subjected to selective and disproportionately frequent identity checks by the police and other law enforcement agencies, accompanied by extortion of bribes, unlawful and unprovoked use of violence and harassment, as well as unwarranted arrests and detentions (see further comments on Article 6 below). In this regard, the Advisory Committee is further concerned about the fact that there are reportedly no efforts to allow persons belonging to national minorities in the penitentiary system to respect their culture and religion. On the contrary, the Advisory Committee received credible reports of continued harassment and discriminatory treatment of persons belonging to national minorities, in particular those belonging to the Muslim faith, in prisons by fellow inmates and prison personnel. While there is increased awareness about the acute human rights problems in

⁹ See *Report on the constitutional rights and freedoms of numerically small indigenous groups in Krasnoyarsk Krai*, by the Ombudsman for the rights of indigenous peoples of Krasnoyarsk Krai, March 2011.

¹⁰ See *Discrimination and Violation of Roma Children's Rights in Schools of the Russian Federation*, Anti-Discrimination Centre Memorial, Saint Petersburg, 2009.

¹¹ See, among others, *Forced Evictions and the Right to Housing of Roma in Russia*, International Federation for Human Rights and Anti-Discrimination Centre Memorial, Saint Petersburg, July 2008.

¹² 37 houses belonging to Roma families were, for instance, bulldozed and set on fire in the village of Dorozhniy, in Kaliningrad oblast, in June of 2006, leaving over 100 Roma, including women and children, homeless.

¹³ See in this regard *Recommendation Rec(2005)4 of the Committee of Ministers to member states of the Council of Europe on Improving the housing conditions of Roma and Travellers in Europe*, 23 February 2005.

Russian prisons, insufficient attention is still paid to the particular vulnerabilities of persons belonging to certain national minorities in this regard.

62. Finally, the Advisory Committee is alarmed by the increasing number of reports regarding inequalities with regard to access to rights for persons belonging to national minorities in many spheres of life. Access to the labour market for persons with non-Slavic names, for instance, is reportedly deteriorating as general intolerance and hostility against ‘non-Russians’ or ‘non-Slaves’ is exhibited with increasing openness (see comments on Article 6 below). The Advisory Committee is worried about reports that it is still common to advertise rented accommodation with the addition ‘only for Russians’, for instance in Tyumen *Oblast*. While welcoming the efforts made by some regional authorities to prevent such discriminatory advertisements, the Advisory Committee finds that these reports point to an urgent lack of awareness on fundamental human rights and equality principles among society at large, which must be tackled with comprehensive awareness-raising among officials and broader society at federal, regional and local level. In addition, persons originating from the Caucasus and in particular Chechens often face difficulties in finding an official residence for registration purposes, as many landlords fear repercussions from officials who, reportedly, actively seek to encourage Chechens to return to Chechnya.¹⁴

Recommendations

63. The Advisory Committee urges the Russian authorities to pay the utmost attention to the persistent inequality experienced by persons belonging to national minorities, in particular persons originating from the Caucasus, as well as Roma. Comprehensive awareness-raising and training activities must be conducted among relevant public services, in particular law enforcement and the judiciary, as well as society in general to ensure better understanding of applicable international and national human rights guarantees.

64. The Advisory Committee further urges the Russian authorities to put an end to the persistent practices of forced evictions of Roma settlements without offering alternative accommodation or adequate compensation and encourages them strongly to devise and implement, in consultation with Roma representatives, a comprehensive strategy for the promotion of effective equality for Roma, including their access to housing and education.

Article 5 of the Framework Convention

State support for the preservation and development of minority cultures

Recommendations from the two previous cycles of monitoring

65. In the previous monitoring cycles, the Advisory Committee urged federal and regional authorities to increase the involvement of national minorities in the decision-making processes concerning the allocation and management of resources, and to ensure that the available funding is balanced for all groups, including dispersed minorities.

Present situation

66. The Advisory Committee notes with interest the impressive number of cultural events and ‘ethnic festivals’ organised throughout the year in the different regions of the Russian Federation, including music and dance events, exhibitions of traditional handicrafts, as well as

¹⁴ See also *Guidelines on the treatment of Chechen internally displaced persons (IDPs), asylum seekers and refugees in Europe*, European Council on Refugees and Exiles, March 2011.

theatre and folk art. It welcomes in particular the willingness expressed by the federal, regional and local authorities to support these events as important venues for national minorities to gather and celebrate their culture, and as public events that generally promote the values of respect for diversity and tolerance in society. It is informed, however, that substantial contributions to these festivals in time and resources are expected from and provided by national minority communities and schools, which can reportedly impact on their weekly class schedules.

67. The Advisory Committee further welcomes the considerable budget allocations made by federal and regional authorities to the cultural activities of minority associations. At the same time, it learned in discussions with minority representatives and authorities alike that support was mainly provided to projects, often in relation to the organisation of festivals or folklore events, and that there was very little baseline funding for the organisational and structural needs of minority organisations, such as the rent of premises or ongoing administrative expenditure. Exceptions in this regard are the ‘Houses of Friendship and Culture’ in various subjects of the Federation where national-cultural autonomies may be provided with a room for their organisational purposes (see section below). While the situation differs from region to region and positive examples of direct consultations with minority representatives, including on financial allocations are reported, for instance, in Perm *Krai*,¹⁵ the Advisory Committee notes that overall, procedures for the allocation of support still lack transparency, and minority organisations have limited input in the decision-making process regarding those allocations. Reportedly, available funds are mainly earmarked for specific events and minority communities themselves have no input into the management and allocation of resources for their various priorities.

68. The Advisory Committee understands that the amounts available for preserving and developing the cultural activities of persons belonging to national minorities still vary considerably from region to region and that within the same region, the amounts allocated to the various minority associations also differ. While appreciating that support to cultural activities of minority communities is mainly a competence of the subjects of the Federation and fully aware that the initiatives as well as the needs of the groups vary, the Advisory Committee finds that a minimum level of support should be allocated in line with clear and transparent criteria and procedures. This should be guaranteed through federal norms to all organised minority groups, including the numerically smaller and dispersed minorities, to ensure that all groups are able to engage in some activities to preserve and develop their cultural identities.

Recommendations

69. The Advisory Committee reiterates its call to the authorities to ensure that the funding available for the support of cultural activities of minority communities is allocated according to clear criteria and is accessible to all interested minority communities. Allocation procedures must in addition be transparent and minority representatives should be granted effective opportunities to manage themselves the funds made available to them.

70. The Advisory Committee further recommends that clear legal guarantees for the support of cultural activities of minority communities be established at federal level and effective mechanisms developed, in consultation with minority representatives, to monitor the implementation of these guarantees in the subjects of the Federation.

¹⁵ A positive example is the festival ‘Kudymkar Reloaded’, an innovative initiative organised by minority youth in the Komi-Permyak district of Perm *Krai*.

National-cultural autonomies

Recommendations from the two previous cycles of monitoring

71. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to restore, in consultation with those concerned, the central position of national-cultural autonomies through federal legislation, and to take steps to ensure the effective implementation of the competencies of national-cultural autonomies, particularly in the field of language, education and culture.

Present situation

72. The Advisory Committee notes that the 1996 Federal Law on National-Cultural Autonomies was amended in February 2009, confirming the right of municipal, regional and federal levels of government to fund national-cultural autonomies, without however, establishing any obligation to do so.¹⁶ Conversely, the obligation to consult national-cultural autonomies on issues of direct concern to them was not reinstated in the amended law. Overall, while providing the normative framework for the creation of national-cultural autonomies at municipal, regional and federal level, the law does not create any clear obligations on the part of the State with regard to the preservation of the cultural identity of persons belonging to national minorities, nor does it clearly mark the competencies that the creation of a national-cultural autonomy entails. In practice, the situation appears to differ from region to region. In Perm *Krai*, for instance, the Advisory Committee learned that the establishment of a national-cultural autonomy does not imply any advantages for minority associations in terms of obtaining funds for cultural activities, as all organisations are treated on an equal footing. In Moscow Region, however, access to premises in the 'House of Friendship' appears to depend on the registration of a national-cultural autonomy and advantages for national-cultural autonomies were also reported in Tyumen *Oblast*.

73. The Advisory Committee understands that the number of national-cultural autonomies is increasing at federal, regional and local level, at least partially due to the expectations of minority associations to either secure more funding with the creation of a national-cultural autonomy, or else to obtain a higher 'status' in their contacts with the authorities. The practice of allowing only one national-cultural autonomy per minority group at the same territorial level, supported by a Constitutional Court ruling of March 2004, would seem to support this understanding (see further comments on Article 7 below).

74. The Advisory Committee wishes to point out that the concepts of 'culture' and the 'preservation of the essential elements of identity', contained in Article 5 of the Framework Convention, are quite broad and include an engagement with issues of general relevance within the community, such as youth work, religious activities, the promotion of research, or issues connected to participation in public affairs. Against this background and given the restrictive interpretation of the term 'culture' in the application of the above-mentioned law (see also comments on Article 7 below), the Advisory Committee regrets the explicit limitation of national-cultural autonomies to cultural activities. Given the prominent status provided to national-cultural autonomies within the State National Policy Concept, the preoccupation of

¹⁶ According to Article 1 of the 1996 Federal Law on National-Cultural Autonomies, national-cultural autonomy in the Russian Federation is a form of national-cultural self-determination, representing a union of citizens of the Russian Federation, associating themselves with a specific ethnic community, which finds itself in a minority situation on a specific territory, on the basis of their free self-organisation aiming at an independent resolution of questions related to the preservation of their identity, development of the language, education and national culture (*unofficial translation*).

national-cultural autonomies with the organisation of folklore events and Sunday schools could discourage minority communities from engaging in broader political discourse in society and thereby inhibit their effective participation in public life generally (see further comments on Article 15 below).

Recommendations

75. The Advisory Committee urges the authorities to provide more clarity on the legal status and competencies of national-cultural autonomies and to establish clear and transparent criteria and procedures for the allocation of funding, in order to enable them to effectively fulfil these competencies.

76. The Advisory Committee further encourages federal, regional and municipal authorities to enable persons belonging to national minorities to maintain and develop their culture and identity in a broader sense in line with Article 5 of the Framework Convention, by adjusting their normative frameworks and practice related to national-cultural autonomies.

Situation of indigenous peoples

Recommendations from the two previous cycles of monitoring

77. In the previous monitoring cycles, the Advisory Committee urged the authorities to ensure that protective measures pertaining to the traditional use of resources by indigenous peoples were implemented consistently in all regions and not contradicted by the general normative framework relating to the use of land, forestry and water.

Present situation

78. The Advisory Committee is pleased to learn about the adoption of the government's Concept Paper of February 2009 related to the sustainable development of indigenous peoples, which defines the federal policy from 2009 to 2025. The Concept Paper sets objectives for improving the socio-economic conditions of the groups concerned, while protecting their traditional environments, ways of life and cultural values, and specifies time frames and benchmarks for implementation. The Advisory Committee welcomes the ambition and comprehensiveness of the document which demonstrates the willingness of the federal government to address the very specific concerns of indigenous peoples in the country. At the same time, interlocutors of the Advisory Committee underlined that the implementation of the objectives contained in the Concept Paper is only slowly progressing. Both government and minority representatives indicated that funds are insufficient.

79. The Advisory Committee welcomes the fact that special subsidies for the socio-economic development of indigenous peoples are provided by the Federal Ministry for Regional Development (a total of 240 million roubles or approximately 5,5 million EUR in 2011). Subsidies, however, are distributed to the various subjects of the Federation, leaving it to the local authorities to take necessary fund allocation decisions. These are, according to minority representatives, often taken without due consultation with the indigenous peoples concerned, and incidents of corruption or inappropriate use of resources have been reported.¹⁷ In addition, minority representatives have expressed their concern that the federal funds available for individual projects for the benefit of indigenous peoples are accessible only through tender. Due to the significant financial guarantees that have to be provided to participate in tenders,

¹⁷ See *Indigenous Peoples in Russia Losing Ground*, 15 January 2008, <http://www.indigenousportal.com>. See also *Report of the United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples*, James Anaya, 23 June 2010.

indigenous associations are practically excluded from the bidding process, in favour of commercial companies which often do not have the necessary expertise and knowledge about the target beneficiaries of the projects.

80. At the same time, the Advisory Committee is concerned about reports that recent changes to federal legislation regulating the use of land, forests and water bodies have in fact weakened the rights of indigenous peoples to preferential, free and non-competitive access to land, wildlife, and other natural resources. Changes to the Land and Forest Code in 2001 and 2006 respectively have, for instance, introduced the commercial auctioning of hunting and fishing licenses to the highest bidders, without preferential access for indigenous peoples. Similar changes are reportedly being discussed with regard to the Hunting Code. Since 2008, the traditional fishing grounds of community-based indigenous enterprises have also been put out for tender and licensed to private businesses. These developments appear contradictory to the objectives and goals of the above-mentioned Concept Paper, as they risk reducing rather than promoting the rights of persons belonging to indigenous peoples to maintain their cultures and identity, including as regards access to their traditional territories and preservation of their lifestyle. In this regard, the Advisory Committee wishes to underline that the right to maintain one's culture in line with Article 5 of the Framework Convention includes the right to choose to develop one's traditional activities in line with technological advances, as well as the right to choose to engage in economic activities.

81. In addition, the granting of licences to private companies, including oil companies for the extraction of natural resources and the construction of pipelines leads to privatisation and the ecological depletion of territories that are traditionally inhabited by indigenous peoples.¹⁸ The Advisory Committee learned that the obligation, contained in the 1999 Law on Territories, to consult with indigenous peoples prior to any agreement regarding industrial development of their land, is implemented to varying degrees in the different regions and often disregarded. Even where such consultations have taken place, minority representatives contend that they have not resulted in any real impact on the negotiations with companies (see also comments on Article 15 below). Against this background, the Advisory Committee fears that the voluntary agreements by oil companies to adhere to corporate social responsibility standards, as referred to in the State Report, are insufficient to safeguard the rights of indigenous peoples to use the natural resources of their traditional territories.

82. The Advisory Committee further notes that the 2001 Federal Law on the Territories of Traditional Natural Use of Numerically Small Indigenous Peoples of the North, Siberia and Far East, which foresees the possibility of setting up protected territories at federal level to guarantee free access to land for indigenous peoples, has not been put into practice as no such territory has yet been set up. At the same time, a new draft federal law on protected territories, that is currently being discussed, could diminish the status of protected territories, as the draft no longer maintains the reference to their free-of-charge and exclusive use by indigenous peoples, but also allows the economic exploitation by others. According to Article 8 of the draft law, certain activities, related for instance to changes to the hydroelectric system, may only be limited if there is a risk of an ecological or technical emergency situation. Representatives of indigenous groups are equally concerned about the lack of guarantees in the draft law concerning the preservation of protected territories that have already been established at regional

¹⁸ See also *Report of the Committee on the Elimination of Racial Discrimination on the Russian Federation* (CERD), August 2008.

level. Their concerns are heightened by recent initiatives in some regions to decrease the size and status of such protected territories.¹⁹

Recommendations

83. The Advisory Committee strongly encourages the Russian authorities to intensify efforts to implement the objectives contained in the Concept Paper and allocate additional funding for this purpose. Funding allocation decisions must be taken in close consultation with representatives of indigenous peoples. When identifying appropriate implementation agencies, preference should be given to indigenous associations.

84. The Advisory Committee further urges the authorities to ensure that the stated aim of promoting the sustainable development of indigenous peoples is not jeopardised by parallel legislative developments that restrict the rights of indigenous peoples and their free access to their traditional territories. Representatives of indigenous peoples must be closely consulted on all issues of relevance to them, in particular when it comes to changes of relevant legislation pertaining to the use of land, forests or water bodies.

Article 6 of the Framework Convention

Combating racism and hate crime

Recommendations from the two previous cycles of monitoring

85. In the previous monitoring cycles, the Advisory Committee expressed concern at the increasing number of racially-motivated offences, targeting in particular Roma and persons from Central Asia and the Caucasus.

86. It invited the authorities to step up efforts to conduct investigations into racially or religiously motivated offences and to ensure that the police adequately acted in reported cases of racially-motivated violence or threats of violence.

87. The authorities were also invited to ensure that there was no discriminatory application of the law aimed at countering extremist activities.

Present situation

88. The Advisory Committee welcomes the fact that the authorities have taken action to prevent racist crime, both at federal and regional level, notably amongst young people. An inter-agency commission to counteract extremism was established in 2011 under the auspices of the federal Ministry of the Interior with a view to better coordinating actions to counter intolerance. Additionally, a task force on inter-ethnic relations was set up under the auspices of the Deputy-Prime Minister. Other examples of concrete measures taken in this field include various actions launched by the City of Moscow entitled “many peoples, one country” as well as a comprehensive information campaign supported by the federal authorities. A number of regions, including Perm *Krai*, have also adopted regional plans to prevent and counter extremism. In 2011, Moscow City adopted a strategy for dealing with inter-ethnic relations.

¹⁹ See, for instance, the open letter by representatives of indigenous peoples in Kamchatka *Krai* to the Governor regarding efforts by the Legislative Assembly of Kamchatka *Krai* to exclude five southern districts and two city districts of Kamchatka from the list of areas of traditional habitation and traditional economic activities of indigenous peoples of the Russian Federation. *Indigenous Peoples of Kamchatka prepare to protest*, 28 May 2010. <http://www.indigenousportal.com>

89. The Advisory Committee also welcomes the fact that, according to official and non-governmental sources, the number of racially-motivated crimes started to decrease in 2011, following a peak in 2008.²⁰ Moreover, it notes with satisfaction that the Criminal Code was amended in 2007 so as to enlarge the list of criminal offences for which ethnic, racial or religious motivation is an aggravating circumstance (see also remarks on Article 4 above). It also commends that law enforcement officials appear to acknowledge more frequently the racist or hate motivation of offences. In this context, more resolute measures have been taken to investigate and prosecute offences committed by far-right and neo-Nazi groups, and a number of openly racist organisations have been closed down.²¹

90. However, the number of racially-motivated offences, including numerous instances of physical violence and murders, remains very high and persisting manifestations of hostility against persons belonging to some groups continue to be frequently reported, which is of deep concern to the Advisory Committee. Persons originating from Central Asia, the Caucasus, Africa or Asia, as well as Roma are particularly targeted by racist violence. No less than 16 persons were killed between January and September 2011 and 90 injured as a result of racist violence in 25 regions of the Russian Federation.²²

91. Frequent expressions of hostility against Muslims have also been reported to the Advisory Committee; they appear to have increased since the bombings in the Moscow metro in 2010, particularly against women wearing a *hijab* (see also remarks below).²³ The Advisory Committee was also informed of manifestations of anti-Semitism and instances of threats against local Jewish communities, although to a lesser extent than hostility against Muslims. Moreover, acts of vandalism against Jewish and Muslim cemeteries, as well as against mosques and synagogues continue to be frequently reported.

92. Despite the higher rates of prosecution of racially-motivated crime, the Advisory Committee is further informed that courts often tend to give suspended sentences in cases of racially-motivated offences, which can generate a feeling of impunity among neo-Nazi and other violent groups. The Advisory Committee also learned that there is substantial under-reporting of hate crime by the victims. According to interlocutors of the Advisory Committee, this is due to a combination of lack of awareness of existing remedies, lack of confidence in the law enforcement and fear of retaliation by the perpetrators. Furthermore, non-governmental organisations reported to the Advisory Committee that the legislation on countering and prosecuting extremism continues to be sometimes used against human rights defenders, persons or organisations engaged in minority protection and non-traditional Muslim groups (see also remarks under Article 7 below). It also notes that the federal lists of extremist materials and of extremist organisations, despite recent updates, continue to be in need of further review so as to eliminate inconsistencies and outdated entries that make the lists difficult to use effectively in combating intolerance. Attention must also be paid to ensure appropriate judicial overview concerning these lists.

²⁰ According to data provided by the SOVA Center for Information and Analysis, 116 racially-motivated attacks resulted in deaths in 2008, against 37 in 2010 and 12 in the first half of 2011. Moreover, 110 offenders were convicted for racially-motivated offences in 2008, against 168 in 2009, 320 in 2010 and 104 for the first half of 2011 (www.sova-center.ru). Representatives of the federal Prosecutor's office informed the Advisory Committee that extremist crimes fell by 6% in 2011, after an increase of 19% in 2010 compared to 2009.

²¹ Such as DPNI (movement against illegal immigration), which was closed down in 2011, the National-Socialist Society and the Slavic Union "Dukhovno-Rodovaya, Derzhava Rus", closed in 2009 and 2010 respectively.

²² See SOVA Center for Information and Analysis, Racism and Xenophobia in September 2011 (*ibid.*). In 2010, 67 persons were killed in racist violence, and 368 injured.

²³ See for instance 2008 *Hate Crime Survey*, Human Rights First, www.humanrightsfirst.org.

93. Finally, the Advisory Committee notes with concern that tension between various ethnic groups has sometimes led to violent interethnic conflicts, as was the case in 2006 in Kondopoga or more recently in Karagai, in the Perm *Krai*. The Advisory Committee finds it worrying that in a number of such instances, the local authorities and the police have reportedly not reacted adequately to restore the rule of law and a climate of mutual respect in the population (see also remarks below).

Recommendations

94. The Advisory Committee urges the authorities to take far more resolute measures to combat intolerance and racism. All allegations of racially-motivated offences must be effectively investigated, prosecuted and adequately sanctioned. Efforts to improve adequate prosecution of racially-motivated offences should be pursued, including through further training and awareness-raising among the judiciary on the legislation on racism and discrimination.

95. Efforts to combat the dissemination of racist ideologies in the population, particularly among young people, must be intensified. In cases of violence committed by racist groups, as well as of inter-ethnic tensions, it is essential that the law-enforcement authorities react swiftly and ensure effective implementation of the law.

Combating hate speech in the media and political life

Recommendations from the two previous cycles of monitoring

96. In the previous monitoring cycles, the Advisory Committee expressed concern at the frequent mentioning of the ethnic origin of alleged perpetrators by the media, as well as at the spreading of stereotypes on certain groups, such as Roma, Tajiks and persons from the Caucasus.

97. It called upon the authorities to combat hate speech more effectively in the media and in the political arena and to provide training to media professionals on ways of promoting a culture of tolerance.

Present situation

98. The Advisory Committee finds it particularly worrying that extreme-right and neo-Nazi groups, expressing openly racist and xenophobic views and committing acts of violence, including murder of persons belonging to minorities, have become increasingly active and visible in public life. The violent demonstrations by far-right movements that took place on Manej Square in Moscow in December 2010 illustrate this trend, that was reported to the Advisory Committee by various interlocutors. The Advisory Committee is concerned that, despite the fact that a number of persons involved in these violent demonstrations have been arrested and prosecuted, some authorities and politicians have reportedly associated these violent events with “migrant criminality”, thus putting the blame on migrants rather than on far-right activists. The Advisory Committee finds that the frequent emphasis placed by the authorities on the alleged connection between crime and irregular migration can but contribute to increasing hostility and negative attitudes against migrants in the population and to increasing risks for migrants of harassment and abuses by the police (see also remarks below).

99. The Advisory Committee is also deeply concerned by the increasing use of xenophobic and racist rhetoric by politicians, particularly as part of the campaign for the legislative elections in December 2011. It finds it worrying that the slogan “Russia for Russians” seemed to be high on the agenda of a number of candidates involved in the 2011 electoral campaign. Information

brought to the attention of the Advisory Committee also indicates that local politicians have proposed to carry out finger-printing of persons originating from the Caucasus.

100. Moreover, some politicians have in the last few years deliberately fuelled hostility against Roma, “illegal” migrants and persons originating from the Caucasus in order to gain support of the majority population. The Advisory Committee is particularly alarmed by reports indicating that the question of whether Roma should be expelled from a city became a major issue in the local electoral campaign of 2005 in Arkhangelsk. Consequently, the Roma were forced to leave the city in 2006. Roma are in fact very frequently equated by politicians and the media with drug traffickers and thieves, and therefore often perceived as such by the majority population.²⁴

101. Although the authorities have in some cases publicly condemned racist statements made by politicians and officials,²⁵ the Advisory Committee learned with concern during its visit that this is not always the case and some instances of hate speech have remained without an official reaction. The Advisory Committee is of the opinion that impunity in case of hate speech encourages further and more aggressive manifestations of hostility.

102. While racist statements by politicians may not be so frequent, they appear to be widely echoed in the media, which, in doing so, disseminates further prejudices on some minority groups and therefore triggers intolerance against them. The spreading of prejudices and hate speech against Roma is, in particular, frequently reported in TV programmes as well as on Internet portals.²⁶ The Advisory Committee is also concerned by reported widespread expressions of Islamophobia and anti-Chechen feelings in the media.

103. Therefore, the Advisory Committee welcomes efforts that have been made, for instance by the Ombudsperson’s office of Perm *Krai*, to remind media about their ethical commitments as well as campaigns that have been supported by the federal authorities for media to promote tolerance and respect for diversity.²⁷ It finds, however, that in view of the current situation, far more resolute efforts are needed to combat the dissemination of hate speech in the media, including by means of firm public condemnation as well as relevant training and awareness-raising among media professionals of their ethical duties.

104. The Advisory Committee also notes that the organisation in charge of monitoring the media (ROSKOMNADZOR) can issue warnings to media outlets that violate the law on countering extremist activities and disseminate hate speech or incite hatred.²⁸ It was informed by the authorities that between 2004 and 2011, ROSKOMNADZOR and its predecessor issued 18 sanctions against electronic media outlets, while 383 sanctions were issued against print media

²⁴ The Mayor of Sochi, for instance, stated in October 2009, that Roma should be forced to work at the city's construction sites as was done during the Soviet era and that if Roma and homeless people [were] "worked around the clock", then their "desire to come to our city in droves [would] disappear."

²⁵ The Advisory Committee notes with satisfaction that a high official of the Federal Migration Service was dismissed in early 2011 for warning against the “mixing of bloods” and advocating measures for the “survival of the white race”.

²⁶ See for instance European Roma Rights Center complaint to the Public Collegium of Russian Union of Journalists against Russian national television First Channel of 19 March 2007.

²⁷ The federal authorities are for example supporting an advertising campaign entitled “Many peoples, one country” as well as a national media contest on the best coverage of inter-ethnic issues and diversity in society (“SMIrotvoretz”). Moscow City is supporting the publication of the newspapers “Atmosphere” and “Stolitchnost” which aim at promoting respect for diversity and tolerance.

²⁸ The Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications (ROSKOMNADZOR) was established in 2008.

in the same period. Although it welcomes the contribution of this institution to the fight against racism, as well as the work of the Public Collegium of Russian Union of Journalists in this respect, it finds that the number of warnings issued against electronic media appears limited, given the extent to which prejudice and hate speech against minorities are spread through this media, in many European countries, including in the Russian Federation.

105. The Advisory Committee further notes that, as in other States Parties, an increasing amount of hate speech is spread through the Internet, which has triggered an ongoing debate in Russia on means to prevent the dissemination of hatred through electronic media. In this regard, a decision was taken by the Supreme Court in 2010²⁹ so as to enable ROSKOMNADZOR to request from media organisations that they remove from their websites extremist, slanderous material or material inciting hatred within 24 hours or be closed down. In this context, the Advisory Committee believes that it is important to ensure that this possibility is implemented strictly with a view to preventing and sanctioning incitement to ethnic hatred, with full respect for the freedom of expression.

Recommendations

106. The Advisory Committee urges the authorities to condemn systematically, firmly and unequivocally all expressions of intolerance, racism and xenophobia in political life. Adequate sanctions must be taken against politicians fuelling intolerance or inciting hatred.

107. Far more resolute measures must be taken to combat the dissemination of prejudices, and sometimes hatred, through the media, including through a more effective implementation of existing self-regulation mechanism of the media. Programmes to raise awareness of media professionals on anti-discrimination legal standards and their responsibility in combating racism and promoting respect for diversity must be expanded.

Police

Recommendations from the two previous cycles of monitoring

108. In the previous monitoring cycles, the Advisory Committee called upon the authorities to raise awareness and provide training to law enforcement and police staff on legal provisions on racially-motivated offences. It urged them to ensure that inaction by law-enforcement officials in the face of threats or acts of violence is punished in accordance with the law.

Present situation

109. The Advisory Committee is deeply concerned by the state of relations between the police and persons belonging to minorities. It is informed by representatives of various minority groups that ethnic profiling, harassment, bribery and other forms of mistreatment by the police are one of their main issues of concern. Persons from the Caucasus, Central Asia, Africa and Asia, as well as Roma are reportedly subject to utterly disproportionate stop-and-searches in public places, such as the metro.³⁰ Moreover, according to information provided by numerous sources, they often face mistreatment by the police, on the occasion of such stops, including racist statements. Worrying allegations of violence and forced labour in police stations have also been

²⁹ Decision N° 16 of the Plenum of the Supreme Court of the Russian Federation “On courts practice regarding the Russian Federation Law on Mass Media”, 15 June 2010.

³⁰ See for example: *Ethnic Profiling in the Moscow Metro*, Open Society Justice Initiative, 2006. In this report, a study carried out in the Moscow metro indicates that persons “of non-Slavic appearance” are 21,8 times more likely to be stopped by the police than persons “of Slavic appearance”.

reported to the Advisory Committee. This situation is not in line with the principles of Article 6 of the Framework Convention.

110. Additionally, the Advisory Committee is informed that, while bribery and corruption of the police have a detrimental effect on the rule of law in general, they have a particularly negative impact on persons belonging to disadvantaged groups of society, including some national minorities and migrants. They limit their access to justice in cases of discrimination and racist abuse.

111. The Advisory Committee also deeply regrets that Roma continue to experience police raids during which their properties are destroyed and disproportionate use of force is applied. They are sometimes followed by violent evictions from their settlements (see also remarks under Article 4 above). The Advisory Committee was for example informed that police raids were carried out in Smolensk in August 2010 in Roma settlements and on markets, with a view to collect fingerprints and pictures of all Roma.

112. According to interlocutors of the Advisory Committee, the police has, in various situations, not acted timely and effectively to protect persons belonging to some minorities and human rights defenders from threats of violence or actual violence, notably from extreme-right groups. In some cases, the Advisory Committee notes with deep concern that the alleged victims of racist violence have in fact been detained and sometimes mistreated by the police whereas their aggressors were released. It also understands that many victims of police mistreatment prefer not to report abuse for fear of retaliation. The lack of adequate action has also been reported in cases of inter-ethnic tension, such as those which occurred in Karagai in the Perm Krai (see remarks above). There seems to be an overall lack of awareness in the police of legal provisions on racism and discrimination.

113. Moreover, the Advisory Committee finds it of particular concern that persons originating from Georgia have had to face police harassment and other practical difficulties following the tensions in the relations between Georgia and the Russian Federation in 2006 (see also remarks under Article 18 below).³¹ Measures taken against persons belonging to the Georgian minority, in particular in 2006, including measures against their businesses, repeated police checks, including in schools, and even deportations under simplified procedures to Georgia, are not compatible with the provisions of Article 6. The Advisory Committee is deeply worried by reports indicating that Tajiks have in the autumn of 2011 been selectively subjected to increased harassment, following the eruption of tension between the Russian Federation and Tajikistan.

114. Against this background, the Advisory Committee understands that the authorities are aware of the problems of human rights abuse by the police, as well as corruption, and that they have started to take measures to tackle these problems. It notes that a law reforming the police was adopted in 2010 which includes provisions for further human rights training of the police and a requirement for all policemen to undergo re-certification. It also welcomes the opening by the Public Chamber in February 2011 of a 24 hour phone line for reporting of police abuse as well as initiatives, such as the one undertaken by the Ombudsperson's Office in Perm Krai, to provide human rights training to the police and training on fighting racism and discrimination. Nonetheless, it takes the view that far more resolute measures should be taken to combat

³¹ See Parliamentary Assembly of the Council of Europe: *Current tensions between Georgia and Russia*, Committee on the Honouring of Obligations and Commitments by member states of the Council of Europe, *Information of the co-rapporteurs following their fact-finding visits to Tbilissi (20-22 November 2006) and Moscow (28-30 November 2006)*, doc. AS/Mon (2006)40 rev. See also *Singled Out: Russia's Detention and Expulsion of Georgians*, Human Rights Watch, October 2007, Volume 19 N° (5)D.

mistreatment of migrants and persons belonging to some minority groups by the police, as the situation described above is incompatible with the principles of Article 6 of the Framework Convention.

Recommendations

115. The Advisory Committee urges the authorities to prosecute effectively and sanction adequately all instances of police misconduct, abuse and violations of human rights. The lack of effective action in cases of violence or threats of violence must also be effectively investigated and sanctioned.

116. Far more resolute measures should be taken to increase awareness and training of the police on racism and discrimination and on human rights in general. Actions undertaken to combat corruption should be pursued and intensified.

Situation in the North Caucasus

Recommendations from the two previous cycles of monitoring

117. In the previous monitoring cycles, the Advisory Committee observed that violence and human rights violation in Chechnya and other areas in North Caucasus had hampered efforts to implement various articles of the Framework Convention both in North Caucasus and other parts of the Russian Federation. It urged the authorities to ensure effective and swift investigation of human rights violations, so as to put an end to the feeling of impunity prevailing in Chechnya.

Present situation

118. The Advisory Committee is pleased to note that substantial progress has been achieved since the adoption of its second Opinion in terms of reconstruction of houses and infrastructure destroyed during the conflicts in Chechnya. It also welcomes the recent adoption of a socio-economic development programme for the North Caucasus, which aims at improving living conditions and employment opportunities in the entire region.

119. Additionally, it also notes that steps have been taken to investigate and sanction human rights violations committed in the context of the conflict, including through the setting up of the Federal Investigative Committee in September 2010. The Advisory Committee expects that this new body will be given all support required to implement its mandate effectively and independently, in particular as concerns human rights abuse allegedly committed by law-enforcement officials. It also hopes that this body will contribute to restoring justice with a view to overcoming the effects of past conflicts and support sustainable peace.

120. However, reports brought to the attention of the Advisory Committee indicate that the overall climate in the North Caucasus (including Dagestan, Ingushetia, North-Ossetia-Alania, Chechnya and Kabardino-Balkaria) continues to suffer from serious human rights violations. These include terrorist attacks, and counter-terrorist measures that result in further human rights violations, abductions, disappearances and ill-treatment, including as a result of action of law enforcement and security forces, relative impunity of the latter and a generally difficult and unsafe climate for the work of human rights defenders, local community leaders and other NGOs.³² This situation is not in line with the principles of Article 6 of the Framework

³² See Parliamentary Assembly of the Council of Europe, *Legal remedies for human rights violations in the North-Caucasus Region*, 4 June 2010. See also *Report by Thomas Hammarberg, Commissioner for Human Rights of the*

Convention and can but have a negative impact on the implementation of the provisions of the Framework Convention in this region, as well as elsewhere in the Russian Federation.

121. Additionally, the Advisory Committee notes with deep concern that, as part of counter-terrorist measures, persons belonging to non-traditional Muslim groups and their relatives are reportedly frequently harassed and mistreated by law enforcement officials, irrespective of their actual involvement in extremist groups or unlawful actions. There have also been convictions under the 2002 Law on Countering Extremist Activities (see also remarks on Article 7 below). The equation made by the authorities between “non-traditional” Muslim groups (so-called “Wahabites”) and terrorism contributes, according to many interlocutors of the Advisory Committee, to reinforcing a feeling among the local population of lawlessness and impunity of the police and it is allegedly leading a number of persons towards adopting more radical attitudes. Such an attitude of the law enforcement authorities is not conducive to promoting mutual respect, understanding and co-operation among different groups in the population. The connection frequently made between “non-traditional” Muslims and terrorism can also reinforce prejudices and hostility against persons from the North Caucasus living in other parts of the Russian Federation.

122. The Advisory Committee also learned with concern that increased pressure is reportedly exerted in Chechnya on all persons to conform to strict “customary practices”, among others in the field of clothing and worship (see also remarks on Article 8 below). The Advisory Committee considers such measures as an infringement on individual freedom in Chechnya. It regrets that the apparent acceptance of such measures by the federal authorities can but undermine the respect for cultural diversity in Chechnya but also elsewhere in the Federation. In addition, it constitutes an obstacle to the return of non-Chechen forcibly displaced persons to the region (see also comments on Article 16 below).

Recommendations

123. The Advisory Committee urges the authorities to step up efforts to prevent, investigate, prosecute and sanction human rights violations in North Caucasus and to put an end to the impunity of perpetrators of human rights violations, so as to restore a climate of security, trust and mutual respect in this region.

124. Stigmatisation of specific groups of the population must be eliminated, so as to prevent further human rights violations and tensions between various groups from arising. The authorities must also take more resolute measures to combat religious intolerance and promote respect for diversity.

Situation of migrant workers

Present situation

125. The Advisory Committee is aware that, since the adoption of its second Opinion, the Russian Federation has experienced a large influx of migrant workers, many of them belonging to minority communities that have been present in Russia for a long time, such as Kirghiz, Tajik,

Council of Europe following his visit to the Russian Federation, (Chechen Republic and the Republic of Ingushetia) on 2-11 September 2009, 24 November 2009

See also *European Court of Human Rights, Judgment Kashuyeva v. Russia* of 19 July 2011, application N° 25553/07; *Judgment Asaduleyeva and others v. Russia* of 1 March 2010, application N° 15569/06, among other judgments on similar issues.

Uzbeks, Kazakhs, Armenians, Azerbaijani and Georgians.³³ Following its visits to the Perm and Tyumen regions and to Moscow, the Advisory Committee understands that this large influx of migrant workers raises a number of new challenges for the authorities, particularly in terms of integration policy, education and interethnic relations.

126. The Advisory Committee welcomes the changes introduced in 2007 to the legislation on migration,³⁴ which simplifies the system of residency registration for migrants and application for a work permit. In spite of these important legislative improvements, the Advisory Committee learned during its visit that migrant workers, particularly those from Central Asia and the Caucasus, continue to face important difficulties in a number of areas. In general, the Advisory Committee understands that the limitations of the current quotas system, the tight link between residency registration and work permit, as well as various bureaucratic stages, make it easy for migrant workers to fall in a situation of illegality. Once in an irregular situation, they are very vulnerable to corruption, as well as to exploitation in the work place and often face non-payment or partial payment of wages, physical and other abuse, including confiscation of passports, and lack of access to health care. It appears that most of the migrant workers in an irregular situation prefer not to address courts or official institutions for fear of expulsion or retaliation from employers or intermediaries. Many of them prefer to address NGOs and other non-state actors, such as in some cases reported to the Advisory Committee, national-cultural autonomies, that are not able to deal with these situations. In addition, the Advisory Committee understands that Federal Migration Service reception centres only provide advice to legally-residing migrant workers but do not cater for the needs of those who have become illegal. The Advisory Committee finds that such initiatives should be accessible also to persons who need to regularise their situation.

127. Furthermore, as already stated above, the Advisory Committee is deeply concerned by the frequency of anti-migrant, xenophobic and racist rhetoric, targeting mainly persons from the Caucasus and Central Asia, but also other minorities. It finds that the frequent association made by politicians and the media between irregular migration and criminality is going against the goal of promoting effective integration of migrants and harmonious interethnic relations. It increases stereotypes and prejudice in society, which then form the basis for the frequent attacks against immigrants that have been reported in the last years. Such an approach supports ethnic profiling by the police among certain minority groups, such as persons originating from Central Asia or the Caucasus.

128. In this context, the Advisory Committee welcomes the commitment of the authorities to develop further its integration policy and to combat hostile attitudes against migrant workers. It is particularly pleased by the fact that the problem of denial of registration in schools of children of migrant workers in an irregular situation seems to have been effectively tackled by the authorities since the adoption of its second Opinion and that consequently, such denials occur less frequently and are usually adequately remedied by the responsible authorities. It also notes with satisfaction that increasing emphasis is placed on the need to provide adequate teaching of Russian as a foreign language, in and out of school. However, information gathered during the visit of the Advisory Committee indicates a comprehensive integration policy, at federal and regional level is still lacking. It learned for instance that where local authorities with a large

³³ Official sources indicate that between 4 and 9 million migrants currently live in Russia. 80% of them come from the CIS countries under a visa-free regime.

³⁴ Amendments to the Law of 2002 On the Legal Status of Foreign Citizens (Law N° 62/2002) and Law on the migration registry of foreign citizens and persons without citizenship in the Russian Federation (Law N° 109, 2006).

migrant population have adopted an integration strategy, they were able to solve ethnic tension in a more effective way than in those with no such strategy.³⁵

Recommendations

129. The Advisory Committee calls on the authorities to step up measures to promote effective integration of migrants in all areas of life. Such policies should include campaigns to combat more vigorously anti-migrant and racist stereotypes and racist violence.

130. Additional steps should be taken to simplify the system of registration and access to labour in the Russian Federation, so as to avoid migrant workers from falling out of the legal framework. It is important to ensure that abuse, exploitation of migrant workers and violations of labour and other laws by employers and other private actors are duly investigated, prosecuted and sanctioned by the authorities, irrespective of the legal status of migrant workers. Additional possibilities for migrant workers to access legal and other advice and supporting services should be made available.

Article 7 of the Framework Convention

Freedom of association and assembly

Recommendations from the two previous cycles of monitoring

131. In the previous monitoring cycles, the Advisory Committee urged the authorities to ensure that any restriction placed on the freedom of assembly and association of persons belonging to national minorities are necessary in a democratic society to protect specific public interests and are applied in a proportionate and non-discriminatory manner.

Present situation

132. The Advisory Committee notes with concern that the legislation on countering and prosecuting extremism continues to be sometimes used against persons or organisations engaged in minority protection, and “non-traditional” Muslim groups. Minority representatives have in particular informed the Advisory Committee that, when voicing concerns about the protection of human and minority rights, they are sometimes accused of being “traitors”, “extremists” and threatened with prosecution under the legislation against extremist activities (see also remarks on Article 6 above). Some representatives, involved in human and minority rights, have also allegedly been accused of “inciting social hatred”, and consequently prevented from continuing their activities.³⁶ Therefore, the Advisory Committee welcomes the decision of the Supreme Court of the Russian Federation of 2011 providing guidance concerning prosecution for “extremism” and indicating *inter alia* that criticising politicians and political organisations must not be considered as incitement to hatred.³⁷

³⁵ During its visit to Perm *Krai*, two specific cases were presented to the Advisory Committee: the case of the city of Karagai, where conflicts erupted between immigrants and ethnic Russians and were reportedly not adequately dealt with by the local authorities and the police, and the case in Mendeleevo where the local authorities reportedly reacted promptly and adequately with a view to restoring harmonious relations, between communities.

³⁶ This is in particular the case of the leader of the organisation Youth group for Tolerance (ETnIKA), who was faced with a criminal case for incitement to social hatred against the local authorities of the Krasnodar region and Cossack groups. The charges against her were abandoned in May 2010.

³⁷ Decision N° 11/2011 of the Plenum of the Supreme Court of 28 June 2011 “On courts practices in penal matters in the field of sanctioning extremist tendencies”.

133. The Advisory Committee is also deeply worried by information provided by NGOs active in the field of human rights and minority rights that they are facing increasingly serious problems in the exercise of the right to freedom of association, expression and opinion. Despite the fact that the State Duma adopted in June 2009 amendments to the 2006 Law on NGOs, which lifted a number of administrative requirements imposed on NGOs, interlocutors of the Advisory Committee report that their organisations are subjected to disproportionate checks and audits by the authorities. Access to funding has reportedly become increasingly difficult, as a result of the legislation on NGOs adopted in 2006. The Advisory Committee finds this situation particularly serious and not compatible with the rights protected by Article 7 of the Framework Convention.

134. In addition, the Advisory Committee is informed that the Federal Ukrainian National-Cultural Autonomy was disbanded following an audit by the Ministry of Justice in 2009 and a decision of the Supreme Court of November 2010.³⁸ Information brought to the attention of the Advisory Committee indicates that the suspension of the activities of the Ukrainian national-cultural autonomy is connected to, on the one hand, a lack of compliance with minor formal requirements under the legislation on NGOs and on national-cultural autonomies and, on the other hand, alleged engagement in activities advocating “nationalism and separatism”. Moreover, it is informed that the suspension is also connected to alleged involvement in issues which go beyond activities aimed at preserving and promoting minority cultures, whereas activities of national-cultural autonomies should, according to the law on national-cultural autonomies, be limited to the remit of culture (see also remarks on Article 5 above). The Advisory Committee is also aware that an inspection of the activities of the Union of Ukrainians in Russia is under way and that the federal Library of Ukrainian Literature in Moscow was closed down based on allegations of keeping material considered extremist.

135. The Advisory Committee is concerned that suspending the activities of both the federal national-cultural autonomy and the Union of Ukrainians in Russia would result in there not being a single organisation for persons belonging to the Ukrainian minority at federal level. It is important to ensure that such persons continue to have a voice and functioning NGO structures at federal level. Furthermore, the Advisory Committee believes that, in general, it is essential for the authorities to ensure that state inspection on the activities of organisations advocating minority rights does not result in limitations on the freedom of association and assembly that are discriminatory or unnecessary in a democratic society.

136. The Advisory Committee further regrets that the federal legislation prohibiting the creation of political parties established “on the grounds of professional, racial, national or religious belonging” has not been amended. Although it is not aware of claims to form political parties established on ethnic or national belonging, it reiterates its view that this law is restricting the scope for persons belonging to national minorities to set up political parties representing their legitimate interests. Bearing in mind that the competence of national-cultural autonomies is restricted to the field of cultural affairs (see remarks above), such parties could make it possible for the concerns and interests of persons belonging to national minorities, particularly in the regions where they live in substantial numbers, to be better represented and possibly better taken into account in elected bodies at local and central level (see also remarks under Article 15 below).

³⁸ See Decision of the Supreme Court of 24 November 2010 and of the Court of Cassation of the Supreme Court of 27 January 2011.

137. Finally, the Advisory Committee also reiterates its concern that only one national-cultural autonomy can be established in a given subject of the Federation, following a decision of 2004 of the Constitutional Court interpreting the Law on National-Cultural Autonomy. It believes that this constitutes a limitation to the freedom of association of persons belonging to national minorities (see also remarks on Article 5 below).

Recommendations

138. The Advisory Committee urges the authorities to take all necessary steps to ensure that the rights protected under Article 7 of the Framework Convention are fully respected and to prevent, investigate and punish any violation or unjustified limitation of these rights.

139. The Advisory Committee also calls upon the authorities to ensure that the law on countering extremist activities is applied in a non-discriminatory manner and is not used to hamper the activities of persons and groups advocating legitimate concerns of persons belonging to national minorities and, more generally, the protection of human rights. Inspections and audits of the activities of NGOs, including those involved in minority issues, carried out by state authorities must not result in limitations on the freedom of association and assembly, other than those necessary in a democratic society.

140. Furthermore, the Advisory Committee invites the authorities to consider amending the federal legislation on political parties with a view to enabling persons belonging to national minorities to set up political parties representing their legitimate interests. It also invites them to review the provisions of the Law on National-Cultural Autonomies limiting the exercise of freedom of assembly.

Freedom of conscience and religion

Recommendations from the two previous cycles of monitoring

141. In the previous monitoring cycles, the Advisory Committee urged the authorities to ensure that the result of the debate on the design of religious education be carried out in a manner that takes due account of the multicultural nature of society and the views of persons belonging to national minorities.

Present situation

142. The Advisory Committee notes with interest that a pilot programme on religious education was launched in 2010 in 19 regions, through which pupils could choose to study various modules under the subject of “Foundations of religious cultures and secular ethics”. While acknowledging that it is too early to evaluate the impact of this pilot project, the Advisory Committee welcomes this initiative as it believes that non-confessional and multi-perspective religious education can be a powerful tool to increase mutual understanding and tolerance. The Advisory Committee is nonetheless informed that pressure had been exerted in some regions on the choices of pupils and parents with regard to religious education. In particular, there is a persisting trend to teach Orthodox Christianity at the expense of other religions and teaching of the Russian Orthodox religion has been made compulsory in the Tambov region.

143. Moreover, the Advisory Committee is concerned by information indicating that all men and women living in Chechnya have been obliged to adopt traditional Muslim clothes in public.³⁹ Cases of threats directed at women not adopting traditional clothing have been reported

³⁹ Civil servants are obliged to wear traditional Muslim clothes on Fridays, irrespective of their religious affiliation.

to the Advisory Committee. The Advisory Committee acknowledges the view expressed by the authorities that it is important to respect local traditions and culture of the place of residence. However, it firmly believes that respect for traditions cannot be imposed by coercion and must not result in violations of the right to freedom of religion and conscience as guaranteed by Article 28 of the Russian Constitution, Article 9 of the European Convention on Human Rights and Article 7 of the Framework Convention (see also remarks on Article 6 above).

Recommendations

144. The Advisory Committee encourages the authorities to pursue their efforts to develop and implement curricula that cover non-confessional and multi-perspective elements in religious education. Moreover, it invites them to ensure that religious education does not result in imposing a religion on pupils of another religion or belief and that pupils and parents are able to make free choices concerning religious education in all regions of the Russian Federation.

145. The Advisory Committee calls on the authorities to take resolute measures to ensure that the constitutional guarantees of freedom of conscience and religion are strictly respected and effectively protected everywhere on the territory of the Russian Federation and that persons belonging to minorities, and minority religions, are not coerced to adopt practices related to a particular faith (see also remarks on Article 6 above).

Article 8 of the Framework Convention

Religious associations

Recommendations from the two previous cycles of monitoring

146. In the previous monitoring cycles, the Advisory Committee invited the authorities to ensure that procedures used at regional and local levels to register religious associations complied with federal norms governing freedom of religion and association.

147. It also regretted difficulties reported by some groups, particularly Muslims, as regards obtaining permission to build places of worship and repossessing such places.

Present situation

148. The Advisory Committee regrets that persons who belong to religions and beliefs other than the Russian Orthodox Church reportedly face a number of difficulties with regard to their right to manifest their religion or belief and to establish religious organisations. In particular, it is worried by allegations brought to its attention during the visit that persons belonging to national minorities and affiliated with “non-traditional” religious groups, such as Baptists and Pentecostals, have in some instances faced obstacles in the registration of their associations. This is particularly the case for persons belonging to indigenous peoples of the North and Far East who belong to these religious communities. Additionally, the Advisory Committee notes that an Expert Board was set up in February 2009 within the Ministry of Justice with a view to examining applications for registration of new religious groups, in particular to see whether they qualify as religious organisations and to check whether they could be accused of “extremism”. The Advisory Committee finds it essential that this body carries out its tasks in a non-discriminatory manner, so that it does not discourage religious organisations from freely exercising their rights.

149. The Advisory Committee also notes that there is a lack of places of worship for persons belonging to some national minorities and to some religious groups in particular, such as Protestants and Muslims. It was informed during its visit in Tyumen and Moscow that tense discussions had taken place around the issue of building mosques in these cities and that, as a result of the opposition of some segments of the population, the planned mosques have not yet been built. Similar difficulties have been encountered in other cities, while agreements on the building of mosques were reached in a few places, such as Barda (Perm *Krai*), Syktyvkar and Vladivostok.

150. Moreover, minority representatives have informed the Advisory Committee that religious communities other than the Russian Orthodox Church sometimes face difficulties in the process of restitution of religious property currently under way.⁴⁰ They report in particular delays in the restitution process of protected federal or municipal buildings. These difficulties can aggravate the shortage of places of worship. Moreover, the Advisory Committee is concerned that in some areas, such as the city of Kaliningrad, a large number of properties were transferred to the Russian Orthodox Church, even though they had never belonged to it before. These properties included places of worship of other religious organisations, such as Lutheran and Catholic churches.

151. The Advisory Committee is concerned by reports indicating a multiplication of racist insults and attacks against persons wearing Muslim clothes, in particular women wearing a *hijab* and men wearing a beard (see also remarks under Article 6 on Islamophobia above). These hostile manifestations infringe the freedom to manifest one's religion or belief, as protected by Article 8 of the Framework Convention.

Recommendations

152. The Advisory Committee urges the authorities to ensure that "non-traditional" religious organisations can register without undue obstacles as religious organisations and that federal norms governing freedom of religion and belief and association are fully respected.

153. The Advisory Committee invites the authorities to take further steps to ensure that persons belonging to minorities and practising Islam have adequate access to places of worship, especially in places where they live in substantial numbers. Decisions on the building or allocation of new places of worship should be taken in close and timely consultation with the representatives of the groups concerned.

154. The Advisory Committee calls on the authorities to ensure that the process of restitution of properties to religious communities is carried out in a non-discriminatory manner and to ensure that persons belonging to national minorities, and practising religions others than the Russian orthodoxy, are not at a disadvantage.

155. The authorities should take more resolute steps to ensure that all persons, including those belonging to a minority, are effectively protected against violations of the right to manifest one's religion or belief, as protected under Article 8 of the Framework Convention.

⁴⁰ See Law N°327-FZ of 24 November 2010 On transferring properties of religious purpose which are in state or municipal possession to the religious organisations.

Article 9 of the Framework Convention

Minority media

Recommendations from the two previous cycles of monitoring

156. In the previous monitoring cycles, the Advisory Committee invited the authorities to ensure consistency of the federal and regional legislation regulating the use of languages in the media with the principles contained in Article 9 of the Framework Convention. They were also called upon to evaluate the impact of the re-organisation of the All-Russia State Television and Radio Broadcasting Company (VGTRK) on minority language broadcasting.

Present situation

157. The Advisory Committee is informed that there is an increasing number of publications in minority languages on the Internet. It also notes that VGTRK and its territorial branches are required to produce yearly a certain amount of programmes in national minority languages. However, the Advisory Committee regrets that there seems to be in general a downward trend in the amount of programmes broadcast in minority languages on public radio and television, as well as on private media outlets. While there are programmes in minority languages on radio and television in some regions, notably in the Tatar language in and outside Tatarstan (including in Perm and Tyumen), it appears from reports of persons belonging to various minority groups that such programmes are far from enabling all persons belonging to minorities to receive or impart information in their minority languages, especially for those belonging to dispersed groups or persons living outside territories where they live in substantial numbers. The Advisory Committee found it surprising that persons belonging to minorities having their own territorial formation, such as Mari in Mari-El, do not have adequate access to radio and television programmes in their minority languages.

158. The Advisory Committee notes the authorities' view⁴¹ that there is a general lack of audience for media in minority languages, even within persons from these groups, and that funding is therefore better attributed by means of tenders rather than through direct support to minority media. However, the Advisory Committee believes that raising the attractiveness of programmes in minority languages necessarily requires increased quality and therefore, better trained professionals, which is not possible for minority organisations to achieve without adequate support. Additionally, the Advisory Committee reminds the authorities that it is often very difficult for persons belonging to minorities to compete in tenders with commercial companies, particularly on the very competitive media market. Additionally, it wishes to remind the authorities that minority language media contributes to creating a positive environment for the use of minority languages in daily life and thus to raising the interest of persons belonging to the minority concerned in learning these languages (see remarks on Article 14 below). Moreover, minority language media is an important tool for the majority population to become more aware of the linguistic and cultural diversity in society.

159. As far as print media is concerned, the Advisory Committee notes with satisfaction that there continues to be a large selection of newspapers and other publications prepared by national minority organisations, both in Russian and in the minority languages. It was pleased to learn, for instance, that the first-ever weekly publication entirely in the Komi-Permyak language has been issued in the Komi-Permyak *Okrug* since 2009. A newspaper in Tatar and a magazine for

⁴¹ See Comments of the Russian authorities on the Second Opinion of the Advisory Committee, received on 11 October 2006.

children are also regularly published, with support from the Perm *Krai* authorities. It understands that the same situation is to be found in a number of subjects of the Federation. Nonetheless, it was also informed by representatives of various minorities that the overall public support for publications in minority languages is diminishing at all levels.

Recommendation

160. The Advisory Committee invites the authorities to facilitate access of minority organisations and media outlets to public funding available to the media. Additional resources should also be made available to support the training of journalists and media professionals working in minority languages or on minority-related issues.

Article 10 of the Framework Convention

Use of minority languages in private and in public

Recommendations from the two previous cycles of monitoring

161. In the previous monitoring cycles, the Advisory Committee urged the authorities to ensure that existing federal norms regulating the use of languages are implemented at regional level in a manner that fully protected the principles contained in Articles 10 and 11 of the Framework Convention.

Present situation

162. The Advisory Committee welcomes the existence of substantial guarantees for equality among the many different languages used in the Russian Federation, contained in Article 2 of the 2002 Law on Languages, as well as a large number of equivalent laws adopted at regional level, which guarantee the right of each person to speak their language, including in public and official settings.⁴² The Advisory Committee is concerned, however, by reports from a large number of minority representatives, that the laws are implemented to varying degrees, that the overall climate is not conducive to the use of minority languages, and that their presence in daily life is fast disappearing. This concerns, in particular, languages of indigenous peoples which, apart from the general impact of negative demographic trends on their languages, reportedly also face discriminatory attitudes from some officials and the public at large, which discourages remaining speakers from using their languages in public.

163. The Advisory Committee further notes that no clarification is provided on how to achieve the balance that needs to be drawn between the 2005 Law on the State Language which provides for mandatory use of the Russian language in a large number of settings, including private ones, and the above-mentioned guarantees in the Federal Law on Languages for the use of minority languages. According to some of the interlocutors of the Advisory Committee, the lack of detailed rules for the implementation of the partially contradictory sets of federal legislation, results in widely differing approaches taken by the regions and thereby in important differences in the level of enjoyment of the rights contained in Article 10 of the Framework Convention throughout the Russian Federation. In various regions, however, the Advisory Committee learned with concern about ongoing assimilation trends affecting in particular speakers of Finno-Ugric languages,⁴³ as well as Tatars. It notes in this regard the appeal of the

⁴² See, for instance, the Law of 2004 of the Republic of Karelia On support to the Karelian, Veps and Finno-Ugric Language N 759-?, or the Law on Languages of the Republic of Bashkortostan (last amended in 2006).

⁴³ See also *Report 11087 on the Situation of Finno-Ugric and Samoyed Peoples in the Russian Federation* prepared for debate in the Parliamentary Assembly of the Council of Europe, 26 October 2006.

State Council of the Republic of Tatarstan to the Russian State Duma in May 2009 to ratify the European Charter for Regional or Minority Languages, which places obligations on Member States to protect and preserve minority languages.

164. According to interlocutors of the Advisory Committee, the situation for minority languages has further deteriorated since 2007, the ‘year of the Russian language’, as minority communities have felt a need to show their support for the programme and have thus abstained from using their own languages. Apparently, this decrease in the use of non-Russian languages is particularly acute in urban centres where many young persons belonging to national minorities seek employment. There, according to minority representatives, minority languages are only heard and spoken during cultural festivals. Apart from these cultural events, the use of minority languages in cities is, reportedly, often considered awkward, even as regards titular languages with the status of state languages such as Mari in Mari-El or the Komi-Permyak language in Perm *Krai*. In addition, the use of such languages in contacts with local administrative authorities is, reportedly, hampered by the inability of many state officials to speak the minority language, even if they have official state language status.

165. In this regard, the Advisory Committee reminds the Russian authorities of the fact that the use of minority languages in public, including in official settings, should not only be permitted but actively encouraged and supported by the authorities to ensure that speakers are aware of their right to use and learn their languages. In addition, attention must be paid to ensure that state officials in areas inhabited by persons belonging to minorities speak the relevant minority language, so that the right to speak one’s language with the authorities becomes concrete. The Advisory Committee welcomes the 2009 Law on the Native Languages of Yamalo-Nenets Autonomous District, which actively seeks to increase the presence of small minority languages in the fields of higher education and the media, as well as some reports related to an increasing sensitivity of the courts towards language rights of persons belonging to national minorities in Perm *Krai*.

Recommendation

166. The Advisory Committee reiterates its strong recommendation to the Russian authorities to ensure that the rights contained in Article 10 of the Framework Convention are guaranteed and implemented effectively in all regions. The use of minority languages, particularly those of numerically smaller groups, must be actively encouraged and supported by the authorities to ensure that persons belonging to national minorities can effectively enjoy their rights as protected by Article 10 of the Framework Convention.

Choice of alphabet

Recommendations from the two previous cycles of monitoring

167. In the previous monitoring cycles, the Advisory Committee encouraged the Russian authorities to adopt federal legislation allowing subjects of the Federation to decide on the alphabet to be used in relations with administrative authorities, and to ensure that the right of persons belonging to national minorities to choose the alphabet they want to use in line with Article 10 is not obstructed.

Present situation

168. The Advisory Committee notes that no changes have been introduced to federal legislation regarding the use of non-Cyrillic scripts for state languages. Article 3, paragraph 6 of the Federal Law on Languages still applies, imposing the use of the Cyrillic script unless an

exception is provided through federal legislation, which has never occurred. This situation has resulted in the Karelian language not being recognised as a state language in the Karelian Republic because it maintains the Latin script. The Advisory Committee reiterates its view that the choice of alphabet is intricately linked to the free choice of one's language, as contained in Article 10, and that the right to choose the language and alphabet applies also to official contacts with local administrative authorities, under the conditions foreseen in Article 10, paragraph 2 of the Framework Convention. It further wishes to underline that the obligation to use Cyrillic script for languages that usually apply different alphabets, constitutes a disincentive to the use of these languages that contradicts also the principles contained in Article 10, paragraph 1 of the Framework Convention.

Recommendation

169. The Advisory Committee reiterates its call on the Russian authorities to adopt federal legislation that provides for exceptions to the use of the Cyrillic script for all state languages, in line with Article 10 of the Framework Convention.

Article 11 of the Framework Convention

Topographical signs

Recommendations from the two previous cycles of monitoring

170. In the previous monitoring cycles, the Advisory Committee urged the authorities to ensure that existing legislation regarding the use of languages on topographical indications is consistent with the principles contained in Articles 11 and 4 of the Framework Convention.

Present situation

171. The Advisory Committee notes that no changes have been made to federal legislation which still guarantees the right to use minority languages "where necessary" on topographical indications alongside Russian, including in Latin script. According to information received by the Advisory Committee, this right is implemented in the form of bilingual road signs in a number of regions in areas where persons belonging to national minorities live in substantial numbers and have voiced their demand. However, topographical signs in state languages must be spelled in Cyrillic script, whereas minority languages without official state language status may be printed in Latin or other scripts (see comments on Article 10 above).

172. The Advisory Committee is concerned, however, by reports from minority representatives that the actual display of road signs in minority languages in line with regional legislation depends largely on the willingness of the relevant local authorities, and that there is an increasing reluctance to respond to minority demands for topographical signs in their languages, among others through restrictive interpretation of the term "where necessary". In addition, the Advisory Committee was unable to obtain information on the extent to which other topographical indications such as street names are displayed in minority languages, in line with Article 11, paragraph 3 of the Framework Convention.

Recommendation

173. The Advisory Committee calls on the Russian authorities to ensure that federal guarantees regarding the display of topographical signs in minority languages are consistently implemented at regional level.

Article 12 of the Framework Convention

Equal access to education

Recommendations from the two previous cycles of monitoring

174. In the previous monitoring cycles, the Advisory Committee urged the authorities to step up efforts of all the actors concerned to improve the situation as regards access to school of unregistered children, among them stateless persons and Roma. The authorities were also urged to ensure that socio-economic disadvantages did not affect disproportionately access to school of pupils belonging to some minorities and that segregated solutions were not imposed on pupils belonging to some minority groups, such as the Roma and Meshketian Turks.

Present situation

175. The Advisory Committee welcomes the steps taken by the authorities to put an end to the practice of schools not to enrol children of unregistered families, which included reminding schools of their obligation to enrol all children, irrespective of the legal status of their parents. As a result, the Advisory Committee was pleased to learn that the widespread practice of denying registration to stateless or unregistered children is becoming less frequent. It also welcomes in this context the opening of a 24 hour telephone line by the Ombudsperson's Office of Perm to report rights violations in the field of education, including denials of registration.

176. However, according to various sources, the practice of denying registration and enrolment of Roma pupils without an identity document, or whose parents are not registered, seems to persist. In fact, testimonies and reports brought to the attention of the Advisory Committee indicate that many Roma children continue to be denied access to mainstream schools and to be placed either in separate schools, or in separate "Gypsy" classes within mainstream schools throughout the country. Many of them are reportedly placed in remedial classes for mentally-disabled children, based on testing that is allegedly often inappropriate and not culturally sensitive. The Advisory Committee finds this discriminatory practice of deep concern and incompatible with the provisions of Article 12 of the Framework Convention. Additionally, it is informed that adequate monitoring of teaching provided in the special schools or classes is lacking and that both the quality of education and the attainment of pupils enrolled in these schools/classes are very low. Cases of children repeating the same class year after year have been reported. Consequently, very few Roma pupils are enrolled in secondary education. Moreover, they experience a high early drop-out rate in primary education.

177. The Advisory Committee is aware that a number of Roma parents have indicated preference for their children to be placed in separate classes. This is partly connected to alleged frequent racist bias at school against Roma pupils. Furthermore, schools seem in general to lack guidance and support to deal with integration of Roma pupils, who sometimes do not speak Russian. Moreover, the socio-economic conditions in which many Roma live, together with the geographical isolation of many settlements and lack of transportation, make it difficult for them to access mainstream schools. In this context, interventions of school mediators, possibly from the Roma community, could play a useful role in bridging the gap between the school and Roma parents and pupils, as demonstrated by experiences carried out in other member states of the Council of Europe.⁴⁴ Promoting the access of Roma children to pre-school education would significantly contribute to their integration into mainstream education.

⁴⁴ See also *Recommendation CM/Rec(2009)4 of the Committee of Ministers to member states on the education of Roma and Travellers in Europe*, 17 June 2009

178. The Advisory Committee is also informed of the existence of so-called “tabor (Roma settlements) schools” taking place in private houses in Roma settlements, including in the region of Tyumen. While acknowledging that this form of education can increase the enrolment rates of Roma pupils at school, and help them reach the level of education required to integrate into mainstream schools, the Advisory Committee takes the view that this form of education can reinforce the segregation of Roma in society. Indeed, it learned that very few pupils completing these “tabor schools” continue in mainstream secondary education.

179. Persons belonging to indigenous peoples also face particular difficulties in accessing education, resulting in higher rates of illiteracy than in the majority population and a generally lower education level. The Advisory Committee understands that geographical isolation and the lack of infrastructure and transportation in regions where persons belonging to these minorities live have prompted the setting up of boarding schools for children belonging to these minorities. However, it shares the view of representatives of the groups concerned that boarding schools result in uprooting children from these minorities from their families and cultural environment. Therefore, it regrets that alternatives to boarding schools are not yet well-developed. Against this background, it welcomes the openness expressed by the authorities in the 2009 Concept Paper related to the sustainable development of indigenous peoples to introducing new education opportunities for minority pupils, such as distance learning, “itinerant schools”, etc. It expects that such projects will be adequately tested and assessed with a view to replicating them in many regions.

Recommendations

180. The Advisory Committee invites the authorities to continue monitoring the respect by all schools of the right for all children to attend school, irrespective of the legal status of their parents or their situation regarding registration. Swift and effective action should be taken in cases of violation of the law in this regard.

181. The Advisory Committee urges the authorities to put an end to undue placement of Roma pupils in remedial schools. Particular attention must be paid to ensure that testing of pupils is carried out in a non-discriminatory manner.⁴⁵

182. The authorities must take resolute measures to transfer and integrate Roma pupils taught in separate classes or schools into mainstream education. If, however, separate education continues to be temporarily provided, particular attention should be paid to raising educational achievements and the quality of education. Monitoring of the teaching in these schools/classes should also be carried out on a regular basis and additional support and guidance should be provided to the teachers and school management. The authorities should consider introducing a system of Roma school mediators.

183. The Advisory Committee calls on the authorities to redouble their efforts to design and implement alternatives to boarding schools that adequately meet the educational needs of persons belonging to indigenous peoples.

⁴⁵ See also *European Court on Human Rights Judgments in DH and Others v. Czech Republic* of 13 November 2007, application N°57325/00 and *Sampanis and Others v. Greece* of 5 September 2008, application N° 32526/05.

Intercultural learning

Recommendations from the two previous cycles of monitoring

184. In the previous monitoring cycles, the Advisory Committee invited the authorities to promote the dissemination of knowledge of minority cultures among pupils belonging to the majority population and to improve training of teachers to work in multicultural environments.

Present situation

185. The Advisory Committee notes with satisfaction that there is a growing awareness in the Russian educational system of the need to develop multicultural education, as well as education on tolerance and respect for diversity and that material has been developed in this respect.⁴⁶ However, several of its interlocutors regretted that these efforts are not sufficient and that more emphasis is put on so-called “patriotic education”. The Advisory Committee emphasises that it is essential that “patriotic education” promotes respect for diversity and an inclusive understanding of civic identity. The Advisory Committee is also informed that despite ongoing efforts, many teachers continue to lack training to teach in an increasingly culturally diverse environment, and that there is a need for further steps to be taken in this sphere.

186. As far as information on national minorities in schools is concerned, representatives of national minorities have underlined that there is a lack of adequate information on their history and culture in the school curricula. The Advisory Committee notes information focuses on cultural aspects of the life of minorities and that there is limited access to other aspects of their life and to their history, resulting in a general lack of awareness in society of the main concerns of persons belonging to these groups. The Advisory Committee particularly regrets that limited information is available in schoolbooks on the deportation of a number of minority groups in the Soviet Union in the 1940s. It understands that a review of textbooks has been underway for a number of years⁴⁷ to analyse how persons belonging to national minorities are portrayed. It expects that such a review will lead to the provision of more accurate and comprehensive information on minorities in school books.

Recommendations

187. The Advisory Committee invites the authorities to step up their efforts to promote respect for cultural diversity and education against racism at school. Further efforts should be made to improve the training of teachers working in multicultural contexts.

188. Additional steps should be taken to disseminate comprehensive and adequate knowledge on national minorities in textbooks and in schools in general. Particular emphasis should be put on the teaching of history of national minorities and work in this respect should be carried out in close co-operation with representatives of the groups concerned.

⁴⁶ See for instance the statements made during the meeting of the State Council Presidium held in Ufa on 11 February 2011 and devoted to: *Measures to strengthen interethnic harmony and develop Russia's diverse cultures*.

⁴⁷ See Second Opinion of the Advisory Committee on the Russian Federation, remarks in respect of Article 12.

Article 14 of the Framework Convention

Impact of reforms in the educational system on minority language teaching

Recommendations from the two previous cycles of monitoring

189. In the previous monitoring cycles, the Advisory Committee urged the authorities to establish rules for implementing the right to receive instruction in and of minority languages provided in federal legislation.

Present situation

190. The Advisory Committee notes that there continue to be possibilities for studying minority languages as a subject or through the medium of minority languages in the school system throughout the Russian Federation. According to the State Report, 89 minority languages are taught in various degrees in Russian schools. Teaching is provided according to various models. These include, among others, “ethnic schools” with teaching in minority languages, schools “with an ethno-cultural component” consisting of 2-3 hours of teaching of minority languages and cultures, teaching of the language as a compulsory or optional subject, and kindergarten with an “ethno-cultural component”).

191. The Advisory Committee notes with interest that a reform of the educational standards was introduced in 2009 through legislative amendments to the Law on Education and has been implemented since 2011. Three new framework curricula have been designed, that are to be implemented by schools according to their situation. They contain basic standards that are common to all schools in the Russian Federation and a flexible part that is to be defined at local level, according to needs. The Advisory Committee understands that the “ethno-cultural” component is integrated in this flexible part of the curriculum and will be implemented based on decisions taken at the local level. Following the adoption of amendments to the Federal Law on Education,⁴⁸ the design of the “national” component of education appears to be shared between the federal authorities and schools, while regions are less involved in this process.⁴⁹ This development has prompted fears in some regions, such as Bashkortostan and Tatarstan, that it may have a negative impact on the right to choose one’s language of education. The Advisory Committee also understands that teaching of minority languages cannot exceed three hours per week, however, there is no minimum guarantee and schools may decide to offer only one hour per week, or none. Therefore, it expects that due consideration will be given to the need for effective and quality teaching in and of minority languages in the implementation of the new curricular system and that the latter will not result in a further decrease in opportunities to learn in and of minority languages.

192. Furthermore, the Advisory Committee regrets that opportunities to be taught in minority languages seem to be on the whole diminishing as the number of schools providing education in and of minority languages is decreasing.⁵⁰ In particular, the process of “optimisation” (referred to as “*optimisatsiya*” in Russian) of schools, which was initiated in 2008, was repeatedly

⁴⁸ See in particular Federal Law N° 309 of the Russian Federation, 1 December 2007, On the amendments of legal acts of the Russian Federation for the amendment and structure of State educational standards, N° 309-FZ.

⁴⁹ Before the entry into force of this law, 70% of the curriculum was designed at federal level, while 15% was defined by regions and around 10% at the level of individual schools. See Third State Report of the Russian Federation, received by the Secretariat of the Framework Convention for the Protection of National Minorities, on 9 April 2010.

⁵⁰ According to the authorities of Tatarstan, the number of schools imparting education in Tatar in the Russian Federation decreased between 2004 and 2009 from 712 to 490.

brought to the attention of the Advisory Committee as an issue of concern by various persons and organisations, as it can have a disproportionate impact on “ethnic schools” and schools with an “ethno-cultural component”, especially those located in isolated rural areas, as well as on boarding schools for children from indigenous peoples. The process of “optimisation” indeed results in the closing down of a large number of schools. While acknowledging the legitimacy of such a process of “optimisation” to respond to demographic and other developments, the Advisory Committee reiterates the importance of “ethnic schools” for villages where persons belonging to national minorities live in substantial numbers. The closure of such schools often has serious consequences on the use of minority languages in general, even where alternatives are provided (through bussing to other schools for instance). Therefore, the Advisory Committee welcomes the efforts made in the Perm *Krai* to mitigate the effects of the “optimisation” process on village schools in the Komi-Permyak area. A legislative provision adopted in 2010 enables the authorities to allocate additional support to “ethnic schools” and, in general, to find out solutions that make it possible for teaching in and of Komi-Permyak, and other minority languages, to be continued.⁵¹ Such an experience should be replicated in other regions of the Russian Federation.

Recommendations

193. As part of the process of “optimisation” of schools, the Advisory Committee calls on the authorities to identify and implement measures to preserve opportunities to learn in and of minority languages in areas where persons belonging to national minorities reside in substantial numbers. More generally, it invites the authorities to take measures to develop a climate that is encouraging persons belonging to national minorities to learn and use their minority language more actively (see also remarks under Article 10 above).

194. The authorities should ensure, in the implementation of the new standard curricula introduced in 2011 that the needs of persons belonging to national minorities are duly taken into account and that quality teaching in and of their languages and cultures is available.

Teaching in and of minority languages

Recommendations from the two previous cycles of monitoring

195. In the previous monitoring cycles, the Advisory Committee urged the authorities to establish rules for implementing the right to receive instruction in and of minority languages provided in federal legislation. It also invited them to make further efforts to expand the scope and volume of such teaching and raise awareness of existing possibilities among children and parents.

Present situation

196. The Advisory Committee notes with concern that whereas enrolment in “ethnic schools” or schools teaching minority languages is well-developed for some languages, such as Tatar, including outside Tatarstan, it is reportedly decreasing for a number of other languages, such as Komi-Permyak. The interest of parents in enrolling their children in minority language education is, according to various interlocutors of the Advisory Committee, decreasing. It appears that many parents prefer their children to be taught other topics than minority languages. The Advisory Committee understands that teaching in and of minority languages is to be introduced by schools based, among others, on demand expressed by the parents, which results

⁵¹ The additional support provided to schools with an ethno-cultural component made it possible to avoid the closing down of five schools in the Perm district, including schools with teaching of Komi-Permyak and Mari.

in increasingly limited possibilities to study in and of minority languages. While acknowledging that it is for parents to make choices on the education of their children, the Advisory Committee underlines that awareness-raising about existing possibilities to learn minority languages, as well as the establishment of a climate conducive to the use of minority languages in daily life, are required to stimulate a demand for minority language learning (see also remarks under Article 10 above). In this context, it regrets that the possibility to take secondary school exams in minority languages was removed in 2009,⁵² which is likely to reduce incentives for parents and students to opt for minority language education.

197. In this context, the Advisory Committee was also informed that in some areas, parents willing to enrol their children in minority language education have sometimes faced refusals from schools. The Advisory Committee finds that it is essential to ensure that guarantees provided for minority education in the federal legislation⁵³ are effectively implemented at local level, that parents are informed of their rights and can effectively opt for teaching in and of minority languages, especially in areas where minorities live in substantial numbers.

198. The Advisory Committee also notes that access to teaching in or of minority languages for persons belonging to dispersed minority groups, those living outside their territorial formation or those without such a territory, continues to be more limited. It is often provided through “Sunday schools” initiated by minority organisations themselves, sometimes with support from the authorities.

199. Continuity throughout the educational system is also an important element that can motivate parents and children to opt for minority language education, or learning of the minority language. Therefore, the Advisory Committee welcomes, on the one hand, the fact that minority language education is available as from kindergarten in some languages, such as Tatar. It regrets, on the other hand, that for many languages, teaching in and of minority languages is not available beyond the 9th grade. In this context, it also highlights the contribution that “language nests” can make to stimulate the use of minority languages from the start of the educational system. It wishes to underline that experiences of “language nests” or “immersion classes” carried out in other States Parties, combined with possibilities to enrol later on in bilingual or multilingual education, have had a positive impact on both integration of pupils from various cultural and linguistic backgrounds and promotion of the specific minority languages.

200. Moreover, the Advisory Committee regrets that according to various sources, schools or classes with a large number of Roma pupils and pupils belonging to indigenous peoples do not provide adequate teaching of minority language and cultures. In particular, most Roma schools or classes do not provide these elements at all.⁵⁴ As regards indigenous peoples, concerns were reported to the Advisory Committee on the lack of involvement of the persons concerned in the definition of programmes by schools, particularly in the field of teaching of minority languages and cultures.

Recommendations

201. The Advisory Committee calls on the authorities to ensure that existing federal legislative guarantees are effectively implemented at local level so as to guarantee the effective

⁵² Decree N° 362 of the Ministry of Education and Science of the Russian Federation, 28 November 2008.

⁵³ Notably Article 9 of the Law on Languages of the Peoples of the Russian Federation and Article 6 of the amended Law on Education.

⁵⁴ The Advisory Committee is informed of one “Roma school”, in Oselki (Saint-Petersburg region) where teaching of the Romani language and culture is provided.

availability of minority language education, including for persons belonging to numerically smaller or dispersed minorities. Particular attention should be paid to accommodating the educational needs of dispersed minority groups and minorities without a territorial formation to ensure that sufficient opportunities for minority language education are available.

202. Parents must be made aware of their right to request minority language education. Particular attention should be paid to the continuity of minority language teaching throughout the educational system.

203. More efforts must be made to involve effectively representatives of national minorities, especially indigenous peoples, in the design of the school curricula on a range of subjects, in particular with regards to their language and culture.

Article 15 of the Framework Convention

Representation in elected bodies

Recommendations from the two previous cycles of monitoring

204. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to consider the possibility of reintroducing the provisions allowing quotas for indigenous peoples in the legislatures of the subjects of the Federation.

205. The authorities were also invited to evaluate the effects of the electoral system and legislation governing political parties on the effective participation of persons belonging to national minorities in public affairs.

Present situation

206. The Advisory Committee is pleased to note that persons belonging to national minorities are represented in a number of elected bodies, particularly at regional level, due to their engagement in mainstream political parties. However, the Advisory Committee learned that those members of local assemblies belonging to national minorities are, in most cases, unwilling to represent the interests of their minority community. In general, the Advisory Committee regrets that various obstacles continue to prevent the representation of persons belonging to national minorities at all levels, even though some barriers have been lowered, such as threshold for political parties to enter elected bodies to 5%. The remaining obstacles include the prohibition of political parties established on the basis of religious or ethnic affiliation and the requirement for establishing a political party to be present in at least half of the subjects of the Federation (see also remarks on Article 7 above). Furthermore, mainstream political parties are, reportedly, not very sensitive to minority-related issues and to involving persons advocating for minority rights in their ranks.

207. In this context, the Advisory Committee regrets that no measures were taken to compensate for the abolition, in 2004, of the reserved seats for the Komi-Permyak minority in the Perm *Krai* assembly.⁵⁵ In contrast, it is pleased to note that, in the Khanti Mansi Autonomous *Okrug*, an informal mechanism was established whereby persons belonging to indigenous peoples continue to be allocated three seats in the regional assembly. The Advisory Committee welcomes this practice which guarantees that persons belonging to these groups have a voice in elected bodies.

⁵⁵ Two seats continue to be reserved for the Komi Permyak *Okrug* in the Perm *Krai* assembly but not specifically for the representation of the Komi-Permyak minority.

208. Since 2004, governors of the subjects of the Federation are appointed by the central authorities and no longer elected. Minority representatives point out that this has led to less consideration being given in the Federation Council to minority concerns, as it has resulted in a looser connection between the authorities and the inhabitants of a given region, which affects in particular persons belonging to minorities.

Recommendation

209. The Advisory Committee reiterates its call on the authorities to consider all measures, including reserved seats, to increase opportunities for persons belonging to national minorities to be represented in elected assemblies at various levels, so as to enable them to advocate their legitimate interests.

Consultation mechanisms

Recommendations from the two previous cycles of monitoring

210. In the previous monitoring cycles, the Advisory Committee urged the authorities to speed up the establishment of the Consultative Council on Inter-ethnic Relations under the Ministry for Regional Development as well as to take further steps to ensure effective participation of persons belonging to national minorities in decision-making.

Present situation

211. The Advisory Committee notes the establishment in 2006 of the Consultative Council of National-Cultural Autonomies under the Ministry for Regional Development. Nevertheless, it regrets that by virtue of the rules governing the setting up of national-cultural autonomies, the Consultative Council discusses mainly issues connected with preservation and promotion of minority cultures but cannot address other priorities of persons belonging to minorities (see also remarks on Article 5 above). Moreover, there is no obligation for the federal authorities to consult the Council on minority-related issues. Its impact on decision-making is reportedly limited, including as far as decisions on funding allocation are concerned (see also remarks on Article 5 above).

212. At regional and local levels, the Advisory Committee is pleased to note that interethnic and inter-religious councils have been set up under the governments of a large number of subjects of the Federation, including in Perm, Tyumen and in Moscow. Nevertheless, representatives of various minorities are of the opinion that these councils have a limited impact and often do not meet frequently enough.⁵⁶ Furthermore, there is sometimes a lack of clarity regarding the composition of some of these bodies. In Tyumen for instance, the Advisory Committee found it surprising that the chairmanship of the consultative council was attributed during eight years to ethnic Russians as representatives of the majority population.

213. The Advisory Committee finds it worrying that persons belonging to indigenous peoples have reportedly insufficient access to consultative mechanisms to ensure that their views are duly taken into account, although the current legislation provides for their consultation in decision-making processes on issues of concern to them, particularly regarding the use of natural resources. The extent to which consultations are carried out varies, reportedly, on the willingness of local authorities. Representatives underline, in addition, that consultations often do not lead to meaningful results for them.

⁵⁶ The Consultative Council of National-Cultural Autonomies under the Ministry for Regional Development meets in principle twice a year and the interethnic council in Perm *Krai* three times a year.

214. The Advisory Committee notes with satisfaction that, at regional level, consultative bodies of indigenous peoples have been established in the region of Khabarovsk. However, representatives of these minorities regret the lack of such a consultative structure at federal level. They believe that a consultative council at federal level, similar to the Consultative Council for National-Cultural Autonomies, should be created to ensure the consistent representation of their concerns at federal level. They argue that there is, at present, no obligation for the federal authorities to consult them and therefore, no systematic and consistent involvement in decision-making on issues of concern to them. The Advisory Committee believes that it is important to ensure that well-defined structures are available for regular consultation between federal authorities and representatives of indigenous peoples of the North, Siberia and Far East so as to ensure effective involvement of these groups in decision-making on all issues of concern to them.

215. Finally, some minority representatives have indicated that there is a lack of overall communication on minority policies and their coordination of the latter among the subjects of the Federation, as well as between the regional and the federal levels. This is, in their view, especially detrimental to the efforts made to preserve and promote the languages and cultures of minorities who live in various regions. This situation also generates varying levels of implementation of the rights protected under the Framework Convention in different regions and, consequently, a lack of legal certainty for persons belonging to national minorities as to the enjoyment of their rights.

Recommendations

216. The Advisory Committee invites the authorities to ensure that existing consultative bodies of national minorities effectively provide for the regular and sustainable involvement of persons belonging to minorities in all issues concerning to them.

217. It also invites the authorities to set up a structure at federal level to enable regular consultation of persons belonging to indigenous peoples, in close consultation with representatives of these groups. The authorities must also take additional steps to guarantee effective consultation of persons belonging to these groups in decision-making on issues of relevance to them at regional and local levels.

218. Further steps should be taken to improve coordination of minority policies of the subjects of the Federation as well as between the federal and regional levels. Particular emphasis must be put on the need to ensure a consistent implementation of the rights provided for under the Framework Convention throughout the territory of the Russian Federation.

Participation in economic life

Recommendations from the two previous cycles of monitoring

219. In the previous monitoring cycles, the Advisory Committee found shortcomings regarding the effective participation of persons belonging to national minorities in economic life and strongly encouraged the Russian authorities to ensure that there were no undue restrictions to their access to the labour market, including through the development of positive measures.

Present situation

220. The Advisory Committee notes with concern that the overall socio-economic situation of persons belonging to indigenous peoples is, according to numerous reports as well as interlocutors of the Advisory Committee from these minority groups, still substantially worse

than the Russian average. Disadvantages are particularly present in the areas of access to health services and the labour market. Against this background, the Advisory Committee welcomes the action plan aimed at the implementation of the Concept Paper mentioned under Article 5, which contains a number of measures to improve the living standards of persons belonging to indigenous peoples in the Russian Federation.⁵⁷

221. However, as mentioned above (see comments on Article 5), the implementation of this action plan has been slow and minority representatives themselves appear to have been insufficiently consulted on its development. With regard to the quota system established to ensure access of representatives of indigenous groups to higher education, for instance, the Advisory Committee learned that the number of guaranteed places is diminishing and, if available, limited to medical and philological faculties. According to minority representatives, they urgently need more such university places and wish to have access also to technological, engineering and law faculties. This would give communities access to their own legal expertise, regarding environmental protection issues, for instance, and also enable them to better appropriate technological advances into their traditional lifestyles, thereby helping them to overcome infrastructural and economic difficulties.

222. The Advisory Committee regrets that current government efforts, which are mainly geared towards the preservation of traditional lifestyles, create, according to minority representatives, dependencies that are increasingly difficult for communities to overcome. It is concerned in this regard by draft amendments to the federal Law on Fishery which redefine the scope of traditional fishing to cover only fishing for immediate personal needs, thereby threatening the ability of the small community-based indigenous enterprises (*obshchinas*) to realise their right to work and to gain their livelihood in line with Article 15 of the Framework Convention by selling their products. The Advisory Committee is of the opinion that there is an urgent need for positive measures to promote access of persons belonging to indigenous peoples to the labour market, including by removing all obstacles to their engagement in the broader economic sphere. It is essential that minority representatives are closely involved in the development, implementation and regular monitoring of such measures to ensure their effectiveness in reaching the target beneficiaries.

223. The Advisory Committee further notes with concern reports on the overall persistently alarming health indicators for indigenous communities. While the general situation appears to have improved since the 2002 census, which revealed that life expectancy for indigenous persons was 15 years below the Russian average, recent studies in addition point to a direct link between the health status and the deteriorating ecological situation in some regions populated by indigenous peoples.⁵⁸ Preliminary results of the 2010 census in Yamsk and Takhtoyamsk villages of Magadan *Oblast* indicated that the village population has decreased by 25% since 2002, which is attributed to poor medical services and alcohol abuse. In addition, access to health services is often very problematic for indigenous communities because of their remote location.⁵⁹

⁵⁷ See part IV of the Action Plan aimed at the implementation of sustainable development strategies for numerically-small indigenous peoples of the North, Siberia and the Far East of the Russian Federation for the period of 2009 through 2011, adopted by the Government on 28 August 2009, 1245r.

⁵⁸ See research conducted by the Far Eastern State Medical University of Khabarovsk, presented at a conference entitled "The indigenous peoples' of the Far East health status" on 22 October 2009.

⁵⁹ See, for instance, the situation in Paren village, Penzhin district, where the Kamchatka *Krai* Public Prosecutor's Office ordered an inspection regarding access of villagers to constitutional rights, among others, related to health, after they had, reportedly, had no access to any medical care in two years. See <http://www.indigenousportal.com> 11 November 2009.

224. The Advisory Committee also regrets that there is no comprehensive programme to address the significant under-representation of persons belonging to the Roma minority in the labour market. While lack of statistical data hinders studies regarding the number of Roma working in the public sector, reports indicate that those numbers are very low due to widespread prejudice against Roma in the public and private sectors (see related comments on Article 4 above) and their lack of training. The Advisory Committee further learned that the presence of persons belonging to other minority groups in public sector employment is also limited. As a result, the representation of minority language speakers in the public sector is often insufficient to enable persons belonging to national minorities to address local administrative authorities in their language (see comments on Article 10 above). In areas inhabited in substantial numbers by persons belonging to national minorities, including “titular groups”, special provisions should be made to ensure that qualified persons belonging to national minorities have equal access to public sector employment. Their regional state language or minority language skills should in this regard be viewed as an advantage, as employing them will enable the local authorities to implement their obligation concerning the possibility to have contacts with local administrative authorities in the minority language, as stipulated in federal and regional language laws.

Recommendations

225. The Advisory Committee calls on the authorities to accelerate implementation of measures aimed at the improvement of the socio-economic conditions of indigenous peoples, particularly as regards access to the labour market and health care services. Any such measures should be designed, implemented, and regularly monitored in direct consultation with minority representatives themselves in order to ensure their maximum effectiveness. Particular attention should be paid to promote self-sufficiency of indigenous communities.

226. The Advisory Committee further urges the authorities to adopt without delay comprehensive positive measures aimed at promoting access of Roma to all sectors of the labour market, including through vocational education and training.

227. The authorities should also ensure that a sufficient number of staff with minority language proficiency is employed in public services to enable persons belonging to national minorities effectively to use their languages in official contacts with the local administrative authorities, in accordance with Article 10 of the Framework Convention.

Article 16 of the Framework Convention

Return of forcibly displaced persons

Recommendations from the two previous cycles of monitoring

228. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to facilitate the voluntary return of Ingush displaced persons to Prigorodniy District. It also urged them to ensure that the return of persons displaced by the series of conflicts in Chechnya is voluntary and safe.

Present situation

229. There are no reliable figures on the number of persons originally or currently displaced by the armed conflicts in Chechnya and Prigorodniy District in North Ossetia-Alania. According to various estimates, at least 55,000 people were still displaced in the North Caucasus (45,000 from Chechnya and 10,000 from North Ossetia-Alania) in 2010, and an unknown number were displaced

elsewhere in the Russian Federation.⁶⁰ The Advisory Committee welcomes the substantial efforts by the authorities to promote the return of displaced persons, including through programmes aimed at providing housing or housing compensation, as well as strengthening economic recovery in the region. Most of the efforts appear to be focussed on the city of Grozny, however. It remains unclear how many persons have returned to their homes and even less so, whether their return was sustainable. According to several reports, return movements in 2010 were negligible, which may be linked to the reported deterioration of the security situation in the North Caucasus since 2009.⁶¹ The Advisory Committee also learned that the considerable financial resources spent on the reconstruction of Chechnya has led to resentment among society and officials in other regions, which has fuelled further hostility against persons of Chechen origin throughout the Federation.

230. According to various international monitoring organisations, about half of the returnees to Prigorodny District and 60% of the returnees to Chechnya have been able to return to their former homes or apartments. For the others, return has been particularly difficult, as their homes have been destroyed or occupied by others, as many returnees do not have the necessary documents to prove ownership. Many remain in temporary accommodation which, particularly in Ingushetia, frequently offers substandard living conditions and no security of tenure. The Advisory Committee is particularly concerned that return to ethnically-mixed villages in Prigorodny District continues to be restricted as relations between Ossetians and Ingushetians reportedly remain tense. It reminds the authorities that all efforts must be made to allow for the return of displaced persons to their former places of residence, as their settlement in new areas such as Mayskoe and Novi villages could result in an alteration of the proportions of the population in the Prigorodny District which would not be in line with Article 16 of the Framework Convention. The Advisory Committee welcomes in this regard an agreement of 2009 between the Republics of Ingushetia and North Ossetia-Alania, which provides for return to all areas. Unfortunately however, the Advisory Committee understands that it remains unimplemented.

231. Regarding the return to Chechnya, the Advisory Committee is alarmed by reports about pressure being placed on forcibly displaced persons in other regions to return, among others by non-issuance or non-prolongation of the forced migrant status or through the denial of registration (see comments on Article 4 above), which is not in conformity with the principle of freedom of movement as contained in Article 27 of the Russian Constitution.⁶² In 2009, remaining displaced persons in Ingushetia were reportedly de-registered from the assistance list of the government in an effort to make them return. While the federal government allocated substantial funding for displaced families in Ingushetia in 2010, only those with a forced migrant status could apply for it, and they remain a minority. In addition, the Advisory Committee is concerned by reports indicating that there are only limited settlement options for displaced persons wishing to return to Grozny and other cities, which are the areas targeted most by government recovery programmes and where most assistance is available.

Recommendations

232. The Advisory Committee urges the federal and regional authorities to increase their efforts to ensure that those wishing to return to their former places of residence in Prigorodny District are enabled to do so in safety and dignity.

⁶⁰ See, among others, Norwegian Refugee Council and Internal Displacement Monitoring Centre, *Russian Federation: IDPs still face challenges related to their displacement*, August 2010.

⁶¹ See, among others, *Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to the Russian Federation from 12 to 21 May 2011*, 6 September 2011 (*ibid.*).

⁶² See also *European Court of Human Rights Judgment in Timishev v. Russia*, of 13 March 2006, application N° 55974/00, finding a violation of the freedom of movement of the Chechen applicant who had been denied registration in Nalchik, Kabardino-Balkaria.

233. The Advisory Committee further urges the authorities to ensure that all returns to Chechnya take place on a voluntary basis and under the necessary conditions of safety. Efforts must be increased to facilitate access to assistance for returnees in all areas and to promote the sustainability of return.

Creation of new territorial formations

Recommendations from the two previous cycles of monitoring

234. In the previous monitoring cycles, the Advisory Committee urged the authorities to conduct comprehensive consultations with the populations concerned prior to any mergers or other creations of new territorial formations in order to ensure that these do not have a negative impact on the enjoyment of the rights contained in the Framework Convention by persons belonging to national minorities living in the affected areas.

Present situation

235. The Advisory Committee notes that following the creation of Perm *Krai* in December 2005, based on the merger of Perm *Oblast* and Komi-Permyak Autonomous District, a number of other larger territories were created following mergers in 2007 and up to March 2008.⁶³ It further understands that a number of future mergers are planned, such as the merger of Tyumen *Oblast*, Yamalo-Nenets Autonomous District and Khanti-Mansi Autonomous District into Tyumen *Krai* and the one of Irkutsk *Oblast*, Buryat Republic and Zabaykalsky *Krai* to Baykalsky *Krai*. The Advisory Committee is concerned by reports that the discussions regarding the possible mergers are taking place exclusively in Moscow and that no comprehensive consultations with the affected populations have been organised. According to minority representatives, the results of mergers have often been detrimental to the already limited opportunities for minority communities to participate effectively in public affairs (see above comments on Article 15 above), as well as to the levels of support afforded to minority associations by local authorities.⁶⁴

236. While appreciating the intention of the authorities to create more efficient administrative units, the Advisory Committee is concerned that the views of minority representatives are not sufficiently taken into account with regard to these mergers, nor reportedly those of the concerned local authorities. As the creation of new territorial formations has an evident and direct impact on the degree of influence in public affairs granted to persons belonging to national minorities in the territories concerned (for instance for Buryats in the former Buryat Autonomous *Okrugs* that have been merged into Irkutsk *Oblast* and Zabaykalsky *Krai*), as well as on the proportions of the population in areas inhabited by persons belonging to national minorities, the Advisory Committee finds that any such decision must be taken only after comprehensive and transparent consultations with the affected populations, who must be fully informed of the consequences of these mergers on the level of enjoyment of the rights contained in the Framework Convention.

⁶³ Krasnoyarsk *Krai*, Kamchatka *Krai*, Irkutsk *Oblast* and Zabaykalsky *Krai* were created through mergers of smaller *oblasts* and autonomous districts on 1 January 2007, 1 July 2007, 1 January 2008 and 1 March 2008 respectively.

⁶⁴ A positive exception in this regard was Perm *Krai* where the merger has, reportedly, resulted in more funds being available for relevant projects and more attention being paid to human rights issues, following the opening of a branch office of the Ombudsperson of the Perm *Krai* in the Komi-Permyak District.

Recommendation

237. The Advisory Committee reiterates its urgent recommendation to the federal authorities to ensure that any mergers taking place do so only in close consultation with regional and local authorities and affected population groups, to ensure that such measures do not have a negative impact on the rights of persons belonging to national minorities.

Article 17 of the Framework Convention

NGO co-operation across frontiers

Recommendations from the two previous cycles of monitoring

238. In the previous monitoring cycles, the Advisory Committee expressed concerns about possible undue restrictions on the activities of public organisations representing national minorities and receiving support from “kin-states”.

Present situation

239. The Advisory Committee is concerned to learn that minority organisations benefitting from support from some neighbouring states, and/or engaged in co-operation with organisations from such countries, have in some instances experienced adverse reactions from the authorities as a result of inter-state tensions. They reported being considered as “traitors” or “extremists” when cooperating with some states on legitimate interests for the minority groups concerned, including preservation of the language and culture. This situation is not in line with the principles of Article 17 of the Framework Convention and the Advisory Committee expects that the Russian authorities will make efforts to ensure that any such practices are discontinued.

Recommendation

240. The Advisory Committee urges the authorities to refrain from any undue interference with the right for persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers.

Article 18 of the Framework Convention

Bilateral relations

Recommendations from the two previous cycles of monitoring

241. In the previous monitoring cycles, the Advisory Committee called on the Russian Federation to take steps to promote good neighbourly relations, including through bilateral agreements, in order to ensure the protection of persons belonging to the national minorities concerned.

Present situation

242. It is of deep concern to the Advisory Committee that persons belonging to the Georgian minority faced police harassment, expulsions and other practical difficulties in 2006 and beyond, in the wake of tensions in the relations between the Russian Federation and Georgia (see also remarks on Article 6 above). The Advisory Committee notes with deep concern that Tajiks in the Russian Federation have also been selectively subjected to similar circumstances in the autumn of 2011, following the eruption of tension between the Russian Federation and Tajikistan. Such situations are not compatible with the principles of the Framework Convention.

Recommendations

243. The Advisory Committee urges the authorities to ensure that no violations of the rights protected by the Framework Convention occur as a result of tensions with neighbouring countries.

244. It also reiterates its encouragement to conclude bilateral agreements in order to improve the protection of the persons belonging to the national minorities concerned.

III. CONCLUSIONS

245. The Advisory Committee considers that the present concluding remarks could serve as the basis for the conclusions and recommendations to be adopted by the Committee of Ministers with respect to the Russian Federation.

Positive developments following two cycles of monitoring

246. While the situation remains exceptionally complex due to the heterogeneous nature of national minorities in the Russian Federation, the Russian authorities continue to apply a mainly flexible and pragmatic approach towards the recognition of national minorities and the scope of application of the Framework Convention.

247. Steps have been taken to ease the access to temporary residence and work permits through amendments of the Federal Law on Migration and Registration of Foreign Nationals and Stateless Persons and of the Federal Law on the Legal Status of Foreign Citizens. Substantial efforts have been made to reduce the number of stateless persons in the Russian Federation.

248. The authorities continue to support the organisation of numerous cultural events of national minorities throughout the country. There also continues to be a large selection of newspapers and publications prepared by national minority organisations, including in minority languages.

249. A comprehensive Concept Paper on the Sustainable Development of Numerically Small Indigenous Peoples of the North, Siberia and Far East was adopted in 2009. It sets objectives for the improvement of the socio-economic situation of these peoples until 2025. An action plan to implement the Concept was also adopted, with financial allocations earmarked from the federal budget.

250. The Criminal Code was amended in 2007 to enlarge the list of offences for which the motivation of ethnic, racial or religious hatred is to be considered an aggravating circumstance. The racist motivation of offences is increasingly acknowledged by law enforcement officials and the number of racially-motivated crimes started to decrease in 2011. Additionally, guidelines were issued in 2011 by the Supreme Court on prosecution for “extremism” with a view to limiting misuse of the Law on Countering Extremist Activities

251. Some steps have been taken to investigate and prosecute offences committed by far-right and neo-Nazi groups. The authorities have also taken action to combat racism and intolerance in society, both at federal and regional levels; various campaigns against racism and for increased respect for cultural diversity have been launched in this context.

252. A federal investigative committee was created in 2010 to investigate human rights violations committed during the conflicts in Chechnya, including those allegedly committed by law enforcement officials. Substantial efforts were made to promote the return of displaced persons to the North Caucasus.

253. Steps have been taken to put an end to the practice of denying enrolment in schools of pupils of unregistered and/or stateless families. There continue to be opportunities to study in and of many of the minority languages spoken in the Russian Federation, in some cases as from pre-school education onwards.

254. A Consultative Council of National-Cultural Autonomies was established at federal level in 2006. Inter-ethnic and inter-religious councils have also been created in a large number of regions and consultative bodies for indigenous peoples have been set up in some regions, such as Khabarovsk.

Issues of concern following two cycles of monitoring

255. Despite the existence of anti-discrimination provisions in the Russian legislation, there is a need for the adoption of comprehensive anti-discrimination legislation covering all spheres of life and containing a clear definition of discrimination. An independent and specialised body dealing solely with the issue of discrimination should be set up and should also conduct extensive monitoring of the situation in the field of discrimination and raise awareness among society of discrimination-related problems. The current mandate and limited resources of the Federal Human Rights Ombudsman's Office do not enable this body to perform adequately these important tasks.

256. Persons belonging to minorities, in particular persons originating from the Caucasus and Roma, continue to face widespread discrimination in areas such as access to employment and housing and general intolerance and hostility against "foreigners" is exhibited with increasing openness. Forced evictions of Roma without adequate alternative accommodation continue to take place in a number of regions. Income and working conditions for the majority of persons belonging to indigenous peoples involved in traditional activities fail to meet basic legal requirements.

257. The system of residency registration remains problematic and discriminatory in some regions, due to administrative barriers and, at times, corruption and discriminatory attitudes of law-enforcement officials. Consequently, there are still a number of unresolved cases of statelessness in various regions, including in the Krasnodar *Krai*. In addition, due to the obstacles faced in access to registration and work permits, migrant workers are particularly vulnerable to exploitation and abuses.

258. Persons originating from the Caucasus and Central Asia, as well as Roma, experience selective and disproportionately frequent identity checks by the police and are very vulnerable to police corruption and other abuses, including, in some cases, disproportionate use of force.

259. No comprehensive strategy has been adopted at federal or regional level to tackle the multiple disadvantages facing Roma in many areas of life, including education, access to housing, employment and health care.

260. Despite the fact that extensive public support is provided for cultural activities of persons belonging to minorities, there is a lack of support for activities other than cultural ones. The procedures and criteria for the allocation of financial support lack transparency and there is a need for more effective involvement of minority representatives in decision-making on funding allocation.

261. The implementation of the Concept Paper on the Sustainable Development of Numerically Small Indigenous Peoples of the North, Siberia and Far East and of the related action plan is, reportedly, only slowly progressing. Moreover, concerns have been expressed regarding recent changes in federal laws governing the use of natural resources (including hunting, fishing and the use of land) that undermine the right of indigenous peoples to preferential, free and non-competitive access to land and natural resources.

262. Despite steps taken by the authorities, the number of racially-motivated offences, targeting in particular persons originating from Central Asia, the Caucasus, Asia and Africa, as well as Roma, remains alarming. Expressions of Islamophobia and anti-Semitism are also frequently reported, as well as instances of inter-ethnic clashes, sometimes fuelled by local politicians and the media. There is an increasing use of xenophobic and racist rhetoric by politicians and the reaction of the authorities to racist statements has not always been adequate. Media disseminates prejudice, sometimes hate speech, regarding some minority groups, such as persons from the Caucasus and Central Asia, as well as Roma.

263. The overall climate in the North Caucasus continues to suffer from serious human rights violations. Persons belonging to non-traditional Muslim groups, and their relatives, are reportedly frequently harassed and mistreated by law enforcement officials. Increased pressure is exerted in Chechnya on all persons, including those belonging to non-Muslim minorities, to conform to strict “customary practices”.

264. Persons and NGOs active in the field of human and minority rights face serious problems in the exercise of the rights to freedom of association, expression and opinion, despite amendments of the law on NGOs in 2009. When voicing concerns about minority rights protection, they sometimes face prosecution under the legislation against extremist activities.

265. Despite the existence of federal legislative guarantees for equality among the different languages of the Russian Federation, the overall climate appears not to be conducive to the use of minority languages in daily life, including in official settings and on topographical signs. In particular, the use of minority languages in urban centres appears to be rapidly decreasing, even for persons belonging to minorities within their own territorial formation. The amount of television and radio programmes broadcast in minority languages is also decreasing.

266. Roma children continue to face serious disadvantages in the field of education, including denial of registration of Roma pupils whose parents lack identity documents, and placement in separate classes or schools, with reportedly very low quality of education. Existing federal legislative provisions concerning minority language education are often not effectively implemented at local level and, therefore, concrete guarantees regarding access to education in and of minority languages are often lacking. Moreover, the ongoing process of “optimisation” of schools has resulted in the closure of various schools with instruction in and of minority languages.

267. Despite legislative changes introduced in 2009, there is still no obligation for the authorities to consult national-cultural autonomies, including the Federal Council of National-Cultural Autonomies, on issues of concern to them. It is regrettable that the activities of national-cultural autonomies are limited to the sphere of culture in a narrow sense, particularly in view of the fact that the creation of political parties established on the grounds of racial, national or religious belonging is prohibited. Mergers of territorial formations have sometimes resulted in more limited opportunities for minority communities to participate effectively in public affairs and to have their concerns duly taken into account.

268. Representatives of indigenous peoples also regret their lack of effective involvement in decision-making on industrial development of their traditional territories. Moreover, their participation in socio-economic life remains significantly lower than the Russian average, and health indicators continue to be alarming.

Recommendations

269. In addition to the measures to be taken to implement the detailed recommendations contained in Sections 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:

Issues for immediate action⁶⁵

- **Ensure that regional and local residency registration regimes comply with federal legislation and are implemented in a non-discriminatory and transparent manner and that the right to appeal is guaranteed for all persons; registration must not be made a precondition for accessing fundamental rights;**
- **Ensure that all instances of alleged police misconduct, abuse and violations of human rights are swiftly investigated, prosecuted and effectively sanctioned and that the persistent practice of ‘ethnic profiling’ is eliminated; take far more resolute measures to increase awareness and training of the police on equality and non-discrimination provisions and on human rights in general;**
- **Take further and more resolute measures to prevent, investigate, prosecute and sanction effectively all instances of racially-motivated offences; condemn firmly, swiftly and unequivocally all expressions of intolerance, racism and xenophobia, particularly in politics and in the media; redouble efforts to combat the dissemination of racist ideologies in the population, particularly among young people;**
- **Ensure that firm legal guarantees for persons belonging to national minorities to learn and speak their languages are introduced in regional legislation and closely monitor their implementation; take measures to promote respect for linguistic and cultural diversity and increase the presence of minority languages and cultures in all areas of daily life;**
- **Intensify efforts, including financial, to implement the objectives contained in the Concept Paper on the Sustainable Development of Numerically Small Indigenous Peoples of the North, Siberia and Far East, in close co-operation with the persons concerned; take further steps to ensure that representatives of indigenous peoples are closely consulted on all issues of relevance to them; ensure that the aim of promoting the sustainable development of indigenous peoples is not jeopardised by simultaneous legislative developments that undermine their preferential access to land and natural resources.**

⁶⁵ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

Further recommendations⁶⁶

- Adopt comprehensive anti-discrimination legislation that covers all fields of law and provides effective protection from discrimination in all its forms; consider establishing a specialised and independent body to combat all forms of discrimination and racism;
- Take measures to promote full and effective equality of persons belonging to national minorities in all spheres of life, in particular regarding persons originating from the Caucasus and Roma; pursue efforts to eliminate remaining cases of statelessness and ensure that legal remedies are available to appeal decisions concerning citizenship applications deemed discriminatory, including for persons without documents or established citizenship;
- Eliminate the persistent practices of forced evictions of Roma settlements without offering alternative accommodation or adequate compensation; put an end to the separation of Roma pupils in schools and promote their access to mainstream and quality education; devise and implement, in consultation with Roma representatives, a comprehensive strategy for the promotion of full and effective equality for Roma;
- Ensure that the funding available for the support of cultural activities of minority communities is allocated according to clear criteria and is accessible to all interested minority communities through transparent allocation procedures;
- Step up efforts to prevent and sanction human rights violations in the North Caucasus and to end the impunity of perpetrators of human rights violations; combat religious intolerance and promote respect for diversity, in order to restore a climate of security, mutual trust and tolerance in this region;
- Take resolute measures to ensure that the constitutional guarantees of freedom of conscience and religion are strictly respected and effectively protected everywhere in the territory of the Russian Federation;
- Take all necessary steps to ensure that the rights to freedom of association, expression and opinion are fully respected; ensure that the Law on Countering Extremist Activities is implemented in a non-discriminatory manner and is not used to hamper the activities of persons and groups advocating legitimate concerns of persons belonging to national minorities and the protection of human rights;
- Facilitate access of minority media outlets to sources of public funding available to the media; provide additional resources to support the training of journalists and media professionals working in minority languages or on minority-related issues;
- Take additional measures to create a climate that is more conducive to the use of minority languages in daily life, including in official settings, in line with the provisions of Article 10 of the Framework Convention; ensure consistent implementation of federal guarantees on the use of minority languages on topographical signs;

⁶⁶ The recommendations below are listed in the order of the corresponding articles of the Framework Convention

- Guarantee the effective availability of minority language education for persons belonging to minorities, notably through effective implementation of existing federal legislative guarantees; step up efforts to promote respect for cultural and linguistic diversity as well as education to tolerance and inclusiveness at school; take additional steps to disseminate comprehensive and adequate knowledge on persons belonging to national minorities in textbooks and in schools in general;
- Ensure that effective consultation mechanisms are in place to provide for the regular and sustainable involvement of persons belonging to minorities in all issues concerning them; take steps to ensure that the interests of persons belonging to national minorities are duly taken into account in the preparation of territorial mergers;
- Accelerate the implementation of measures aimed at improving the socio-economic situation of persons belonging to indigenous peoples, particularly as regards access to the labour market and health services.