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Fourth Opinion on the Russian Federation - adopted on 20 February 2018

Summary

Russian society continues overall to be characterised by a climate of appreciation for ethnic diversity. The Russian Federation has maintained a flexible and pragmatic attitude to the scope of application of the Framework Convention. The country's immense variety of ethnic groups, languages and religions is still largely perceived as an asset and multiple identities as natural. However, official minority policies are framed in a way that appears to emphasise the significance of the Russian ethnicity and language as the core of an overarching all-Russian national identity. In addition, official rhetoric and pro-government media tend to portray multicultural societies as failed and fuel a perception of external threats, thus enhancing the perceived need for "closing ranks" across ethnic boundaries.

Education of and in minority languages has decreased considerably during the reporting period. A uniform approach and an emphasis on Russian language continue to characterise education reforms. This, in addition to limited visibility of minority languages in the public space, affects access to language rights both of persons belonging to small, often indigenous, communities, and of those belonging to large minorities, some of which even constitute majorities within republics.

While some efforts have been made to strengthen the rights of indigenous peoples, there has been insufficient support to ensure the rights of persons affiliating with these groups to learn and speak their languages and to preserve and develop their cultures and practices in a way that is economically sustainable. Cultural activities of persons belonging to minorities in general continue to be supported through a multitude of events and a wide network of institutions, but these efforts tend to benefit largely those groups who focus on folkloric expressions of culture.

General restrictions on freedoms of expression, assembly and association as well as freedom of the media have also impacted the rights of persons belonging to national minorities. Legislation on "foreign agents" and on extremism was used in a number of cases to intimidate or silence persons belonging to minorities or defending minority rights. Persons belonging to minorities who are affected by problematic inter-state relations, such as with Ukraine, are

particularly vulnerable in this context. A differentiated system of consultative councils and other fora for participation of persons belonging to minorities has been created. These mechanisms are not used to their full potential partially owing to the above-mentioned restrictions and a lack of possibilities for expression of diversity within minority communities.

Recommendations for immediate action:

- **Take resolute measures to guarantee full and effective equality for persons belonging to national minorities; strengthen efforts to implement the Concept Paper for the sustainable development of indigenous small-numbered peoples. Ensure that conditions are in place for persons belonging to indigenous peoples to maintain and develop their cultures in the widest sense and provide for their effective participation in matters concerning them, including the use of land and resources.**
- **Amend the legislation and change practice regarding non-governmental organisations and national cultural autonomies in a way that all persons belonging to national minorities can enjoy freedom of association and benefit from support for their cultural activities. Guarantee effective participation of persons belonging to national minorities in consultative bodies at all levels and ensure that their composition genuinely represents a wide range of views amongst persons belonging to national minorities.**
- **Develop and implement programmes promoting respect and intercultural understanding and societal integration as an all-encompassing process, based on the recognition of minority communities as an equal and integral part of society.**
- **Adopt, in consultation with persons belonging to national minorities, a comprehensive long-term strategy and corresponding legislation safeguarding the teaching in and of minority languages from kindergarten to higher education, including through strengthening bilingual and multilingual teaching approaches. Ensure that comprehensive and adequate knowledge about national minorities, including on their histories, is provided in education, in particular in teaching and learning materials.**

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I. Key findings

Monitoring process

1. This fourth cycle opinion on the implementation of the Framework Convention by the Russian Federation was adopted 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 fourth State Report, submitted by the authorities on 20 December 2016, on other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Moscow Municipality and Moscow *oblast*, Murmansk *oblast*, Tyumen *oblast*, the Republic of Tatarstan and Krasnodar *kray* from 16 to 24 October 2017.¹
2. The Advisory Committee appreciates the assistance provided by the authorities during the visit. However, the fourth state report, due on 1 December 2014, was regrettably submitted with a delay of two years. The Advisory Committee regrets that no follow-up seminar with the involvement of the Advisory Committee was organised in the Russian Federation after the conclusion of the last monitoring cycle in 2013. Such an event would have been a useful opportunity for discussion of the Advisory Committee's Opinion and the Committee of Ministers' recommendations, as well as more generally of developments and policies affecting national minorities. The Advisory Committee notes that the opinion has been translated into Russian, but regrets that it has not been translated into any minority languages and is not available on the website of the Federal Agency for Ethnic Affairs, which co-ordinates minority policies in the Russian Federation.
3. The Advisory Committee looks forward to continuing its dialogue with the authorities of the Russian Federation as well as with representatives of national minorities. 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. It also invites the authorities to translate the present opinion and the forthcoming Committee of Ministers' resolution into Russian and minority languages, and to disseminate it widely among all relevant actors. The Advisory Committee welcomes the expressed wish of the authorities to hold a follow-up event after the publication of this fourth cycle opinion. It considers that a follow-up dialogue to review the observations and recommendations made in this opinion would be beneficial.

¹ A visit of Perm *kray* and the Republic of Kalmykia, as initially proposed by the Advisory Committee, was not possible due to regional elections and technical reasons.

General overview of the current situation

4. Public policies on issues related to national minorities in the Russian Federation continue to reflect a general appreciation of the country's diversity. All 193 ethnic groups² identified by the 2010 census are considered as falling within the scope of application of the Framework Convention and the Advisory Committee welcomes this open and inclusive approach. Against this backdrop, the Advisory Committee was able to observe during its visit that much attention is given to the management of the country's rich ethnic and religious diversity at federal, but also at regional and local levels. The Advisory Committee notes that circumstances are very diverse across the regions it visited, namely the multi-cultural capital Moscow with many thousands of newcomers from other regions as well as abroad arriving every year, the sparsely populated Murmansk region on the Kola Peninsula bordering Finland and Norway with a small population of Sami, the Republic of Tatarstan with the titular population of Tatars constituting a numerical majority and over 170 other ethnic groups on its territory, the vast region of Tyumen in West Siberia featuring both highly developed industry and pockets of indigenous peoples living traditionally, and finally the Southern region of Krasnodar *kray* running along the Black Sea, territorially contiguous with the North Caucasus Federal District and bordering Georgia. Based on the diversity of situations regarding minorities in these regions, the Advisory Committee could observe certain patterns it considers relevant for the whole country, both in terms of achievements in the protection of minority rights and in terms of tendencies to lower the level of minority protection.

5. The Advisory Committee notes that the key document on national minority protection is the "Strategy on State Nationalities Policy for the period until 2025" (hereinafter "the Strategy") adopted in December 2012. The main objectives of the Strategy are the "consolidation of the all-Russian civil consciousness and spiritual community of the multinational people of the Russian Federation (Russian nation)", the "preservation and development of ethno-cultural diversity", and the "harmonisation" of inter-ethnic relations. Furthermore, the Strategy aims at ensuring "adaptation and integration" of migrants. The Advisory Committee notes that the Strategy makes reference to the ethnic, cultural and religious diversity of the country and contains elements aiming at building a civic identity. This notwithstanding, it observes that in the implementation of this Strategy over the past years a strong emphasis has been put on the Russian language and culture while minority languages and cultures appear to be marginalised. Overall, the Advisory Committee observes that the discourse on minority issues is increasingly dominated by values such as "national unity", "ethnic harmony" and "patriotism". Diversity of ethnicities or languages, as applicable to national minorities or to migrants, tends to be perceived as a possible source of conflict. The Advisory Committee is concerned about this trend and recalls its view that a genuinely cohesive and integrated society can only be built through embracing its diversity and guaranteeing the full enjoyment of the rights enshrined in the Framework Convention, which includes respect for and protection of minority cultures and languages as well as civic freedoms.

² According to official English translations by Russian authorities, the Russian term *natsional'nyi* is either "ethnic" or "national" depending on the context. The present opinion follows these official translations wherever available, whilst otherwise using the term "ethnic".

6. The Advisory Committee is worried about a tendency in the media and public discourse to depict “non-Russian” characteristics negatively. Examples of this tendency are: xenophobia against persons belonging to “visible minorities”, such as persons from the North Caucasus, migrants and Roma; the excessive use of the anti-extremism legislation against Muslims and “non-traditional” religions; a patronising approach towards indigenous small-numbered peoples and most recently some official scepticism towards bilingualism in republics such as Tatarstan. Since the annexation of Crimea and the conflict in Eastern Ukraine, government-controlled media are fuelling a patriotic mobilisation of society against Ukraine. The Advisory Committee is concerned that this discourse risks side-lining not only persons belonging to the Ukrainian national minority but also anyone not aligning with the majority, including persons belonging to other national minority groups.

7. Overall, the Advisory Committee is concerned about the increasing dominance of the Russian language in different settings, which goes along with a lack of effective support for minority languages. Apart from in some of the republics, minority languages are hardly used in contacts with the authorities or visible through toponyms and other signs and inscriptions in the public space. In recent years, however, the role of the second (or third) official language appears to be diminishing even in the republics, including in those where the titular ethnic group is in the majority.

8. The weak position of minority languages in the education system, which started with the educational reform in 2006, was not remedied during the reporting period. On the contrary, the teaching in and of minority languages in schools has decreased owing, *inter alia*, to the closure of small village schools, including in the so-called “compact settlements” where minority languages were taught. Overall, the Advisory Committee observes that the languages of numerically small groups, many of which have indigenous status, are particularly endangered. The increased attention given to the teaching of the Russian language combined with certain less supportive attitudes towards minority languages might lead to their further marginalisation and endanger their further use and development.

9. As a result of a conflict over minority language teaching between the federal government and republics in 2017, mandatory teaching of these republics’ respective second official languages is no longer possible (see Article 14). While more influential republics such as Tatarstan protested against this decision, other, smaller republics appear to be resigned to their fate and have already abolished mandatory teaching of their second official languages. The Advisory Committee deplores that the fate of minority languages ultimately depends on the strength, both in numerical and economic terms, of regional minorities and their elites. The lack of support for linguistic diversity inevitably leads to a situation where there are few incentives for parents to choose minority language education for their children.

Assessment of measures taken to implement the recommendations for immediate action

10. Overall, only a limited set of measures have been undertaken to implement recommendations for immediate action made in the Advisory Committee's third opinion and the corresponding Committee of Ministers' resolution. The piecemeal legislative provisions in key policy areas concerning minority rights have played to the advantage of further centralising tendencies during the reporting period. While comprehensible in certain areas, uniform measures in other fields such as education played to the disadvantage of national minorities because they have limited the room for manoeuvre of the regions to adapt policies to the specific situations on the ground.

11. The constraining effects of these processes on persons belonging to national minorities are particularly visible in the educational field. Consequently, the recommendation to introduce firm legal guarantees for persons belonging to national minorities to learn and speak their languages cannot be considered implemented (see Articles 12–14). On the contrary, the trend to strengthen the Russian language at the expense of minority languages which started with the education reform in 2006, the introduction of the unified state exam in 2009, the adoption of the new Law on Education in 2012 and the amendments to the federal curriculum, has increased rather than reversed. Furthermore, mandatory teaching of the second official languages in republics has been practically abolished during the reporting period.

12. Progress has been made in the area of regional and local residency registration systems. The Advisory Committee notes with satisfaction that a centralised online tool has been made available through the Ministry of the Interior where citizens can apply for residency registration.³ Furthermore, the number of documents to be submitted for registration has been reduced, the registration of persons belonging to indigenous peoples leading nomadic or semi-nomadic lifestyles simplified and a complaint procedure under the supervision of the Federal Migration Service established.⁴ Nevertheless, the Advisory Committee finds it problematic that despite the 2015 clarification by the Supreme Court, parents without a residency registration continue to encounter problems when enrolling their children to school.⁵

13. Efforts have been undertaken to address the issue of statelessness of former citizens of the Soviet Union, often persons belonging to national minorities. Nevertheless, according to the United Nations High Commissioner for Refugees (UNHCR) there are still at least 90 000 stateless persons.⁶ In 2012, the Federal Law No. 62-FZ on Citizenship of the Russian Federation was amended by a chapter on regularisation of former citizens of the Soviet Union until 2017. As this had not been fully solved by 2016, the formal opportunity to obtain Russian citizenship for this category was extended until 1 January 2020. Despite progress made, pockets of stateless persons and the risk of discrimination linked to their status remain, including for

³ Public services portal of the Russian Federation, available at www.gosuslugi.ru/10050/1 (in Russian).

⁴ Twenty-third and twenty-fourth periodic reports of the Russian Federation to the Committee on the Elimination of Racial Discrimination (CERD), (1 July 2016), pp. 38-39.

⁵ Civic Assistance Committee (August 2016), Access to education, <http://refugee.ru/en/news/access-to-education>.

⁶ UNHCR, Forced displacement in 2016, available at www.unhcr.org/5943e8a34.pdf, p. 62. No reliable information on the number of stateless persons is available, as official statistics treat stateless persons and foreigners as one category.

those belonging to minorities.⁷ Some stateless persons are sent to “Centres for Interim Detention of Foreign Citizens” and, as they cannot be expelled to another country, stay there for extended periods.⁸ While noting progress regarding regularisation of Ahiska Turks (also known as Meskhetians) as well as Yazidis and Kurmanches in Krasnodar *kray*,⁹ the Advisory Committee regrets that there are still people belonging to these minorities whose status of statelessness prevents them from accessing their minority rights.¹⁰

14. Some measures have been taken to ensure a more effective response to instances of alleged police misconduct, abuse and other human rights violations. For instance, a roadmap for internal security of the Ministry of the Interior of January 2013 aims for increased monitoring of officers’ behaviour and respect for citizens’ rights and human dignity. Furthermore, hotlines for filing complaints have been set up at regional and federal levels.¹¹ However, the Advisory Committee regrets to note that human rights violations against persons belonging to national minorities by police and other law enforcement bodies continue to be widespread (see Article 6). Ethnic profiling and arbitrary identity checks, in particular of persons from the North Caucasus and of Roma, are reportedly common. There is a trend to employ Cossack militia as an auxiliary police force, who according to interlocutors of the Advisory Committee are more prone to behave in an openly discriminatory manner and are subject to less control than regular police staff. The Advisory Committee furthermore received worrying reports on discrimination, ill-treatment and torture of persons from the North Caucasus as well as of stateless persons in the penal system.

15. The implementation of the Concept Paper on the sustainable development of indigenous small-numbered peoples has been slow and several objectives have not yet been achieved despite the timelines in the initial action plan (see Article 4). Federal funding has decreased over the years and appears insufficient, compared to the ambitious aims of the Concept Paper. The quality of life of indigenous peoples remains below the average. The rights provided for the indigenous peoples, including concerning the use of land and access to natural resources, are part of a complex legal framework, subject to frequent amendments or adoption of new regulations at different levels, often with contradictory effects. Effective consultation and involvement of indigenous peoples on all issues of relevance to them, in particular regarding economic development of the territories in which they live, is not carried out in a consistent and systematic manner (see Article 15). Business interests conflict increasingly with the rights of indigenous peoples. Indigenous peoples are more and more affected by the effects of the extractive industry in the territories in which they live, which causes significant environmental damage, endangers their way of life, their activities and their cultural and religious heritage (see Article 5).

⁷ ADC Memorial/Institute on Statelessness and Inclusion/European Network on Statelessness (2017), Joint submission to the Human Rights Council at the 30th Session of the Universal Periodic Review, available at <https://adcmemorial.org/wp-content/uploads/ISI-UPR-Submission-Russia.pdf>.

⁸ See *Kim vs. Russia*, application No. 44260/13, judgement of 17 July 2014.

⁹ Caucasian Knot (4 March 2010), Igor Kuznetsov: Yazidis and Kurmanches in Krasnodar Territory receive Russian passports, available at www.eng.kavkaz-uzel.eu/articles/12704/.

¹⁰ Caucasian Knot (18 December 2015), Meskhetian Turks in south of Russia: absence of citizenship is main problem, available at www.eng.kavkaz-uzel.eu/articles/34008.

¹¹ Twenty-third and twenty-fourth periodic reports of the Russian Federation to the Committee on the Elimination of Racial Discrimination (CERD), 1 July 2016, p. 32.

Assessment of measures taken to implement the further recommendations

16. Since the amendment in 2011 of the Code of Administrative Offences with a definition of discrimination no further measures to complete the legal protection from discrimination have been reported by the authorities. Acknowledging that equality guarantees are contained in many sectoral laws, the Advisory Committee does not consider these legislative acts to constitute a comprehensive anti-discrimination legislation (see Article 4). Similarly, no tangible improvement can be noted regarding public awareness of the existing non-discrimination provisions and of complaint mechanisms such as those provided by ombudspersons. Given the extremely low number of complaints on the grounds of discrimination, neither the High Commissioner for Human Rights in the Russian Federation (federal ombudsperson) nor regional ombudspersons seem to be fulfilling the role of a specialised and independent body combating all forms of discrimination. Discrimination and hate speech against persons belonging to minorities, particularly “visible minorities”, and even instances of racism are reportedly still widespread and the Advisory Committee could not observe a reversal of the trend of impunity following offences of this nature.

17. As regards the rights of persons identifying as Roma, only modest steps have been undertaken. A “comprehensive action plan for the social, economic, ethnic and cultural development of the Roma over the period 2013-2014” was adopted in 2013 (see Article 4). The only tangible results reported by the authorities, however, are a pilot project on education in two municipalities and a survey on “Socio-economic, ethno-cultural and legal problems of Roma in Russia”. The Advisory Committee regrets the absence of a follow-up to this plan in the form of a comprehensive strategy on full and effective equality of the Roma. Progress has been made in issuing identity documents. During its visit, the Advisory Committee observed sporadic efforts at local level to improve living conditions and access to education of the Roma, but was also confronted with reports about discrimination by local law enforcement bodies. No significant progress has been made in addressing the *de facto* segregation of Roma children in education and their lower educational results (see Article 12). Equally, the issue of informal settlements and substandard housing has not been addressed adequately. Several cases of forced evictions without offering alternative housing or compensation were brought to the attention of the Advisory Committee.

18. A regression has taken place as regards the freedoms of expression, assembly and association enjoyed by persons belonging to national minorities. Amendments to the legislation on non-governmental organisations (NGOs) in 2012 and 2015, respectively, created the categories of “foreign agents” and “undesirable organisations”. This has increased the administrative burden on minority organisations, significantly reduced possibilities to receive funding from abroad and put them under pressure to limit their work to narrowly understood cultural and social activities. A range of legislative developments in the areas of extremism, information technologies and media have infringed on the right to freedom of expression. The Advisory Committee is deeply concerned about a number of cases affecting persons belonging to minorities (see Article 7). Similarly, the freedom of conscience and the right to manifest religious beliefs have been restricted (see Article 8). Amendments to the Federal Law No.125-FZ of 26 September 1997 on Freedom of Conscience and Religious associations in 2015 and 2016 affect in particular those who practice “non-traditional” religions and religious communities receiving funding from abroad, including those belonging to national minorities.

19. There is a mixed track record in the area of minority media. The Advisory Committee notes with satisfaction that, according to information provided by the authorities, both the number of minority media and the overall amount of funding has increased significantly. In total, 1 946 print media, news agencies and electronic media in 61 minority languages are reported for 2016. Interlocutors of the Advisory Committee report difficulties in managing the transition from print to online versions of their media and may require support in this area (see Article 9). On a more general note, it is disquieting that minority media operate in a general climate of very limited freedom of the press.¹² For instance, legal amendments of 2017 allow for the designation of media receiving foreign funding as “foreign agent”, thus potentially adding similar stigma and bureaucratic obstacles on minority media with connections to other countries as the legislation on non-profit organisations.

20. In the area of national minority participation, two opposing trends can be observed (see Article 15). On the one hand, a differentiated system of consultative bodies, inter-ethnic and inter-faith councils, councils of indigenous peoples, houses of national cultures and civic chambers has been established at federal, regional and local levels. On the other hand, the above-mentioned restrictions on freedom of association and the overall climate of suspicion towards “foreign agents” and “extremists” has created a situation where minority organisations wanting to participate in these fora have to operate within narrow boundaries. While these bodies provide communication channels for many everyday concerns, minority representatives voicing more critical or political views report they do not feel represented by them. In addition, the authorities try to ensure that only one organisation per minority is registered at any given level, which restricts internal pluralism and raises questions regarding the representativeness of some of these organisations.

¹² See for example the entries on the Russian Federation in the Council of Europe database on media freedom alerts, available at www.coe.int/en/web/media-freedom/all-alerts.

II. Article-by-article findings

Article 3 of the Framework Convention

Personal scope of application and census

21. The authorities continue to pursue an inclusive and flexible approach with regard to the scope of application of the Framework Convention. They usually refer to the 193 ethnic affiliations identified in the 2010 census as the groups covered by the Framework Convention.¹³ This includes the category of “indigenous small-numbered peoples”¹⁴ who enjoy a particular status under federal legislation. The Advisory Committee welcomes this flexible approach towards the scope of application of the Framework Convention. Nonetheless, the Advisory Committee regrets that Russian citizenship and to some extent resident registration are a precondition for the enjoyment of a number of rights, including minority rights (see Article 6).

22. The results of the 2010 population census were published in 2012. According to the census, persons affiliating with 193 ethnic groups, speaking 277 languages and dialects, live in the Russian Federation.¹⁵ The Advisory Committee notes that a question on ethnic affiliation was included and welcomes that the response was optional. It further welcomes that the question was open-ended. Upon publication, however, ethnic affiliations were categorised into 145 groups and 48 sub-groups.¹⁶ The Advisory Committee notes that representatives of some national minorities are not satisfied with this approach. For example, the Advisory Committee was informed that persons identifying as Siberian Tatars in the Tyumen Region would like to be recognised as a separate “nationality” rather than a sub-group of (Volga) Tatars. In this context, the Advisory Committee is concerned about information it received that in the 2010 census persons identifying as Siberian Tatars were encouraged by interviewers to indicate Tatar rather than Siberian Tatar for their ethnic affiliation. Furthermore, in its third opinion, the Advisory Committee expressed concerns about efforts to combine the speakers of Moksha and Erzya

¹³ Associations of ethnic Russians are represented in some consultative bodies on inter-ethnic affairs such as the “Assembly of the peoples of Tatarstan” (see Article 15).

¹⁴ The Russian federal legislation does not provide for a particular status of “indigenous peoples” in general, but contains special provisions only for “indigenous small-numbered peoples”, i.e. numbering less than 50 000 persons, among other criteria. A Unified list of indigenous small-numbered peoples of the Russian Federation was approved by the Government Resolution No. 255 of 24 March 2000, and includes 47 indigenous small-numbered peoples. The List of indigenous small-numbered peoples of the North, Siberia and the Far East of the Russian Federation (as amended), approved by the Government Decree No. 536-r of 17 April 2006 includes 40 indigenous peoples (of the 47 in the Unified list). In addition, there is a list of indigenous small-numbered peoples of the Republic of Dagestan approved by the Resolution No. 191 of 18 October 2000 of the State Council of the Republic of Dagestan on the indigenous small-numbered peoples of the Republic of Dagestan, containing another 14 groups.

¹⁵ According to the Federal Service of Government Statistics, the 22 ethnic groups totalling more than 400 000 persons are Russians (80.90%), Tatars (3.87%), Ukrainians (1.41%), Bashkirs (1.15%), Chuvash (1.05%), Chechens (1.04%), Armenians (0.86%), Avars (0.66%), Mordvins (0.54%), Kazakhs (0.47%), Azerbaijanis (0.40%), Dargins (0.43%), Udmurts (0.40%), Mari (0.40%), Ossetians (0.39%), Belorussians (0.38%), Kabardinians (0.38%), Kumyks (0.37%), Yakuts (0.35%), Lezgins (0.35%), Buryats (0.34%) and Ingushs (0.32%).

¹⁶ Federal Service of Government Statistics (2012), Methodological explanations to the 2010 Population Census, available at www.gks.ru/free_doc/new_site/perepis2010/croc/Documents/Materials/metod_comments.docx (in Russian).

minority languages into one category of “Mordvins”. The census results indeed show a significant increase in the number of persons identifying as “Mordvins”. Conversely, the number of persons identifying as Moksha dropped from 47 406 in the 2002 census to only 4 178 in 2010.¹⁷ The Advisory Committee furthermore takes note that representatives of the Pomors, officially defined as a sub-group of the Russian ethnic group, prefer to be identified as a separate ethnicity. While the Advisory Committee understands the wish of the authorities to ‘organise’ the high number of ethnic communities into somewhat larger clusters, it wishes to stress the importance of the right to free self-identification of persons belonging to national minorities and the need to consult with minority representatives on any matters of classification.

23. Russian federal legislation establishes an upper limit of 50 000 persons for a group to be recognised as an indigenous small-numbered people, together with the criteria of living on ancestral lands, maintaining a traditional way of life, economic activities and crafts and identifying as a separate ethnic group.¹⁸ In addition, inclusion in the list of small-indigenous peoples of the Russian Federation occurs on the basis of a request made to the federal authorities by the regional authorities in the areas where the indigenous peoples live. The Advisory Committee notes that some groups, among which representatives of the Pomors and of the Komi-Izhemtsy, are interested in their recognition as indigenous small-numbered peoples, a status which in principle allows for an enhanced protection of certain rights enshrined in the Framework Convention. The Advisory Committee underlines that criteria, in particular thresholds, should be interpreted in a flexible manner and be subject to periodic review, so as not to lead to unjustified or discriminatory exclusion from access to minority rights.¹⁹

24. Interlocutors of the Advisory Committee also made it aware that legal provisions on a “register of persons belonging to the indigenous small-numbered peoples of the Russian Federation” are under preparation. Although more information about the intentions of the authorities in this regard is still needed, the Advisory Committee wishes to remind the authorities of the importance of the principle of free self-identification as elaborated in Article 3 of the Framework Convention and that such a register should also allow for situational and multiple affiliations.²⁰ The Advisory Committee deems it important to consider carefully the potential impact of such a register and the rights attached to the registration on already existing traditional ties and forms of cooperation between persons belonging or not belonging to indigenous small-numbered peoples bringing together persons sharing community practices and economic interests. It also emphasises that, according to the Framework Convention, minority rights are also exercised “in community with others” whereby the term “others” shall

¹⁷ In the same period, the number of persons identifying as Erzya dropped from 78 063 to 49 579.

¹⁸ Article 1, Federal Law No. 82-FZ of 30 April 1999 on Guarantees of the Rights of Indigenous Small-numbered Peoples of the Russian Federation.

¹⁹ See ACFC Thematic Commentary No. 4 “The Framework Convention: a key tool to managing diversity through minority rights. The Scope of Application of the Framework Convention for the Protection of National Minorities” (May 2016), para. 12. As far as the 50 000 threshold is concerned, see also UN CERD (20 September 2017), Concluding observations on the twenty third and twenty fourth periodic reports of the Russian Federation (CERD/C/RUS/CO/23-24), paras. 23-24.

²⁰ See ACFC Thematic Commentary No. 4 “The Framework Convention: a key tool to managing diversity through minority rights. The Scope of Application of the Framework Convention for the Protection of National Minorities” (May 2016), paras. 13 and 16

be understood in the widest possible sense, including persons belonging to other national minorities or to the majority.²¹

25. The census form furthermore contained questions about the knowledge of Russian (99.4%), of up to three further languages, and a separate question on first language (“native language”/“*rodnoy yazyk*”). The Advisory Committee welcomes the fact that the question on the first language, which was absent in the 2002 population census, was included again and that up to two first languages could be indicated by respondents. The Advisory Committee regrets, though, that the census form did not provide for the possibility to indicate more than one ethnic affiliation. It stresses that an approach allowing for multiple affiliations, as also recommended by the United Nations Economic Commission for Europe (UNECE) Recommendations for the 2010 and 2020 Censuses,²² would better capture the rich multicultural and multilingual character of the population of the Russian Federation. Furthermore, in the view of the Advisory Committee’s interlocutors from a wide range of national minorities the 2010 census results indicate a lower number of persons belonging to national minorities than is the case in reality. The possibility to indicate multiple ethnic affiliations would better reflect actual self-identification of these persons.

Recommendations

26. The Advisory Committee calls on the authorities to ensure that the 2020 population census is prepared in consultation with national minority representatives and that it safeguards free and voluntary self-identification. The census methodology should provide for the possibility to declare more than one ethnic affiliation and to process and reflect them in the census results. The processing of the data and categorisation into ethnic groups and “sub-groups” should be carried out in consultation with representatives of those concerned.

27. The authorities are encouraged to open a dialogue with persons having expressed an interest in recognition as indigenous peoples. The existing criteria to this effect should be applied flexibly and they should not create unnecessary obstacles in practice.

28. The Advisory Committee calls on the authorities, when establishing a register of persons belonging to indigenous peoples, to develop it in consultation with indigenous peoples’ representatives and to take a flexible approach based on the right to free self-identification and on actual shared practices.

Article 4 of the Framework Convention

Legislative and institutional framework protecting national minorities

29. Russia’s minority policies at federal, regional and local levels are framed under the concept of “nationalities policy” and are guided by the “Strategy on State Nationalities Policy

²¹ See Explanatory Report to the Framework Convention for the Protection of National Minorities, para. 37.

²² United Nations Economic Commission for Europe (2006), Conference of European Statisticians Recommendations for the 2010 Censuses of Population and Housing, paras. 426 and 430 ff.; United Nations Economic Commission for Europe (2015), Conference of European Statisticians Recommendations for the 2020 Censuses of Population and Housing, paras. 708 and 725.

for the period until 2025” adopted in 2012.²³ The Strategy sets out a number of objectives that are relevant in the implementation of the Framework Convention, including preservation and development of ethnic and cultural diversity; protection of equal rights and freedoms irrespective of ethnicity, language or religion; preservation, development and teaching of minority languages; participation of minorities and co-operation with civil society organisations; promotion of inter-ethnic and inter-religious tolerance and action against xenophobia, extremism and “nationalist ideology”; and a number of objectives related to the protection of small indigenous peoples. While welcoming the Strategy, the Advisory Committee regrets that no comprehensive legal framework protecting the rights of persons belonging to national minorities is currently in place. The Advisory Committee is of the view that such a legal framework would strengthen the protection of persons belonging to minorities, in particular in the context of a number of changes to sectoral legislation on extremism (see Article 6), non-profit organisations and media (see Article 7), religious freedom (see Article 8) and education (see Article 14).

30. The Advisory Committee is pleased to note that the Strategy is accompanied by a detailed government programme, which encompasses all relevant government agencies, emphasises co-operation with civil society organisations and translates the Strategy into concrete actions and evaluable target indicators.²⁴ Government agencies at both federal and regional levels report annually on its implementation. The current programme running from 2017 to 2025 has a budget of almost 26 billion Russian rubles (RUB) (approx. 375 million EUR).²⁵ Both the Strategy and the government programme, however, are not dedicated solely to minority policies but also cover two other major objectives, namely the “consolidation of the all-Russian civic consciousness and spiritual community of the multinational people of the Russian Federation” and the “social and cultural adaptation and integration of migrants”. In fact, the analysis of the government programme, its corresponding budget and the recent annual reports demonstrates that a substantial part of the budget is actually spent on activities such as the patriotic education of youth, promotion of the Russian language within Russia and abroad, support of the Cossacks, “patriotic values” and the “socio-cultural adaptation” of labour migrants and refugees (see Article 6).

31. Although minority policies are clearly regarded as a cross-cutting issue encompassing various ministries, a dedicated Federal Agency for Ethnic Affairs was set up in 2015 to co-ordinate the government’s activities in this field.²⁶ The Federal Agency is tasked with implementation of measures to strengthen “the unity of Russia’s multi-ethnic people”, inter-ethnic and inter-faith understanding and the “ethno-cultural development of Russia’s peoples”.²⁷ It is furthermore tasked with preventing discrimination and hostility on the basis of race, ethnicity, religion or language and with monitoring inter-ethnic and inter-religious

²³ Adopted by Presidential decree No. 1666 of 19 December 2012, available in English at <http://en.ipravo.info/russia1/law59/607.htm>.

²⁴ Government decree No. 1532 of 29 December 2016 on a programme for the realisation of the Government Strategy on Nationalities Policy for the period 2017 – 2025, available at <http://static.government.ru/media/files/mXU48Zu8LYesYq7Lub4hpWHpJEmJZSa.pdf> (in Russian).

²⁵ The exchange rate at the time of adoption of this opinion is 1€ = 70 RUB.

²⁶ Government decree No. 368 of 18 April 2015. From 2004 to 2012 the responsibility for national minorities was with the Ministry of Regional Development and from 2012 to 2015 with the Ministry of Culture.

²⁷ Website of the President of the Russian Federation (13 March 2015), available at <http://en.kremlin.ru/events/president/news/47849>.

relations. In the view of the Advisory Committee, the track record of the Federal Agency so far is mixed. In principle, the Advisory Committee welcomes the establishment of a single government body in charge of national minority policies, which could overcome the fragmented and piecemeal approach to minority policies it criticised in its third opinion. However, the Federal Agency's added value for implementing minority rights may be weakened by the many objectives with which it is entrusted and a certain lack of resources and expertise to cover its task in the sphere of minority protection. Finally, the Federal Agency appears to have placed much emphasis on the prevention of inter-ethnic and inter-religious conflicts and promotion of patriotism and national unity. The linguistic, cultural and participatory rights of persons belonging to national minorities seem so far to have been considered of secondary importance.

Recommendations

32. The Advisory Committee calls on the authorities to adopt comprehensive legislation on the rights of persons belonging to national minorities in line with the Framework Convention and to refrain from unduly limiting access to minority rights through incremental changes in sectoral legislation.

33. The Advisory Committee calls on the authorities to base the implementation of their "nationalities policy" on guaranteeing access to rights for persons belonging to national minorities as enshrined in the Framework Convention, to provide the necessary financial resources and to strengthen this aspect in the mandate and daily work of the Federal Agency for Ethnic Affairs.

Legislative and institutional framework to combat discrimination

34. Anti-discrimination provisions exist in the constitution as well as in a range of federal laws covering different areas. Non-discrimination provisions are contained, *inter alia*, in the Code of Administrative Offences, the Criminal Code and the Criminal Procedure Code, the Civil Code and Civil Procedure Code, the Housing and Labour Codes, the Law on Education, the Law on Freedom of Conscience and Religious Associations, and the Law on National and Cultural Autonomy.²⁸ In practice, however, the Advisory Committee was informed that there is little public awareness of these provisions and hardly any cases are brought before courts. Furthermore, structural discrimination against persons belonging to national minorities reportedly continues to exist.²⁹ Frequently mentioned issues are those in the housing, employment and education sectors as well as discrimination in contacts with law enforcement authorities. This concerns in particular "visible minorities", including persons from Central Asian or South Caucasian countries, but also Russian citizens, in particular persons from the

²⁸ See state report, pp. 33-34. See also European Commission against Racism and Intolerance (2013), Report on the Russian Federation, fourth monitoring cycle, CRI(2013)40 and UN CERD (20 September 2017), Concluding observations on the twenty third and twenty fourth periodic reports of the Russian Federation (CERD/C/RUS/CO/23-24), paras. 9-10.

²⁹ SOVA et al. (2017), Racism, discrimination and fight against "extremism" in contemporary Russia and its controlled territories. Alternative report prepared for the 93rd session of the UN CERD, available at <https://adcmemorial.org/wp-content/uploads/CERDengRU.pdf>, pp. 28-34.

North Caucasus republics and Roma.³⁰ The Advisory Committee reiterates its view that the adoption of comprehensive anti-discrimination legislation covering all spheres of life and containing a clear definition of discrimination is important, not least to increase awareness and effectiveness of the anti-discrimination provisions currently scattered across various sectoral laws.

35. The High Commissioner for Human Rights in the Russian Federation (the federal ombudsperson) considers complaints about actions by public authorities. It furthermore has the mandate to take measures upon its own initiative in the case of gross violations of human rights or if a case is of “special social significance”. The ombudsperson has no mandate, though, to deal with discrimination-related complaints in the private sector, which would be crucial to address discrimination in the housing and labour markets. The Advisory Committee notes that the ombudsperson has criticised legal restrictions on the freedoms of assembly and association and problems in the penitentiary system and has advocated for the introduction of human rights education in schools.³¹ Discussions with representatives of national minorities suggested that not all were convinced that the ombudsperson was effectively protecting those belonging to national minorities from discrimination. The institution’s focus lies on social and economic rights and its activity reports do not mention any own initiatives to address discrimination on ethnic or linguistic grounds. Out of the approximately 140 000 complaints the ombudsperson examined during the reporting period, only about 200 concerned complaints with respect to discrimination and in most cases no violation was found.³² The Advisory Committee is of the view that a more active approach and targeted awareness-raising initiatives towards those belonging to national minorities, including indigenous peoples, would help bring this topic to the forefront.

36. The Advisory Committee welcomes the fact that during the reporting period the establishment of ombudsperson offices in every region of the Russian Federation was completed and that the legal framework of their mandate was streamlined through the adoption of a federal law in 2015.³³ The objective of the law, as noted by the federal ombudsperson and lawmakers at the time, was to address obvious deficits in the impartiality and independence of regional ombudspersons.³⁴ The Advisory Committee finds that this objective has not yet been fully achieved. During the visit, for example, meetings with regional ombudspersons were held in the presence of officials from regional and federal authorities. Ombudspersons and their staff tended to describe the situation regarding minority rights and inter-ethnic relations exclusively in positive terms and said they received few complaints from that constituency. While this can in principle be regarded as positive, the Advisory Committee is concerned by information from some of its interlocutors from national minorities who did not bring up their concerns with the respective regional ombudsperson because they did not

³⁰ SOVA et al. (2017), Racism, discrimination and fight against “extremism” in contemporary Russia and its controlled territories. Alternative report prepared for the 93rd session of the UN CERD, available at <https://adcmemorial.org/wp-content/uploads/CERDengRU.pdf>, pp. 28-34.

³¹ High Commissioner for Human Rights in the Russian Federation (2017), Activity Report 2016, pp. 201-205.

³² High Commissioner for Human Rights in the Russian Federation (2017), Shadow report to the 23rd and 24th periodic reports of the Russian Federation to the UN CERD, p. 1.

³³ Federal Law No. 76-FZ of 6 April 2015 on Amending Selected Legislative Acts of the Russian Federation for the Perfection of the Activities of the Ombudspersons on Human Rights.

³⁴ Garant.ru (27 April 2015), Ombudspersons for human rights in the subjects of the Russian Federation: new status and competences, available at www.garant.ru/article/621669 (in Russian).

expect this to improve their situation. In one case, the interlocutors said they were even informally told by representatives of the ombudsperson's office that it would not investigate the issue so as to avoid the office being in conflict with regional authorities. Furthermore, having observed how contested language questions became during 2017 in the Republic of Tatarstan, the Advisory Committee was surprised to hear during its visit that the ombudsperson had not received a single complaint related to the use of languages. Generally, the Advisory Committee finds it disconcerting that in other regions it visited, though ethnically very diverse, the number of complaints on ethnic grounds was also very low. The ombudsperson of Moscow municipality receives about 10-15 complaints based on ethnicity per year. The ombudsperson of Moscow *oblast* did not receive a single complaint on this basis in 2016. The Advisory Committee thus holds the view that it is crucial for ombudsperson institutions to be seen as effective mechanisms and thus be able to address effectively the concerns of persons belonging to national minorities.

37. According to the state report,³⁵ ombudspersons for the rights of indigenous small-numbered peoples have been appointed, in addition to Krasnoyarsk *kray*, in Kamchatka *kray* and the Republic of Sakha (Yakutia). The Advisory Committee's interlocutors were particularly positive about the institutional set-up in the Republic of Sakha, where the ombudsperson for the rights of indigenous small-numbered peoples is organised as a separate institution and is also often in direct contact with persons belonging to indigenous peoples through visits to their villages. According to the state report,³⁶ legal advice is also provided during these visits. The Advisory Committee understands from its interlocutors, however, that in other constituent entities, such as the Republic of Karelia or Khanty-Mansy autonomous *okrug* (district), there have been initiatives to establish ombudspersons for indigenous small-numbered peoples, but the relevant authorities are reluctant to set up such institutions.

Recommendations

38. The Advisory Committee urges the authorities to further develop and consistently implement anti-discrimination legislation covering all spheres of life and raise awareness, including among persons belonging to national minorities, of available remedies.

39. The Advisory Committee calls on the High Commissioner for Human Rights in the Russian Federation and the regional ombudspersons to undertake targeted activities raising the awareness of persons belonging to national minorities, including indigenous peoples, of their right to turn to an ombudsperson in cases of discrimination.

Promotion of full and effective equality of the Roma

40. The Advisory Committee notes that following the Advisory Committee's recommendations in its third opinion, a "Comprehensive action plan for the socio-economic and ethno-cultural development of the Roma for 2013-2014" was adopted and implemented. According to the state report, progress was made in issuing personal identity documents and residence registration.³⁷ During its visit, the Advisory Committee was informed that a new action plan is being developed. The Advisory Committee welcomes that the 2013-2014 action

³⁵ State report, p. 23.

³⁶ State report, p. 24.

³⁷ State report, pp. 23-25.

plan was developed with the participation of the Federal National Cultural Autonomy of Russian Roma. It regrets, however, that no wider consultation with other non-governmental organisations working on Roma issues has taken place and thinks that the next action plan would benefit from wider consultations. Within the action plan, the Federal Agency for Ethnic Affairs commissioned a survey on “Socio-economic, ethno-cultural and legal problems of Roma in Russia”.³⁸

41. The Advisory Committee observed some noteworthy efforts to improve the education, housing and employment situation of Roma communities at local level. In the Tyumen region, for example, local authorities have improved the schooling situation of children in one of the settlements (see Article 12) and supported Roma families in applying for housing benefits. On the other hand, a high level of inequality continues to persist and in particular the living conditions for most of the Roma remain very poor.³⁹ This includes the settlement that the delegation visited in Tyumen, where many houses are not equipped with running water and roads are in a very bad state of repair.

42. The Advisory Committee is furthermore deeply concerned about the unresolved legal situation of many Roma settlements, which led to several cases of forced evictions and demolitions without compensation or access to suitable alternative housing. The Advisory Committee understands that these settlements (“tabors”) usually date back to the forced settling of the Roma population during Soviet times. With land privatisation, it was impossible for many Roma to obtain titles for their homes, which some municipalities in turn interpret as illegal occupation of property.⁴⁰ The Advisory Committee notes, however, that according to the European Court of Human Rights the lack of a current title to a house is not a substantial ground for claiming that the land is illegally occupied.⁴¹ Despite noteworthy efforts by the authorities in some of the regions visited, the language and practices used by representatives of the authorities with regard to the Roma leads the Advisory Committee to conclude that the approach continues to be paternalistic based on a system of ethnic hierarchy.

Recommendations

43. The Advisory Committee calls on the authorities to develop a multi-year action plan on full and effective equality of the Roma. The action plan should be designed in consultation with a broad spectrum of Roma representatives, including Roma women, based on a thorough

³⁸ Federal Agency for Ethnic Affairs (2016), Summary of the study “Socio-economic, ethno-cultural and legal problems of gypsies in Russia”, available at <http://fadn.gov.ru/news/2016/04/07/2733-itogi-issledovaniya-sotsialno-ekonomicheskije-etnokulturnye-i-pravovye-problemy-tsygan-v-rossii> (in Russian). See also Radio Liberty (August 2017), Racism and happiness, available at www.svoboda.org/a/28662724.html.

³⁹ See for example ADC Memorial (October 2017), Alternative Report on the Implementation of the FCNM by the Russian Federation: Discrimination of Roma in Russia; SOVA et al. (2017), Racism, discrimination and fight against “extremism” in contemporary Russia and its controlled territories. Alternative report prepared for the 93rd session of the UN CERD, available at <https://adcmemorial.org/wp-content/uploads/CERDengRU.pdf>.

⁴⁰ ADC Memorial (2017), Alternative report on the implementation of the Framework Convention for the Protection of National Minorities by the Russian Federation: Discrimination of Roma in Russia. ADC Memorial reports about cases of forced evictions and demolitions, usually, without provision of compensation or suitable alternative housing, in Plekhanovo (Tula *oblast*) in 2016, Zelenodolsk District (Republic of Tatarstan) in 2016 and 2017, in Perm in 2014 and 2016.

⁴¹ In *Bagdonavicius and Others v. Russia*, application No. 19841/06, judgement of 11 October 2016, the court ruled in favour of 33 Roma concerning the forced eviction and demolition of their homes in the Guryevsk district of Kaliningrad *oblast*.

assessment of the situation and evaluation of existing pilot projects, include a gender dimension and be sufficiently funded. Responsibilities should be clearly designated, target indicators defined and regular monitoring of its implementation in co-operation with Roma representatives and civil society ensured.

44. The Advisory Committee calls on the authorities to abstain from forced evictions and demolitions of houses and to take measures to regularise informal Roma settlements and ensure they have access to basic services instead. If resettlement is necessary, adequate alternative housing should be ensured in advance in consultation with the persons concerned.

Full and effective equality of indigenous small-numbered peoples

45. The Russian authorities continued to implement the 2009-2025 Concept Paper for sustainable development of indigenous peoples (hereafter the Concept Paper). In the period 2009-2016, 2.1 billion RUB were provided from the federal budget to regional authorities to this effect.⁴² Funds are transferred to the regional and local authorities and, according to the federal authorities, representatives of indigenous small-numbered peoples are consulted at local level. These funds have been used for a variety of purposes, from improving access to medical care to building new schools and infrastructure and acquiring equipment to cultural activities. However, information available to the Advisory Committee points to the fact that the implementation of the Concept Paper is lagging behind, as some objectives and activities have not been fully implemented or have been postponed⁴³ and that federal funding has decreased over time.⁴⁴ The Russian authorities themselves assess that the overall funding for the sustainable development of indigenous small-numbered peoples is insufficient and note its tendency to decrease.⁴⁵ The third action plan for the implementation of the Concept Paper for period 2016-2025 sets better quality of life and a focus on demographic indicators, better access to education, preservation of cultural heritage and development of international co-operation as its priorities. According to the authorities, 1.3 billion RUB are foreseen in the federal budget until 2025 to this effect, which is 800 million RUB less than the amount provided until 2016.

⁴² See the Sixth periodic report of the Russian Federation on the implementation of the provisions of the International Covenant on Economic, Social and Cultural Rights (2016), E/C.12/RUS/6, para. 424.

⁴³ See the Concept Paper and the three action plans for its implementation, available at <http://government.ru/docs/24308/> and "In the World of Indigenous Peoples" Almanac, 2015-2016, pp. 22-29. For example, territories of traditional natural use have not yet been established at federal level and priority access to land, forest, water and renewable natural resources has not yet been ensured; work on the unification of terminology has been carried over from the first to the third action plan for the implementation of the Concept Paper, covering 2016-2025. Some representatives of the indigenous small-numbered peoples have described implementation of the two first stages of the Concept Paper as unsatisfactory.

⁴⁴ See "In the World of Indigenous Peoples" Almanac, 2015-2016, p. 24, and statements of the Russian authorities: from the federal budget, 128 million RUB were allocated in 2016, according to the presentation "Results of the work of FADN in 2016", available at <http://fadn.gov.ru/agency/kollegiya/reports> (in Russian) and "almost 130 million RUB" were foreseen in 2017, according to the article "Russia to invest over 1.3 billion rubles in support for indigenous peoples of the North by 2025", available at <http://arctic.ru/population/20170323/578018.html>, compared to 240 million RUB in 2011, according to the Third Advisory Committee Opinion on the Russian Federation, adopted on 24 November 2011, para. 79.

⁴⁵ Final report on the activities of the Federal Agency for Ethnic Affairs in 2015 and tasks for 2016, p. 9, available at http://fadn.gov.ru/system/attachments/attaches/000/027/513/original/%D0%98%D0%A2%D0%9E%D0%93%D0%9E%D0%92%D0%AB%D0%99_%D0%94%D0%9E%D0%9A%D0%9B%D0%90%D0%94.pdf?1459421136 (in Russian).

46. As far as the quality of life of indigenous peoples is concerned, data collection on this topic does not take place on a systematic and regular basis,⁴⁶ weakening the possibility to assess the effectiveness of the measures taken by the authorities. The existing information shows that life expectancy among indigenous small-numbered peoples is 10-15 years below the average, while levels of child mortality, suicide and poverty-related diseases are above the average.⁴⁷ The first action plan for the implementation of the Concept Paper included the development of a system of indicators measuring the quality of life of persons belonging to indigenous peoples, to be integrated in the state statistics system and a study was commissioned to this end.⁴⁸ However, the task seems incomplete as the development of a system of indicators for the demographic and socio-economic situation of indigenous peoples is also foreseen in the third action plan. The Advisory Committee underlines that it is important to include a gender dimension when developing and implementing such indicators.

47. The Advisory Committee notes a strong legislative emphasis on the preservation of the traditional way of life and traditional economic activities of indigenous peoples. These are defined in a federal list, together with the territories of traditional residence of the indigenous peoples.⁴⁹ Indigenous peoples may set up community-based enterprises (*obshchina*), which can receive subsidies from the authorities, but are non-profit in purpose and may engage only in the traditional economic activities. The Advisory Committee notes that at least one indigenous community - the "Dylacha" community of the Evenk indigenous people in the Republic of Buryatia - was closed down in 2013 *inter alia* for carrying out activities not included in the federal list of traditional economic activities and acting for profit.⁵⁰ In the areas the Advisory Committee visited, representatives of the indigenous peoples raised the issue of tourism, which is also not listed as a "traditional economic activity". Interlocutors of the Advisory Committee also indicated that activities such as fishing or hunting are subject to quotas and in practice indigenous peoples have to compete for plots with private businesses, which puts them at a disadvantage. Moreover, quotas often cover only subsistence needs and restrictions apply as to the way activities are to be practiced, something to which private companies are not subjected.⁵¹ Industrial activities have an additional negative impact on the traditional activities of the indigenous peoples, for example by decreasing fish stock in rivers and lakes or interfering with reindeer migration routes. In such circumstances it seems that the possibilities for sustainable socio-economic development of indigenous peoples and their full

⁴⁶ Submission to the Advisory Committee by the IWGIA, Institute for Ecology and Action Anthropology, Myski local civic organisation "Revival of the Kazas and Shor People", European Network on Indigenous Peoples, paras. 4-5.

⁴⁷ See IWGIA, *The Indigenous World*, 2013, pp. 30-32.

⁴⁸ Submission to the Advisory Committee by the IWGIA, Institute for Ecology and Action Anthropology, Myski local civic organisation "Revival of the Kazas and Shor People", European Network on Indigenous Peoples, paras. 4-5.

⁴⁹ Government decree No. 631-r of 8 May 2009.

⁵⁰ See also the Report on observations to communications sent and replies received by the Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, A/HRC/27/52/Add.4, 3 September 2014, Letter by the Special Rapporteur and Reply of the Government, paras.130-132.

⁵¹ Order No. 152 of 19 April 2016 of the Ministry of Agriculture prohibited the use of net gear by indigenous peoples for fishing during certain periods of the year, although this includes also fishing gear traditionally used by them, while continuing to allow its use by commercial enterprises; see IWGIA, *The Indigenous World*, 2016, p. 80, Parallel Information: Discrimination against indigenous minority peoples of the North, Siberia and the Far East of the Russian Federation, CERD 93rd Session (31 July to 15 August 2017), available at http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/RUS/INT_CERD_NGO_RUS_28209_E.pdf, para.33 and UN CERD (20 September 2017), Concluding observations on the twenty third and twenty fourth periodic reports of the Russian Federation (CERD/C/RUS/CO/23-24), para.23.

and effective equality are limited. Traditional economic activities are vital for indigenous peoples and need full support, including by ensuring preferential, free and non-competitive access to land, wildlife, and other natural resources. This does not exclude, however, also encouraging other models of economic activities of indigenous peoples, even non-traditional, as a means to strengthen their economic viability and self-sufficiency.⁵²

Recommendation

48. The Advisory Committee urges the authorities to take both legal and practical measures to ensure full and effective equality of indigenous peoples, in close consultation with their representatives. Sufficient funding should be provided for the implementation of the Concept Paper for the sustainable development of indigenous peoples and efforts should be strengthened in order to reach its objectives. Various models of economic activities should be supported, both traditional and not traditional, in accordance with the needs and interests of the indigenous peoples.

Article 5 of the Framework Convention

Support for minority cultures

49. The Advisory Committee notes that the authorities continue to provide funding and in-kind support for minority organisations to maintain and develop their culture. It notes with interest the wide network of more than 50 “houses of national cultures”, where registered national minority organisations, usually the respective National Cultural Autonomies (see below), are provided with free office space, premises for language courses, dancing classes and cultural events, and other resources. The “House of Friendship” in Kazan (Republic of Tatarstan), for example, hosts 36 organisations, administers a web portal where each community can publish information on its own page, and publishes a journal.⁵³ Some national minority representatives also referred to these centres as places for solving inter-ethnic issues and providing support to new arrivals such as foreign students or migrants. The Advisory Committee acknowledges the contribution of these centres to the preservation and development of minority cultures. However, certain interlocutors of the Advisory Committee did not feel represented by the centres and the organisations represented in them and said they over-accentuate positive aspects and avoid addressing potentially conflictual or political issues relevant to persons belonging to national minorities. Furthermore, it observes that the leadership of some of the centres it visited follows a rather paternalistic approach towards their constituencies, which could benefit from a more genuine and broader participation of persons belonging to minorities. It notes, moreover, that activities concentrate on traditional expressions of song, music, dance and handcraft, which risks presenting a folkloristic image of national minorities. The Advisory Committee considers in this context that in addition to traditional cultural expressions, support for cultural activities needs to also be extended to contemporary manifestations of culture.

⁵² See also Report on observations to communications sent and replies received by the Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, A/HRC/27/52/Add.4, 3 September 2014, Letter by the Special Rapporteur and Reply of the Government, paras. 133-137.

⁵³ Web Portal of the Assembly of House of Friendship of the Nationalities of Tatarstan, available at <http://addnt.ru/en>.

50. Allocation of funding to minority organisations is provided at federal, regional and local levels. Funding is available, not for minority cultures as such but for projects meeting the much broader set of objectives defined in the “Strategy on a State Nationalities Policy for the period until 2025” and the underlying regional and local policy documents. An example is the largest programme for NGO support at federal level, the “Fund of Presidential Grants”. One of its 12 funding lines is reserved for projects on “Strengthening inter-ethnic and inter-religious harmony”.⁵⁴ This funding line includes projects on the “preservation and protection of the identity and languages of the peoples of the Russian Federation”, but also on the integration of migrants, support to refugees and internally displaced persons, and on prevention of conflicts and radicalisation. Projects on culture, folk crafts, museums and national heritage are eligible under other funding lines, but none of these is specifically targeted at persons belonging to national minorities. While the Advisory Committee welcomes the transparency of the grant competition procedure,⁵⁵ it regrets that there is no funding line specifically devoted to the preservation and development of minority cultures.

51. The Federal Agency for Ethnic Affairs administers a separate, smaller programme, which includes funding opportunities for minority organisations, under the “Federal target programme for strengthening the unity of the Russian nation and the ethno-cultural development of the peoples of the Russian Federation (2014-2020)”. While decisions about the allocation of Presidential grants are made by a commission of experts of various backgrounds, funding decisions within the Federal Agency for Ethnic Affairs are made by its staff. Representatives of national minority organisations or national minority councils are regrettably not involved in either of these commissions.

52. At regional and local levels, several minority organisations complained about heavy bureaucratic procedures involved in accessing funds and financial reporting, the need to advance money over several months, and the frequent limitation of projects to 12 months. Apart from the premises and other in-kind support provided through the above-mentioned cultural centres, national minority organisations usually do not receive baseline funding that would be guaranteed over a longer period of time. Most organisations reported that their activities are mainly funded through private sponsors and that the small amounts of the grants given at local and regional levels are not worth the administrative burden. On a positive note, the Advisory Committee was pleased to learn that in some regions, specific funding lines for minority NGOs exist and national minority representatives such as the board of local consultative councils participate in the decision-making on fund allocation.

53. The new legislation on “foreign agents” has made it very difficult for many national minority organisations to receive funding from abroad, in particular from countries with which the Russian Federation has problematic inter-state relations (see Articles 7 and 17-18). Even though the Advisory Committee considers that support for minority cultures is the responsibility of the state in which national minorities exist, it regrets that access to additional funding from abroad has become difficult for some of the national minority communities it met

⁵⁴ In the second of the two rounds of grant competitions in 2017, approximately 252 million RUB was spent on this funding line. Website of the Fund of Presidential Grants, available at <https://xn--80afcdbalict6afooklqi5o.xn--p1ai/Home/SMI>.

⁵⁵ Regulation on the grant competition for the Presidential Fund on the development of civil society, available at <https://xn--80afcdbalict6afooklqi5o.xn--p1ai/Home/Official>.

during its visit. In addition, cultural organisations of the Ukrainian national minority told the Advisory Committee that they met obstructions when trying to operate in the current climate of heightened tensions caused by the conflict in Eastern Ukraine. They reported difficulties in registering organisations and receiving authorisation for the organisation of Ukrainian cultural events. The Advisory Committee is deeply concerned about reported repression of leaders of existing organisations in several regions. Intimidatory practices have been reported to the Advisory Committee based on a wide interpretation of the anti-extremism legislation (see Article 6). Publishing information about the great famine in Ukraine during the Stalin era (“*holodomor*”), for instance, would reportedly be considered extremist activity.

Recommendation

54. The Advisory Committee urges the authorities to increase their support and simplify access to funds, including by providing sustainable baseline funding for the preservation and development of minority cultures. Support should be extended to contemporary manifestations of culture. Separate funding lines should be made available for projects on minority cultures so that national minority organisations do not have to compete with others under “nationalities policy”.

National cultural autonomies

55. National cultural autonomies (NCAs), established on the basis of the Federal Law No. 74-FZ of 17 June 1996, are a specific form of non-governmental organisations that ought to provide national minorities with the possibility to enjoy cultural autonomy on the basis of a shared ethnic affiliation rather than territory. The number of NCAs has increased to 19 federal NCAs, 287 regional NCAs and 937 local NCAs.⁵⁶ Initially, the system was meant to complement the territorial autonomy for titular ethnicities in the republics and autonomous *okrugs* and *oblasts*. The Advisory Committee notes that NCAs perform important functions for national minorities and their members by organising language courses in Sunday schools (see Article 13), maintaining music and dancing groups, celebrating “national holidays”, participating in festivals, and spreading information in the minority community through newspapers and websites (see Article 9). Furthermore, NCAs at all levels are usually represented in consultative councils and thus participate in public affairs (see Article 15). According to amendments to the Federal Law on National Cultural Autonomies in 2013 and 2014, NCAs have the right to set up private educational institutions at all levels, from kindergarten to professional education (see Article 13), and to engage in projects for the “adaptation of migrants” and the strengthening of “national unity”.

56. All these activities, however, do not live up to the expectations raised by the 1996 Law on National Cultural Autonomies, which speaks of their right to “independently regulate the issue of their identity preservation”. The Advisory Committee regrets that there is not a single field where NCAs are guaranteed exclusive decision-making powers, not even in narrowly defined areas such as for example institutionalised co-operation with the Ministry of Education on teaching and learning materials used for minority languages in schools (see Article 14). Furthermore, although NCAs are represented in consultative bodies at all levels, they have no guaranteed right to be consulted in decision-making processes on minority issues, such as in legislative processes (see Article 15). Many NCAs are in a precarious situation which is

⁵⁶ Website of the Ministry of Justice, available at <http://unro.minjust.ru/NKAs.aspx>.

compounded by the above-mentioned difficulties in accessing sufficiently stable funding. Furthermore, the fact that the Law on National Cultural Autonomies only allows for the formation of one NCA per nationality at each level rests on the presumption of intra-group homogeneity. Given the complexity and varying interests within national minority communities, there does not always seem to be a clear link between the respective NCA leaders and those they purport to represent.⁵⁷ The Advisory Committee recalls that where states provide for cultural autonomy arrangements, the corresponding legislative provisions should clearly specify the competences of the autonomous bodies, the relations between them and relevant state institutions, as well the funding of the autonomy system.⁵⁸

Recommendation

57. The Advisory Committee urges the authorities to grant more rights of independent decision-making to National Cultural Autonomies, to strengthen their independence through multi-year baseline funding, and to ensure that diversity within national minorities can be reflected in the form of organisation and representation of national minorities at all levels.

Indigenous peoples

58. The Advisory Committee underlines that the land that indigenous people traditionally inhabit incorporates their cultural history, is the basis for their traditional economic activities and sometimes has a spiritual dimension. The external pressure on this land through the exploitation of its resources endangers their culture and identities. In this context, the Advisory Committee is concerned by the numerous reports it has received from its interlocutors and other sources indicating a deteriorating situation of the indigenous peoples and their ability to use the traditional territories, in particular in the framework of intense economic exploitation of natural resources. For example, it has been brought to the attention of the Advisory Committee that territories of traditional natural use for the indigenous peoples have not been established at federal level and that more than 500 such territories set up at local and regional levels have no guaranteed legal status, as their boundaries have not been confirmed at federal level and are thus easily subject to change.⁵⁹ Territories of traditional natural use have also been excluded from the list of “specially protected conservation areas”, a status which restricted the exploitation of resources, made state environmental expert review compulsory and granted special consultation rights.⁶⁰ Moreover, the provisions for compensation for the

⁵⁷ See also Prina F. (2015), *National Minorities in Putin’s Russia: Diversity and Assimilation*, Routledge, chapter 8.

⁵⁸ ACFC Thematic Commentary No. 2 “The Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs” (February 2008), para. 136.

⁵⁹ The Federal Law No. 49-FZ of 7 May 2001 on Territories of Traditional Natural Resource Use by indigenous small-numbered peoples of the North, Siberia and the Russian Far East provides for the creation of such areas “for the purpose of traditional land use and traditional way of life of indigenous peoples” at different levels, while the 2001 Federal Land Code requires that their boundaries are confirmed by the federal government (see also the UN CERD, Concluding observations on the twenty-third and twenty-fourth periodic reports of the Russian Federation, CERD/C/RUS/CO/23-24, 20 September 2017, para. 23; Human Rights Committee, International Covenant on Civil and Political Rights (ICCPR), Concluding observations on the seventh periodic report of the Russian Federation, CCPR/C/RUS/CO/7, para. 24; IWGIA, *The Indigenous World Report 2017*, p. 76).

⁶⁰ See Parallel Information Economic, social and cultural rights of indigenous minority peoples of the North, Siberia and the Far East of the Russian Federation, Committee on Economic, Social and Cultural Rights (CESCR), 60th Session, Pre-Sessional Working Group, (27 February to 3 March 2017), available at http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/RUS/INT_CESCR_ICO_RUS_26470_E.pdf, p. 4;

loss of land have been weakened.⁶¹ Particular concerns have been expressed by the interlocutors of the Advisory Committee with respect to fishing rights of indigenous peoples. For example, access to traditional fishing areas is restricted as large plots are auctioned and awarded for business purposes and restrictions are also imposed on fishing practices of indigenous peoples.⁶²

59. The Advisory Committee is concerned by the extent to which industrial activities linked to the exploitation of natural resources, in particular subsoil, have affected the territories where indigenous peoples live, including through significant environmental damage, and have endangered their traditional ways of life,⁶³ as well as limited the possibilities to protect the cultural and religious heritage. Information available to the Advisory Committee⁶⁴ includes industrial installations interfering with the traditional pasture and reindeer migration routes on the Yamal Peninsula, to the extent that some communities have had to give up herding and their nomadic existence. Another worrying case is linked to the Numto National Park, in the Khanty-Mansi autonomous okrug, which includes Lake Numto, a sacred place for indigenous peoples and whose boundaries were changed in 2016 for the benefit of oil exploitation in the area.⁶⁵ The case of the village of Kazas in the Kemerovo oblast, inhabited by the Shor people and destroyed in 2013 by mining activities, is particularly worrying; moreover, Karagay Lyash, the sacred mountain of the Shor people, has been razed to the ground and the Shor people are prevented from visiting the site of their village and cemetery, as armed checkpoints have been set up by the mining company on the road.⁶⁶ Some representatives of indigenous peoples are concerned that the “Far Eastern Hectare” programme, offering land to those settling in the Far East, would further infringe on their rights and enable distribution of the land upon which they

“Russia: Legislative change to demolish indigenous land rights” available at www.iwgia.org/en/russia/2010-russia-legislative-change-to-demolish-indigenous-l.

⁶¹ Parallel Information: Discrimination against indigenous minority peoples of the North, Siberia and the Far East of the Russian Federation, CERD, 93rd Session (31 July to 15 August 2017), available at http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/RUS/INT_CERD_NGO_RUS_28209_E.pdf, para. 17.

⁶² Order No. 152 of 19 April 2016 of the Ministry of Agriculture prohibited the use of net gear by indigenous peoples for fishing during certain periods of the year, although this includes also fishing gear traditionally used by them, while continuing to allow its use by commercial enterprises. See IWGIA, *The Indigenous World*, 2016, p. 80, Parallel Information: Discrimination against indigenous minority peoples of the North, Siberia and the Far East of the Russian Federation, CERD, 93rd Session (31 July to 15 August 2017), available at http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/RUS/INT_CERD_NGO_RUS_28209_E.pdf, para. 33; and UN CERD (20 September 2017), Concluding observations on the twenty third and twenty fourth periodic reports of the Russian Federation (CERD/C/RUS/CO/23-24), para. 23.

⁶³ See also UN Committee on Economic, Social and Cultural Rights (16 October 2017), Concluding observations on the sixth periodic report of the Russian Federation, paras. 15 and 59; UN Committee on the Rights of the Child (27 February 2014), Concluding observations on the combined fourth and fifth periodic reports of the Russian Federation, CRC/C/RUS/CO/4-5, para. 20; UN CERD (20 September 2017), Concluding observations on the twenty third and twenty fourth periodic reports of the Russian Federation, CERD/C/RUS/CO/23-24, para. 23.

⁶⁴ Submission to the Advisory Committee by the IWGIA, Institute for Ecology and Action Anthropology, Myski local civic organisation “Revival of the Kazas and Shor People”, European Network on Indigenous Peoples, para. 27

⁶⁵ Parallel Information: Discrimination against indigenous minority peoples of the North, Siberia and the Far East of the Russian Federation, CERD, 93rd Session (31 July to 15 August 2017), p. 23, available at http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/RUS/INT_CERD_NGO_RUS_28209_E.pdf.

⁶⁶ Submission to the Advisory Committee by ADC Memorial and Myski local civic organisation “Revival of the Kazas and Shor People”, UN CERD (20 September 2017), Concluding observations on the twenty third and twenty fourth periodic reports of the Russian Federation, CERD/C/RUS/CO/23-24, para. 25.

have lived traditionally without their consent.⁶⁷ Given that some of these actions might lead to altering the proportions of the population in areas inhabited by persons belonging to national minorities, the Advisory Committee reminds the authorities of the provisions of Article 16 of the Framework Convention.

Recommendation

60. The Advisory Committee urges the authorities to ensure, in close consultation with indigenous peoples' representatives, that the land these peoples inhabit and their heritage are effectively protected when large-scale industrial projects are carried out. Decisions on the use of land and resources should not negatively impact on the possibilities of the indigenous peoples to maintain and develop their culture in a broad sense.

Article 6 of the Framework Convention

Tolerance and intercultural dialogue

61. The Advisory Committee is pleased to note that most representatives of national minorities report an overall respectful attitude between and within majority and minority populations. The authorities of the regions that the Advisory Committee visited quoted surveys according to which the vast majority of the population was satisfied with the climate of inter-ethnic relations in the regions. Surveys by the Levada Center confirm that the significant majority of the population (around 80% throughout the reporting period) did not feel ethnic tensions in their region, or hostility from or towards persons of other ethnic affiliation. Public opinion about migrants is however less positive.⁶⁸ The Advisory Committee could also sense these negative attitudes in the conversations with various interlocutors during its visit. Public policies and discourses regarding migrants are directed at the need for "adaptation" of migrants to Russian behavioural rules during their (preferably only temporary) stay.⁶⁹

62. Within the framework of the "Strategy of state national policy of the Russian Federation for the period until 2025" the authorities support a wide range of activities promoting inter-ethnic understanding. The Advisory Committee appreciates that the action plans

⁶⁷ For instance, in September 2016, without consulting representatives of the indigenous peoples, the authorities of Khabarovsk *kray* reduced to less than half their size 13 territories of traditional natural use, created at regional and local levels, allegedly to allocate land to the Far Eastern Hectare Programme. After protests, the reduction was limited to 15%. See IGWIA, the Indigenous World, 2016, p. 44; Parallel Information: Discrimination against indigenous minority peoples of the North, Siberia and the Far East of the Russian Federation, CERD, 93rd Session (31 July to 15 August 2017), p. 23, available at http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/RUS/INT_CERD_NGO_RUS_28209_E.pdf, para. 22.

⁶⁸ Levada Analytical Center (2017), Russian Public Opinion 2016, available at www.levada.ru/cp/wp-content/uploads/2016/01/2016-Eng.pdf, p. 147.

⁶⁹ See for example the brochure "On the rules of behaviour of migrants in the city of Moscow" edited in 2016 by the Department for national policy and inter-regional relations of the City of Moscow, available at http://rusmigrant.com/data/media/%D0%91%D1%80%D0%BE%D1%88%D1%8E%D1%80%D0%B0_%D0%B4%D0%BB%D1%8F_%D0%BC%D0%B8%D0%B3%D1%80%D0%B0%D0%BD%D1%82%D0%BE%D0%B2.pdf (in Russian) and BBC (16 January 2017), Moscow fairy tale comics to help migrants 'behave', available at www.bbc.com/news/world-europe-38641117.

accompanying the Strategy⁷⁰ give particular attention to training of staff working in public services, capacity building of journalists writing about inter-ethnic relations and to projects targeting young people. The Advisory Committee notes with concern, however, that many of the activities aim to promote patriotism and the Russian language and culture, with only very few activities seeking to educate the majority population about the cultures and languages of national minorities. The Advisory Committee further notes the efforts made by the Federal Agency for Ethnic Affairs to monitor the potential for ethnic conflicts in various regions through an “early warning system”. Although close monitoring of inter-ethnic relations is certainly to be welcomed, the Advisory Committee, in line with the Ljubljana Guidelines on Integration of Diverse Societies,⁷¹ thinks that a bias to look at ethnic diversity only as a potential source of conflicts should be avoided.

63. A similar approach is taken to regulate migrant integration. A draft Law on Social and Cultural Adaptation and Integration of Foreign Citizens in the Russian Federation and on Amending Certain Legislative Acts of the Russian Federation recognises the right to “preserve one’s ethno-cultural identity” and stresses the role of non-commercial organisations in the integration of migrants. Laws on NCAs and on non-commercial organisations were amended in 2014 to include a possibility for those organisations to engage in activities around the “adaptation of migrants”.⁷² While acknowledging the efforts of the authorities, the Advisory Committee observes a certain expectation that integration is a one-way process where “newcomers” simply adapt to a majority society. As explained in its fourth Thematic Commentary, the Advisory Committee is of the opinion that for genuine integration of society it is essential that all segments of society, majorities and minorities alike, are addressed and that diversity and respect for differences are acknowledged and encouraged.⁷³

Recommendation

64. The Advisory Committee reiterates its call on the authorities to develop and implement programmes promoting respect and intercultural understanding and societal integration as an all-encompassing process, based on the recognition of minority communities as an equal and integrated part of society.

⁷⁰ Government decree No. 1226-r on an action plan for the period 2013-2015 on the implementation of the Government Strategy on Nationalities Policy; Government decree No. 2648-r on a plan for the period 2016-2018 for the realisation of the Government Strategy on Nationalities Policy; Government decree No. 1532 of 29 December 2016 on a programme for the realisation of the Government Strategy on Nationalities Policy.

⁷¹ “The HCNM’s experience indicates that diversity alone is neither correlated nor causally linked with an increase in tensions and violence. (...) Such conflicts are frequently rooted in the denial of basic rights and in the systematic and/or systemic exclusion and alienation of entire communities”. OSCE High Commissioner on National Minorities (2012), *The Ljubljana Guidelines on Integration of Diverse Societies*, p. 2.

⁷² Federal Law No. 440-FZ of 22 December 2014 on amending Article 31.1 of the Federal Law on Non-commercial Organizations and Federal Law No. 336-FZ of 4 November 2014 on Amending Articles 1 and 4 of the Federal Law on National and Cultural Autonomy.

⁷³ ACFC Thematic Commentary No. 4 “The Framework Convention: a key tool to managing diversity through minority rights. The Scope of Application of the Framework Convention for the Protection of National Minorities” (May 2016), para. 54.

Protection from acts of discrimination, hostility or violence

65. The Advisory Committee takes note that the authorities undertake a range of measures to address hate speech, hate crime and other forms of hostility. Article 282 of the Criminal Code prohibits “inciting hatred or hostility, and humiliation of human dignity”.⁷⁴ The Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications (*Roskomnadzor*) monitors hate speech (“igniting of ethnic conflicts”) and extremist statements in co-operation with law enforcement agencies. Prevention of extremism on ethnic and religious grounds is one of the eight sub-objectives of the State Programme for the period 2017-2025 and a number of activities in this area have been included in the respective action plans for the implementation of the “Strategy on State Nationalities Policy for the period until 2025”.⁷⁵ The Advisory Committee notes that since 2014, law-enforcement agencies have been monitoring ultra-right organisations more actively and several of their leaders have been convicted.⁷⁶ As mentioned, criminal charges and other types of pressure against the far-right began to increase significantly at the end of 2014. Furthermore, the Advisory Committee notes that some minority representatives reported during the visit that they work on the prevention of religious radicalisation and extremism among younger persons belonging to their respective constituencies. The National Cultural Association of Tadjiks in Krasnodar, for example, received a grant from Krasnodar municipality in the framework of a programme for the promotion of inter-ethnic understanding and prevention of extremism.⁷⁷ While vigilance and decisive measures against extremism on various grounds are necessary, the Advisory Committee notes with concern reports about inappropriate and arbitrary enforcement of the legislation on extremist activities infringing the rights to freedom of expression, assembly and association by law enforcement bodies (see Article 7).⁷⁸ It therefore considers it important that law enforcement staff is appropriately trained to ensure that the application of this legislation does not result in infringements to the rights of persons belonging to national minorities enshrined in the Framework Convention.

66. According to the Venice Commission, many definitions in the Federal Law No.114-FZ of 25 July 2002 on Combating Extremist Activity and the respective Articles 280 and 282 of the Criminal Code give “too wide discretion in its interpretation and application, thus leading to arbitrariness”.⁷⁹ Article 282 of the Criminal Code, for example, was the basis for the sentence against a woman who, following her online criticism of Russia’s policy on Ukraine, was found

⁷⁴ See also state report, p. 44.

⁷⁵ See for example activity No. 22 in the Action Plan for the period 2013-2015 on “Conducting checks on the activities of public organisations, religious and other non-commercial organisations (...) to identify manifestations of extremism on national or religious grounds”, p. 22.

⁷⁶ For an analysis of the activities against anti-government ultra-right movements since 2014, see Sova Center (May 2017), Old problems and new alliances: xenophobia and radical nationalism in Russia, and efforts to counteract them in 2016, available at www.sova-center.ru/en/xenophobia/reports-analyses/2017/05/d36995/#_Toc481784927.

⁷⁷ According to interlocutors, the Federal National Cultural Association of Uzbeks is also working in this area.

⁷⁸ Sova Center (April 2017), Inappropriate enforcement of anti-extremist legislation in 2016, available at www.sova-center.ru/en/misuse/reports-analyses/2017/04/d36857.

⁷⁹ European Commission for Democracy through Law (Venice Commission), Revised draft opinion on the Federal Law on Combating Extremist Activity, adopted on 1 June 2012. It has to be noted that in November 2016, the Russian Supreme Court clarified the use of charges of extremism for online actions, which can be interpreted as scaling back some of the excessive applications of the anti-extremism legislation.

guilty of incitement to hatred towards “Russian people” and the “authorities”.⁸⁰ The Advisory Committee is deeply concerned about reports that the anti-extremism legislation and the Federal list of extremist materials are being used arbitrarily to silence individuals, including some national minority representatives.⁸¹

67. The Advisory Committee notes that the reported number of incidents of violence against persons belonging to national minorities has decreased over the reporting period from 144 cases registered by the Sova Center in 2011 to 49 cases in 2016.⁸² Migrants from Central Asia usually constitute the largest group of victims. Some recent cases have been marked by severe brutality.⁸³ In 2013, mass riots against migrants took place in Moscow following the killing of an ethnic Russian by a man from the Caucasus.⁸⁴ The Advisory Committee notes that the number of reported acts of violence against Jews does not exceed three per year during the reporting period. The Advisory Committee’s interlocutors from the Jewish community reported that in the regions they did not experience anti-Semitic sentiment. Anti-Semitic rhetoric is noticeable, however, in the radical right segments of the internet.⁸⁵

68. The Advisory Committee notes that the authorities have taken measures to protect labour migrants from discrimination by creating better possibilities for regular/legal employment of foreign citizens in the Russian Federation. The creation of the Eurasian Economic Union in 2014 formally equalised rights and conditions for labour migrants from Armenia, Belarus, Kazakhstan and Kyrgyzstan in the Russian Federation. Labour migrants from other Commonwealth of Independent States’ (CIS) countries, in particular Tajikistan and Uzbekistan, can apply for licenses (“patents”) albeit with significantly weaker social guarantees. The Advisory Committee notes that the authorities are trying to increase the transparency and effectiveness of the procedures related to labour migration. In some of the regions the Advisory Committee visited, notably Moscow and Tatarstan, National Cultural Autonomies of Uzbeks or other national minorities provide legal aid to labour migrants of the same ethnic affiliation. The Advisory Committee notes, however, that particularly low-skilled employees working in construction continue to suffer from severe discrimination such as documented in

⁸⁰ See Amnesty International (2017), Russian Federation 2016/2017, available at www.amnesty.org/en/countries/europe-and-central-asia/russian-federation/report-russian-federation/.

⁸¹ See for example the case of Ivan Moseev, the President of the Association of Pomors of the Arkhangelsk Region. The case was opened in 2012 under Article 282 of the Criminal Code because, according to the investigators, Mr Moseev made a comment insulting ethnic Russians on the website of “Ekho Severa” under the username “Pomors”. Mr Moseev received a harsh sentence, which has been criticised by the Sova Center as unlawful. See Sova Center (August 2014), Misuse of Anti-Extremism in July 2014, available at www.sova-center.ru/en/misuse/news-releases/2014/08/d30073/.

⁸² See Database of the Sova Center at www.sova-center.ru/en/database.

⁸³ Sova Center (May 2017), Old problems and new alliances: xenophobia and radical nationalism in Russia, and efforts to counteract them in 2016, available at www.sova-center.ru/en/xenophobia/reports-analyses/2017/05/d36995/#_Toc481784927.

⁸⁴ Minority Rights Group International (October 2013), Moscow riot highlights urgent need for Russian government to develop action plan for migrant protection and integration, available at <http://minorityrights.org/2013/10/16/moscow-riot-highlights-urgent-need-for-russian-government-to-develop-action-plan-for-migrant-protection-and-integration>.

⁸⁵ Sova Center (May 2017), Old problems and new alliances: xenophobia and radical nationalism in Russia, and efforts to counteract them in 2016, available at www.sova-center.ru/en/xenophobia/reports-analyses/2017/05/d36995/#_Toc481784927.

the preparation of the Olympic Winter Games in Sochi in 2014.⁸⁶ Many live and work in substandard conditions and have difficulties accessing basic rights such as health services or schooling for their children.⁸⁷

Recommendations

69. The Advisory Committee urges the authorities to amend the anti-extremism legislation with a view to creating more legal certainty and clarifying the scope of its application in line with Article 6. Awareness should be raised about the need to guarantee protection of human rights, including minority rights, in the implementation of this legislation.

70. The Advisory Committee urges the authorities to prevent, identify, investigate, prosecute and sanction effectively all racially and ethnically motivated acts, including against persons from the North Caucasus and against migrants.

Law enforcement bodies

71. The Advisory Committee notes with regret reports that persons belonging to national minorities continue to be discriminated against and subjected to ill-treatment by law enforcement bodies. Interlocutors of the Advisory Committee report that ethnic profiling and arbitrary identity checks of persons from the North Caucasus continue to be widespread. It appears that the situation was particularly tense in 2013 and 2014, which saw a number of police raids on markets in Moscow, massive detentions based on ethnic profiling, and deportation of migrants from both Russia's North Caucasus and Central Asia.⁸⁸

72. The Advisory Committee is concerned about the reports on discriminatory practices towards persons belonging to national minorities by Cossacks, a paramilitary formation serving on the basis of the Federal Law No.154-FZ of 5 December 2005 on State Service of the Russian Cossacks. The Krasnodar *kray* has employed 1 000 Cossacks, starting with the 2014 Sochi Olympic Games, as an auxiliary police force which, according to the Governor at the time, could take measures beyond what the police were allowed.⁸⁹ During its visit to Krasnodar, the Advisory Committee learned from its interlocutors that Cossacks play a dominant and indirectly or directly intimidatory role in the region and are more prone to behave openly discriminatorily towards persons of non-Slavic origin than regular police staff.

73. The Advisory Committee is deeply concerned about reports of discrimination, ill-treatment and torture of persons from the North Caucasus in the Russian penal system. It received information that persons belonging to these minorities suffer more frequently than others from violence, abusive treatment, insufficient medical support, and deliberate violation of their religious feelings. Inmates from Chechnya, Ingushetia or Dagestan are often

⁸⁶ Human Rights Watch (2013), Race to the bottom. Exploitation of migrant workers ahead of Russia's 2014 Winter Olympic Games in Sochi, available at www.hrw.org/report/2013/02/06/race-bottom/exploitation-migrant-workers-ahead-russias-2014-winter-olympic-games.

⁸⁷ Civic Assistance Committee (2017), Universal law is not for everyone. Access to schooling for children of refugees and labor migrants in Russia, available at <http://refugee.ru/publications/8371/> (in Russian).

⁸⁸ Human Rights Watch (8 August 2013) Russia: mass detention of migrants, available at www.hrw.org/news/2013/08/08/russia-mass-detention-migrants.

⁸⁹ New York Times (3 August 2012), Russian Governor signs up Cossacks to police migrants, available at www.nytimes.com/2012/08/04/world/europe/russian-to-use-cossacks-to-repel-muslim-migrants.html.

imprisoned in penal colonies that are thousands of kilometres away from their homes. Abusive treatment on ethnic grounds often happens under conditions of impunity.⁹⁰

74. During its visit, the Advisory Committee learned with deep concern about the systematic harassment of Roma in the Zelenodolsk district of Tatarstan. It was informed of regular police raids, arbitrary controls of identity documents, and that Roma women with their children were held in police stations for hours for identity checks. Representatives of the local Roma population perceive this as a signal that they are not wanted in Tatarstan. This policy reportedly started with the election of a new Head of the Administration of the District in 2013, who has repeatedly made anti-Roma statements in public.⁹¹

Recommendation

75. The Advisory Committee calls on the authorities to ensure that persons belonging to national minorities, including persons from the North Caucasus and the Roma, are not subject to discriminatory and intimidatory behaviour by law enforcement bodies. Law enforcement staff, including Cossacks, should be trained on human and minority rights standards and how to apply these with respect to persons belonging to minorities.

Article 7 of the Framework Convention

Freedom of assembly and association

76. The Advisory Committee deplores the fact that a number of laws have been enacted during the reporting period, which put restrictions on the rights of everyone, including persons belonging to national minorities, to freedom of peaceful assembly and freedom of association. Many institutions, such as the Venice Commission, the Parliamentary Assembly of the Council of Europe, the Commissioner for Human Rights and the Council of Europe Conference of INGOs, are of the opinion that these laws have created an unfavourable climate for the development of civil society and have stigmatised independent human rights organisations by labelling them as “foreign agents” based on their alleged “political activity” and foreign funding.⁹² The Advisory Committee shares these critical assessments regarding current

⁹⁰ High Commissioner for Human Rights in the Russian Federation (2017), Activity Report 2016, p. 52. See also Memorial Anti-Discrimination Centre (2016), Violations of the rights of stateless persons and foreign citizens in light of the ECHR judgement in “Kim vs. Russia”, available at https://adcmemorial.org/wp-content/uploads/kim1_bigENG_www.pdf. See also Civic Assistance Committee (2014), Report on the situation of Chechen Republic and Republic of Ingushetia residents in the Russian penal system, September 2011 to August 2014, available at http://refugee.ru/wp-content/uploads/2016/08/prison-report_eng.pdf.

⁹¹ Memorial Anti-Discrimination Centre (2017), Non-resistance to racism, available at <https://adcmemorial.org/www/13145.html?lang=en>.

⁹² European Commission for Democracy through Law (Venice Commission), Russian Federation, Opinion on Federal Law No. 129-FZ on Amending Certain Legislative Acts (Federal Law on Undesirable Activities of Foreign and International Non-governmental Organisations) adopted on 10-11 June 2016, and Opinion on Federal Law No. 121-FZ on Non-commercial Organisations (“Law on Foreign Agents”), Federal Laws No. 18-FZ and No. 147-FZ, and on Federal Law No. 190-FZ on Making Amendments to the Criminal Code (“Law on Treason”), adopted on 13-14 June 2014; Parliamentary Assembly of the Council of Europe (11 October 2016), Honouring of Obligations and Commitments by the Russian Federation. AS/Mon(2016)29; Commissioner for Human Rights (2015), Legislation and practice in the Russian Federation on non-commercial organisations in light of Council of Europe standards: an update; Expert Council on NGO law of the Council of Europe Conference of INGOs, available at www.coe.int/en/web/ingo/expert-council-on-ngo-law-country-study-on-ngo-legislation-in-the-russian-federation.

legislation on NGOs as it observes that it has a clear effect on access to minority rights as enshrined in the Framework Convention.

77. As regards the right of persons belonging to national minorities to freedom of assembly, the Advisory Committee is worried that public manifestations in defence of minority languages, for example in the Republic of Bashkortostan were obstructed by the authorities.⁹³ Furthermore, in 2015, an opposition activist of Tatar ethnic affiliation was the first person to be convicted for participating in peaceful demonstrations under Article 212.1 of the Criminal Code, which criminalised violations of the regulations on public meetings.⁹⁴

78. Concerning the freedom of association, the Advisory Committee notes that several of the laws and policy documents in the area of national minority protection during the reporting period stress the importance of civil society and strengthen the role of non-commercial organisations in delivering services, for instance in supporting the “adaptation” of migrants. The creation of “civic chambers”⁹⁵ in all regions and many municipalities reflects the importance attributed to associations. However, interlocutors of the Advisory Committee indicated that they were expected to respect certain “invisible boundaries”. As soon as an NGO, including a minority NGO, is overstepping these “boundaries”, an array of administrative or legal measures may be deployed by the authorities to restrict its activities and/or persons running them. Some 38 amendments to Federal Law No. 7-FZ of 12 January 1996 on Non-commercial Organisations during the reporting period create an environment of insecurity, which several interlocutors of the Advisory Committee indicated as problematic. The pressure appears to vary across regions. Among the regions the Advisory Committee visited, it appears to be particularly high in Krasnodar *kray* and Tyumen *oblast*.

79. Amendments to the Law on Non-commercial Organisations in June 2016 established an even broader definition of “political activities”.⁹⁶ Federal Law No. 121-FZ of 20 July 2012, which entered into force in November 2012, introduced the legal status of a “foreign agent” for NGOs receiving funding from abroad and participating in “political activities”. As of 1 February 2018, 81 organisations are registered in the category of “foreign agent”.⁹⁷ These include several organisations of persons belonging to national minorities or organisations advocating for minority rights such as the Centre for Support of Indigenous Peoples of the North, the

See also the Expert Council’s compilation of case law on the NGO legislation, available at <https://rm.coe.int/1680492965>.

⁹³ Radio Svoboda (16 September 2017), In Ufa at a rally in defense of the Bashkir language, four detainees, available at <https://www.svoboda.org/a/28739405.html>.

⁹⁴ Ildar Dadin, prisoner of conscience according to Amnesty International, was subject to torture and other ill-treatment in the prison colony in the Karelia Region. See Amnesty International, www.amnesty.org/en/latest/news/2017/02/russia-court-offers-chink-of-light-in-case-brought-by-jailed-protester-ildar-dadin/ and www.rferl.org/a/russia-ildar-dadin-activist-released/28332922.html.

⁹⁵ Civic chambers (*obshchestvennye palaty*) are consultative bodies composed of representatives of civil society, which exist at federal level (since 2005) and in all regions of the Russian Federation. They can analyse draft legislation and make recommendations to the authorities. For the composition and working methods of the Federal Civic Chamber, see www.oprf.ru/en/about.

⁹⁶ Federal Law No. 179-FZ of 6 June 2016 on Introducing Amendments to Article 2 paragraph 6 of the Federal Law on Non-commercial Organisations as regards to Clarification of the Notion of Political Activity.

⁹⁷ Website of the Ministry of Justice of the Russian Federation, available at <http://unro.minjust.ru/NKOForeignAgent.aspx>.

International Foundation for the Development of Indigenous Peoples of the North, Siberia and the Far East 'BATANI', the Society for German Culture and Russian Germans 'Eintracht – Soglasie' in Kaliningrad, the Cultural and Educational Society 'Polonia' in Volgograd, the Jewish Community Cultural Centre Hesed-Teshuva in Ryazan, various branches of the Human Rights Centre 'Memorial', as well as the Civic Assistance Committee in Moscow.⁹⁸ The NGO "Young Karelia" has been added to the list for "political activity" that amounted to receiving a grant from the United Nations to conduct training sessions on linguistic rights for activists promoting Finno-Ugric languages in Karelia and hosting a group of Finns in Karelia for a study trip. Confronted with having to register as a "foreign agent", the organisation was closed in August 2015, re-registering later under a different name.⁹⁹

80. The Advisory Committee is deeply worried about implications of the law on "foreign agents" for those national minority organisations which have relations with and receive funding from other states or international organisations. Several interlocutors from such organisations informed the Advisory Committee that they avoided receiving funding from abroad and if they did it, the procedures were lengthy and cumbersome (see also Articles 17-18). Another problem is a vague and broad definition of "political activities". The Advisory Committee learned about cases, for example, where research and publications of minority organisations about the history of their national minority, in particular if linked to deportations and repressions during the Stalin era, were considered "political". From its conversations with minority representatives the Advisory Committee understands that many avoid touching such delicate topics because they fear reprisals, which resembles a form of self-censorship. With Federal Law No. 129-FZ adopted in May 2015, a new category of foreign organisations, "undesirable on Russian territory" was created, whose activities are deemed to pose a threat to Russia's constitutional order, defence or national security. Yet, even for organisations not included in these lists, a wide spectrum of measures is being applied rendering civil society activism on minority rights more complicated, expensive and risky.

81. Another problematic issue is related to the underlying expectation that minority groups should be uniform and homogeneous and have only one association and one leader. Only one national cultural autonomy can be established at each administrative level (federal, regional, local). The Advisory Committee is of the opinion that internal differences within a national minority need to be recognised and reflected in the way its members organise themselves. It notes for example that the authorities of Krasnodar *kray* gave preference to a single NCA for all minorities from Dagestan. This does not seem to satisfy some representatives of the Lezgin minority, who have not succeeded in registering their own association. The competition of two federal associations claiming to represent the Azerbaijani minority also seems to have been "settled" through the decision of the Ministry of Justice not to register one of them.¹⁰⁰ The Advisory Committee is under the impression that in such cases the authorities usually give preference to the organisation, which is more supportive of official policies.

⁹⁸ Human Rights Watch (21 July 2017), Russia: Government vs. Rights Groups, available at www.hrw.org/russia-government-against-rights-groups-battle-chronicle. It is worth noting that a number of organisations listed as "foreign agents" received funding from the Presidential Fund in 2016 and 2017.

⁹⁹ Uralistica (28 September 2015), Killing an indigenous NGO, softly: A tale from Putin's Russia, available at <http://uralistica.com/profiles/blogs/killing-an-indigenous-ngo-softly-a-tale-from-putin-s-russia>.

¹⁰⁰ A similar case regarding the Federal NCA of Ukrainians and the Union of Ukrainians is described in the third opinion of the Advisory Committee on the Russian Federation, adopted on 24 November 2011, paras. 134-135.

82. The Advisory Committee notes with concern reports about pressure exerted by the authorities on the central organisation of indigenous peoples, RAIPON, which had to suspend its activities between November 2012 and March 2013 for administrative reasons. Reportedly, as a result of an audit carried out in April 2010 by the Russian Federal Ministry of Justice, RAIPON was asked to register its logo as a federal inventory and to include a list of its regional representations in its statute. The organisation convened an extraordinary congress and undertook these steps, but the Ministry of Justice refused to register RAIPON's decision regarding the list of regional representations. RAIPON contested the refusal in court and in September 2012, while proceedings were on-going, the Ministry of Justice suspended RAIPON's activities until 20 April 2013, with effect from 1 November 2012, invoking the shortcomings in the statute. RAIPON convened another extraordinary congress in January 2013 to modify the statute in line with the request of the Ministry of Justice and in March 2013 the suspension was lifted.¹⁰¹ Reportedly, one of the changes requested by the Ministry of Justice in the statute had to do with the majority required to elect the president of the organisation. This would come to play an important role in the contested elections at the end of March 2013.¹⁰²

Recommendation

83. The Advisory Committee urges the authorities to amend the Federal Law on Non-Commercial organisations and other legislation on NGOs in line with international standards and refrain from unduly limiting the freedom of association of persons belonging to national minorities.

Freedom of expression and freedom of conscience

84. The Advisory Committee is concerned about further limitations put on the freedom of expression, and freedom of thought, conscience and religion of persons belonging to minorities. While recognising the need to prevent hate speech spread over internet platforms it is also important not to limit the freedom of expression today on the internet, including social networks and messaging services.¹⁰³ The 2013 amendments to Federal Law No. 398-FZ of 28 December 2013 on Information, Information Technologies and Information Protection allow the blocking of websites containing "radical content" without a court decision.¹⁰⁴ The Advisory Committee is concerned that the Unified Register of Banned Websites blocked by court decisions as well as the list of websites blocked directly by the Prosecutor General's Office reportedly includes a number of "inappropriate entries" disproportionately limiting freedom of expression.¹⁰⁵ Comments or images on social networks and even reposts result increasingly in

¹⁰¹ IWGIA, 2013, pp. 32-34, IWGIA Report 18 (2014): Indigenous Peoples in the Russian Federation, pp. 27-28.

¹⁰² IWGIA Report 18 (2014): Indigenous Peoples in the Russian Federation, p. 28.

¹⁰³ For a timeline and analysis of the laws restricting freedom of expression on the internet adopted between 2012 and 2017, see Human Rights Watch (2017), *Online and on all fronts. Russia's assault on freedom of expression*, available at <https://www.hrw.org/report/2017/07/18/online-and-all-fronts/russias-assault-freedom-expression>.

¹⁰⁴ For a critical assessment of these and other legislative changes from a point of view of freedom of expression, see for example Human Rights Watch (March 2014), *Russia: Halt orders to block online media. Proposed law would further restrict public debate*, available at www.hrw.org/news/2014/03/23/russia-halt-orders-block-online-media. See also Article 7 of this opinion.

¹⁰⁵ Sova Center (September 2017), *Brief report on misuse of anti-extremist legislation in January - August 2017*, available at www.sova-center.ru/en/misuse/reports-analyses/2017/09/d37819/.

prison sentences.¹⁰⁶ An amendment to Article 280 of the Criminal Code on the prohibition of separatism increases its scope of application by criminalising “public, online calls aimed at violating the territorial integrity of the Russian Federation”. The fact that the authorities have used this new paragraph to prosecute and intimidate critics of Russia’s policy on Crimea, confirms that it has a potential of being misused to limit the freedom of expression of persons belonging to national minorities.¹⁰⁷ In May 2015, for example, the Director of the Tatar Cultural Centre in Naberezhnye Chelny in Tatarstan was sentenced to three years in prison and a two-year ban on the use of social networks under this provision. He was charged with “public calls for disintegration of Russia’s territorial integrity” and “incitement of hatred towards the Russian authorities as a social group” for four articles he shared online in 2014 condemning Russia’s actions in Crimea.¹⁰⁸

85. Infringements on the right to freedom of expression concerned in particular persons belonging to the Ukrainian minority when making statements that are not in line with the Russian policy regarding Crimea and the conflict in Eastern Ukraine. The Advisory Committee notes with concern the case of the former director of the state-run Library of Ukrainian Literature in Moscow, who was accused of “inciting hatred and enmity through misuse of office” under Article 282 of the Criminal Code and of fraudulent use of library funds. A number of books classified as “extremist” had purportedly been found among non-catalogued literature in the library. In a court case widely criticised as politicised, she was put under house arrest and sentenced to a four-year suspended prison sentence in June 2017.¹⁰⁹

86. The Advisory Committee is furthermore concerned by information indicating that women working in the public sector in the Republic of Chechnya are, regardless of their religious affiliation, obliged to wear a traditional Muslim headscarf (hijab) during work.¹¹⁰ The Advisory Committee acknowledges 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.

¹⁰⁶ According to the NGO “Agora”, 29 prison terms were imposed on internet users in 2016, twice as many as the year before. Reporters Without Borders (10 July 2017), Last nail in coffin of Russian internet freedom, available at <https://rsf.org/en/news/last-nail-coffin-russian-internet-freedom>.

¹⁰⁷ See for example the case of Andrey Bubeyev, who was sentenced to two years and three months in prison for “incitement to extremism” and “making separatist calls” for sharing online an article called “Crimea is Ukraine” and a picture of a toothpaste tube with the words “Squeeze Russia out of yourself”. In January 2017, the NGO “Agora” filed an application with the European Court of Human Rights on that case.

¹⁰⁸ Having served his full three-years prison term, the Director of the Tatar Cultural Centre, Rafis Kashapov, was released in December 2017. His application to the European Court of Human Rights was communicated to the Russian government in January 2018. See Amnesty International (18 January 2018), Tatar activist and prisoner of conscience released, available at www.amnesty.org/download/Documents/EUR4677422018ENGLISH.pdf.

¹⁰⁹ Reuters (5 June 2017), Head of Moscow’s Ukrainian library convicted of incitement against Russians, available at www.reuters.com/article/us-ukraine-crisis-russia-library/head-of-moscows-ukrainian-library-convicted-of-incitement-against-russians-idUSKBN18W12T.

¹¹⁰ Caucasian Knot (17 December 2016), Employees of state institutions of Chechnya declared compulsion to work in hijab, available at www.kavkaz-uzel.eu/articles/294463/ (in Russian).

Recommendation

87. The Advisory Committee strongly urges the authorities to abstain from unduly infringing on the freedom of expression and freedom of conscience of persons belonging to and defending the rights of national minorities.

Article 8 of the Framework Convention

Manifestation of religious beliefs and religious associations

88. According to the constitution, the Russian Federation is a secular state and religious associations are equal before the law (Article 14). At the same time, the preamble of Federal Law No. 125-FZ of 26 September 1997 on Freedom of Conscience and Religious Associations singles out the “special role” of Orthodoxy (*pravoslaviye*) and confirms the respect for “Christianity, Islam, Buddhism, Judaism, and other religions, constituting and integral part of the historical heritage of the peoples of Russia”. A substantial number of persons belonging to national minorities adhere to one of the above-mentioned religions, which are usually referred to as “traditional”.¹¹¹ In addition, pagan religions and Tengrism are practiced by persons belonging to a range of national minorities, including Bashkirs, Kazakhs, Circassians, Ossetians, and certain Finno-Ugric groups.¹¹²

89. While noting the continuing preferential treatment accorded to the Russian Orthodox Church,¹¹³ the Advisory Committee was able to see that efforts are being undertaken to promote inter-faith dialogue and create a sense of community between the “traditional” religions. The Advisory Committee was impressed by constructive role of local religious leaders in the inter-confessional domain and sphere of inter-ethnic relations during its visit to the Republic of Tatarstan.¹¹⁴

90. During the reporting period, the situation deteriorated considerably for persons belonging to minorities who practice “non-traditional” religions or belong to religious communities receiving support from abroad.¹¹⁵ In 2015, the Law on Freedom of Conscience and Religious Associations was amended to require religious organisations which receive foreign funding to report this to the Ministry of Justice, and to facilitate unannounced financial inspections if they receive foreign funding. The Advisory Committee considers that these requirements, which appear modelled along the lines of the “foreign agents” legislation (see Article 7) could entail similar risks for repression of persons belonging to minorities who are members of religious organisations receiving funding from abroad. Further amendments to the

¹¹¹ The term is often implicitly used as opposed to “non-traditional” religions such as Baptist, Pentecostal and Evangelical churches, Baháism or Hare Krishna.

¹¹² Arena Landscape of Religions 2012, available at <http://sreda.org/en/arena>.

¹¹³ Sova Centre (May 2017), Freedom of conscience in Russia: restrictions and challenges in 2016, available at www.sova-center.ru/en/religion/publications/2017/05/d36996/.

¹¹⁴ The Advisory Committee notes, for instance, that the leadership of the Republic of Tatarstan pays attention to spreading financial support equally among the three main religious communities. In terms of building projects, the authorities supported the reconstruction of an Orthodox cathedral in Kazan, the construction of a Muslim Educational Institution in Naberezhnye Chelny and the renovation of the central synagogue in Kazan.

¹¹⁵ See Parliamentary Assembly of the Council of Europe, Written declaration No. 647 of 13 October 2017, Religious freedom in Russia, available at <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24231>.

same law in 2015 require all religious communities without legal status to notify the authorities of their existence and the locations where meetings take place, which *de facto* makes the exercise of freedom of religion dependent on state permission.¹¹⁶ In 2016, the law was amended banning proselytising and public speaking outside of officially recognised religious institutions and cemeteries, with the objective of engaging others in the activities of a religious organisation.¹¹⁷ The requirement for religious associations to register and regularly re-register exposes religious communities to constant uncertainty. The Advisory Committee is deeply concerned about the increased pressure on “non-traditional” religions and the infringements of the right to freedom of religion. The latter appears negatively affected also in the context of increased attention by the authorities to prevent terrorism.

91. Furthermore, the Advisory Committee notes the case brought by the Lazarevsky District Court in Krasnodar *kray* against the leader of a group of Shapsugs, who assemble every year in May for a religious ceremony in the village of Golovinka on the occasion of the anniversary of the end of the Caucasian war.¹¹⁸ Following this gathering in May 2017, despite the demonstrated religious nature of this ritual, the leader was held liable on grounds of organising a non-approved public gathering. Interlocutors of the Advisory Committee consider this a violation of the right to freedom of religion of persons belonging to national minorities.

92. As regards places of worship, the Advisory Committee notes a number of cases of property restitution. Among others, synagogues in Rostov on Don and Orel were returned to Jewish communities, the St. Peter and Paul’s Cathedral in Moscow to the Evangelical-Lutheran Church, and several mosques to Muslim communities in Kazan and Kasimov. Contentious issues about property restitution remain, but their number has decreased compared to the previous reporting period. The Advisory Committee observes that public funding for building, restoration and maintenance is mainly provided to the Orthodox Church, but also for Muslim, Buddhist and Jewish places of worship such as the renovation of the Cathedral Mosque in St. Petersburg and the construction of the Buddhist *stupa* in Moscow. The Advisory Committee is concerned, however, about reported difficulties in many cities in obtaining permission for places of worship for the growing Muslim population, including persons belonging to national minorities. The Advisory Committee understands that Russian is on regular occasions replacing the Tatar language as the language of worship to cater for the immigrant population from Central Asia. Moscow, for example, has an estimated Muslim population of up to two million¹¹⁹ but only five mosques. The Advisory Committee was surprised to learn from its interlocutors about the serious deficit of mosques in Krasnodar *kray*, despite a sizeable Muslim population and several attempts to obtain a permit to build one. It is concerned about reports that public protests against the construction of mosques in various cities used rhetoric depicting Muslims as “criminal migrants” and “radically inclined elements”.¹²⁰

¹¹⁶ Forum 18 (13 January 2017), Russia: Religious freedom survey, available at www.forum18.org/archive.php?article_id=2246.

¹¹⁷ The ban does not apply to priests, heads of registered religious organisations and persons specifically designated by them.

¹¹⁸ OC Media (17 October 2017), Krasnodar court upholds fine against Circassian activist Gvashev, available at <http://oc-media.org/krasnodar-court-upholds-fine-against-circassian-activist-gvashev/>.

¹¹⁹ Russia Today (12 September 2016), 180 000 Muslims celebrate “Feast of Sacrifice” in Moscow, available at www.rt.com/news/359044-eid-muslim-holiday-moscow/.

¹²⁰ Sova Centre (May 2017), Freedom of conscience in Russia: restrictions and challenges in 2016, available at www.sova-center.ru/en/religion/publications/2017/05/d36996/. The report also describes numerous cases of

Recommendations

93. The Advisory Committee urges the authorities to refrain from any undue interference with the right of persons belonging to national minorities to express and manifest their religious beliefs freely.

94. The Advisory Committee calls on the authorities to reinforce the dialogue with persons belonging to minorities affiliated with Muslim communities about possibilities to increase the availability of places of worship.

Article 9 of the Framework Convention

Freedom of the media

95. Legal provisions governing specifically minority media have remained unchanged. However several amendments to the Federal Law No. 2124-1 of 27 December 1991 on Mass Media and the new anti-extremism legislation have led to a less open and less pluralistic media space, both in print and on the internet. In addition to the general restrictions on freedom of expression (see Article 7), the Advisory Committee is concerned that some of the developments in this area constitute a particular risk for persons belonging to national minorities. For instance, the 2015 amendment requires media outlets, broadcasters and publishers to report to the Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications (*Roskomnadzor*) on all funding originating from “international sources”. Although domestic funding should be the main source for minority media, the Advisory Committee is worried that these amendments could potentially limit possibilities for minority media to receive additional support from abroad. In a similar vein, legal amendments of November 2017 allow for the designation of foreign media as “foreign agents”, making them subject to the same requirements that are applied to foreign-funded non-governmental organisations under the 2012 (see Article 7). While these amendments do not seem to primarily target media used by persons belonging to national minorities, the Advisory Committee is concerned that this could be one of their effects. It wishes to remind the authorities that according to Article 9(1) of the Framework Convention, persons belonging to a national minority shall not be discriminated against in their access to the media.

Recommendation

96. The Advisory Committee calls on the authorities to ensure that the implementation of the legislation on foreign funding of media outlets does not unduly limit the possibilities of minority media to access external funding should they wish to do so.

Minority media

97. The Advisory Committee is pleased to note that, according to information by the authorities, both the number of media in minority languages and the overall amount spent to support them increased significantly during the reporting period. In 2012, 30 periodic print

protests against the building of Orthodox churches, in particular in the context of a building programme for Orthodox churches “within walking distance” in Moscow, which is supported by the city authorities.

media in languages of national minorities received federal support amounting to 7.2 million RUB. In 2017, the number of media has reportedly increased to 52 and the amount spent to 26.8 million RUB. The Ministry of Telecom and Mass Communications informed the Advisory Committee about the existence of 1 517 print media, 57 new agencies and 146 electronic media providing information in a 61 different national minority languages. The bulk of support to minority media is provided at local and regional levels. Tyumen *oblast*, for example, supports 17 national minority media outlets, including one radio station in Tatar language. The Republic of Tatarstan supports through the government-owned *Tatmedia* holding a number of media outlets publishing in the Tatar language as well as a Chuvash weekly newspaper, four district level newspapers in Chuvash language, and one newspaper in Udmurt language. The Advisory Committee is furthermore pleased to note that, despite a general decline in printed newspapers, the overall number of newspapers published in languages other than Russian has remained stable since 2012. According to information by the Russian Book Chamber, the number of newspapers published in some of the minority languages has even increased. The total annual circulation of newspapers in minority languages has decreased, but at a slower pace than the circulation of newspapers in Russian.¹²¹ The Advisory Committee understands from its interlocutors that minority newspapers experience a shrinking circulation when they establish an online version. The circulation of the Chuvash newspaper “Suvar” published in Tatarstan, for example, decreased from 4 000 to 2 500 copies after the launch of the online version, which prompted an increased subscription rate. The Advisory Committee considers it important for those media outlets to be adequately supported to be able to strike a balance between catering for persons who prefer or depend on printed newspapers and reaching out to the younger generation through the internet.

98. The Russian Public Radio and TV Broadcasting Company produces TV and radio programmes on “ethnic and cultural issues” and distributes these through its regional branches with the objective of “strengthening national unity and promoting harmonious relations between ethnic groups of the Russian Federation”.¹²² Programmes about minority issues are produced both in Russian language and in minority languages. In 2017, programmes were broadcasted in 54 languages, including 13 languages only in the Republic of Dagestan. In total, approx. 2 500 hours in minority languages are broadcasted annually on the TV channel *Rossiya-1* and approximately 2 800 hours on the radio station *Radio Rossii*. Only limited possibilities appear to exist, however, for national minorities to set up independent local TV or radio stations. The Advisory Committee notes that some minority representatives said it was too expensive and therefore out of reach for them to buy any airtime on TV or even set up an FM radio. Several minority communities have consequently opened internet radios. There is a Sami internet radio and the German community is also considering setting one up.

Recommendation

99. The Advisory Committee encourages the authorities to facilitate the access of persons belonging to national minorities to licences for television and radio broadcasting in minority

¹²¹ See statistics of the Book Chamber of the Russian Federation, available at www.bookchamber.ru/statistics.html. The number of newspapers has increased, for example, for the following languages: Avar, Altai, Bashkir, Dargin, Kalmyk, Kumyk, Nenets, Tuvan, Udmurt, Khanty, Chechen, Chuvash, Yakut, Lezgian, Kyrgyz and decreased for Karealian, Komi-Zyrian, Mari, German, Tatar, Ukrainian and Russian.

¹²² Submission to the Advisory Committee by the Ministry of Telecom and Mass Communications of the Russian Federation.

languages at local level. To cater for the various needs and habits of media consumers, editors of minority media should be supported in the transition from print to online editions, without having to abandon print versions altogether.

Article 10 of the Framework Convention

Use of minority languages in private, in public and with administrative authorities

100. The Advisory Committee notes that the legal framework at federal level, in particular Law No. 1807-1 of 1991 on the Languages of the Peoples of Russian Federation¹²³ (hereafter the Law on Languages), refers in an upbeat way to the equality among these languages, equal rights to the maintenance and development of languages, the right of each person to use their first language (mother tongue) and the freedom to choose a language of communication. The law also provides for possibilities to use minority languages in various public and official settings, upon decision of the republics and other constituent entities.¹²⁴ At the same time, this law, as well as the 2005 Law on the State Language of the Russian Federation (hereafter the law on the state language), provides for the mandatory use of Russian in a large number of settings. These were extended by an amendment in 2014 to the Law on the State Language to the “screening of films in cinema” and “public performances of works of literature, art or folk, via the holding of theatrical, cultural and educational or entertainment events”, although the use of minority languages alongside Russian is still possible in these areas.¹²⁵

101. The Advisory Committee gained the impression from its interlocutors that in practice, the use of minority languages is diminishing and persons belonging to national minorities appear to confine themselves to using their languages in the private sphere and in connection to cultural activities (see also Article 4). For example, in big urban centres, Russian is predominantly used in writing in the areas of consumer services and in businesses, while minority languages are more extensively used only in rural areas.¹²⁶ Some interlocutors even indicated that the overall climate is not conducive to the use of minority languages in public. The Advisory Committee fears that the recent public debate about the abolishment of the mandatory teaching of second official languages of the republics for all pupils and the subsequent measures taken in the field of education (see Article 14) can have further negative consequences on the overall use of minority languages in public. Moreover, minority languages seem to be losing gradually their role even in everyday and private life, due to *inter alia* the increasing number of mixed marriages, mobility and urbanisation and the overwhelming importance attached to Russian. Russian is increasingly used in families, in communication between parents and children.¹²⁷ These findings were confirmed by the same interlocutors, who indicated during the visit that parents wanted the best for their children, and that meant speaking Russian.

102. The Advisory Committee underlines that ensuring the rights in the Framework Convention requires positive action in order to “promote the conditions necessary for persons

¹²³ The law contains provisions on the use of Russian as official language of the Russian Federation and of the other languages spoken on its territory.

¹²⁴ Federal Law No. 1807-1-FZ of 25 October 1991 on the Languages of the Peoples of the Russian Federation, Article 3.2-3.4.

¹²⁵ Federal Law No. 53-FZ of 1 June 2005 on the State Language of the Russian Federation as amended, Article 3.

¹²⁶ Kondrashkina E.A., Functioning of the language in the spheres of service, national culture, business and family communication in Bitkeeva A.N. ed, (forthcoming in 2018), “Regularities of socio-cultural development of languages in poly-ethnic countries of the world (Russia-Vietnam)”, Moscow.

¹²⁷ Kondrashkina E.A., Functioning of the language in the spheres of service, national culture, business and family communication in Bitkeeva A.N. ed, (forthcoming in 2018), “Regularities of socio-cultural development of languages in poly-ethnic countries of the world (Russia-Vietnam)”, Moscow.

belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity”, including their language. This presupposes, in particular in the case of numerically smaller minorities, active promotion and encouragement of the use of minority languages, and the creation of an overall environment that is conducive to their use, in order to prevent them from disappearing from public life. Even voluntary assimilation of persons belonging to national minorities is often preceded by cultural, social or political inequality between the majority and minority population.¹²⁸ Language policies need to ensure visibility for all languages in the public domain so that everyone is aware of society’s multilingual character. They should encourage the use of different languages in public places, such as local administrative centres, as well as in the media. In addition, it is not only important for speakers of minority languages to learn majority languages but also vice versa.¹²⁹

103. As far the use of minority languages in relations with administrative authorities is concerned, the Advisory Committee notes that this appears limited to the official languages of some republics. For example, from all the places that the Advisory Committee visited, only in the Republic of Tatarstan, a language other than Russian was used in contacts with the administration. Exchanges with representatives of local administration during the visit, for instance in Lovozero, where the Sami represent about one third of the population, indicated that efforts would be made to accommodate a person wishing to address them in a minority language, but no active steps had been taken to inform Sami speakers about such a possibility or to encourage such requests. Moreover, the Advisory Committee notes that less than half of the republics which have a language other than Russian as a second official language, provide information in that language on their websites. The Advisory Committee has not been made aware of administrative forms or other documents being made available widely in minority languages or bilingually. The Advisory Committee wishes to remind the authorities of the fact that active encouragement and support of the use of minority languages in official settings is needed in order to ensure that persons belonging to national minorities are aware of their right to use their minority language and that such a use is welcome.¹³⁰ Moreover, clear and transparent procedures on how and when to institute the use of minority languages, including in written form, are needed so that the right to use them in dealings with the administration if the criteria from Article 10(2) of the Framework Convention are met is not left solely to the discretion of the local authorities concerned. The Advisory Committee underlines that the need as referred to in Article 10(2) does not imply the inability of persons belonging to national minorities to speak the official language, which would make them dependent on services in the minority language. Instead, a threat to the functionality of the minority language as a communication tool in a given region is sufficient to constitute such a need. Protective arrangements must be made to provide services in the minority language, as it may otherwise disappear from the public sphere.¹³¹

¹²⁸ ACFC Thematic Commentary No. 3 “The Language Rights of Persons belonging to National Minorities under the Framework Convention” (May 2012), para. 24.

¹²⁹ ACFC Thematic Commentary No. 3 “The Language Rights of Persons belonging to National Minorities under the Framework Convention” (May 2012), para. 33.

¹³⁰ See also Third Advisory Committee Opinion on the Russian Federation, adopted on 24 November 2011, para. 165.

¹³¹ ACFC Thematic Commentary No. 3 “The Language Rights of Persons belonging to National Minorities under the Framework Convention” (May 2012), para. 56.

104. While the Russian Federation signed the European Charter for Regional or Minority Languages (ECRML) on 10 May 2001, the Advisory Committee regrets that no progress has been made towards the ratification of the ECRML, and that, according to the state report,¹³² there are no plans to ratify it in the near future. The Advisory Committee wishes to remind the authorities of the commitment to signing and ratifying the ECRML by 28 February 1998.¹³³

Recommendations

105. The Advisory Committee calls on the Russian authorities to take legal and practical measures ensuring that the rights contained in Article 10 of the Framework Convention are guaranteed and implemented effectively in all regions. They should develop a comprehensive strategy for the promotion of minority languages in different areas of public life and actively encourage and support the use of minority languages in all the areas covered by Article 10 of the Framework Convention including through the allocation of necessary financial and human resources.

106. The Advisory Committee calls on the authorities to comply with their post-accession commitment and ratify the European Charter for Regional or Minority Languages.

Choice of alphabet

107. The Advisory Committee also notes that for most of the minority languages in the Russian Federation the Cyrillic script is used. According to the Law on Languages, this is mandatory for second official languages of the constituent republics of the Russian Federation. While the law also foresees the possibility of exceptions, these are yet to materialise in practice. This affects in particular the Karelian language, for which the Latin script is in use and therefore cannot become a second official language of the Republic of Karelia.¹³⁴ The Advisory Committee recalls that the alphabet is an integral part of language and states should not draw a distinction between the two concepts nor create separate rules.¹³⁵ It reiterates that the choice of alphabet is linked to the free choice of one's language, as contained in Article 10.

Recommendation

108. The Advisory Committee calls on the authorities to adopt federal legislation granting exceptions to the use of the Cyrillic script for second official languages.

¹³² State report, p. 31.

¹³³ From 2009 to 2012, the Council of Europe, the European Union and the Russian Federation implemented a Joint Programme which aimed, *inter alia*, at providing assistance to authorities at federal level and in pilot regions concerning the ratification and implementation of the Charter.

¹³⁴ Republic of Karelia is also the only Russian entity where a referendum is needed for the adoption of a second official language. According to Advisory Committee's interlocutors, this is, in addition to the script, the second pre-condition preventing Karelian from becoming the second official language, as the Karelians are a small minority in the republic.

¹³⁵ ACFC Thematic Commentary No. 3 "The Language Rights of Persons belonging to National Minorities under the Framework Convention" (May 2012), para. 40.

Article 11 of the Framework Convention

Topographical indications and other signs and inscriptions

109. According to the Law on Languages, topographical indications and other inscriptions can be displayed in official languages of the republics, alongside Russian. As far as other minority languages are concerned, the constituent entities have the right to use them “where necessary” for topographical indications and other inscriptions, in the areas where persons belonging to national minorities live in substantial numbers (“densely populated by those peoples”), including in the Latin script.¹³⁶

110. The implementation of this right seems to vary throughout the Russian Federation and is more consistently applied with respect to the official languages of the republics. The Advisory Committee was able to see during its visit to Tatarstan, for example, that the Tatar language, in Cyrillic script, is used throughout alongside Russian in official inscriptions on public buildings, in street names and inscriptions linked to the cultural field, while the use of Tatar for private inscriptions, such as shops, is less consistent. The situation is different in other republics, as, according to various interlocutors, Kalmykian in the Republic of Kalmykia, for example, appears to be used mainly for private inscriptions, but not for street signage; on the other hand, Udmurt in the Republic of Udmurtia is reportedly used to some extent on road signs, billboards and announcements; while in Cheboksary, the capital of the Republic of Chuvashia, the great majority of street signs are bilingual.¹³⁷

111. In other constituent federal entities, the display in minority languages of topographical signs appears less consistent. In the village of Lovozero, for example, there are no bilingual topographical indications or other inscriptions in Sami although, according to the Advisory Committee’s interlocutors, about one third of the local population is Sami. The Advisory Committee was informed, however, that the local school, as part of a project, researched, prepared and temporarily displayed topographical signs and private inscriptions in Sami. Several interlocutors indicated an interest in such use. In this context, the Advisory Committee recalls that bilingualism in signage conveys the message that an area is shared in harmony by various communities and should therefore be promoted. Moreover, the display of signs in minority languages requires a clear and unambiguous legislative basis and transparent procedures.¹³⁸ The Advisory Committee underlines that the qualification “where necessary” should not be interpreted in a restrictive manner and the use of minority languages in topographical indications and other inscriptions should be actively encouraged.

Recommendation

112. The Advisory Committee calls on the authorities to establish clear procedures for the display of topographical signs in minority languages, including in those that are not official languages of the republics, in close consultation with the representatives of national minorities

¹³⁶ Article 8 of the Federal Law No. 152-FZ on the Denomination of Geographical Objects.

¹³⁷ Kondrashkina E.A., Functioning of the language in the spheres of service, national culture, business and family communication in Bitkeeva A.N. ed, (forthcoming in 2018), “Regularities of socio-cultural development of languages in poly-ethnic countries of the world (Russia-Vietnam)”, Moscow.

¹³⁸ See ACFC Thematic Commentary No. 3 “The Language Rights of Persons belonging to National Minorities under the Framework Convention” (May 2012), paras. 65-67.

and take measures to promote use of minority languages in display of topographical indications, signs, and other inscriptions.

Article 12 of the Framework Convention

Cultural diversity, teaching and learning materials

113. The Advisory Committee notes that the current federal educational standards foresee among their goals the development of respect for diversity, tolerance and awareness of Russia as a multicultural, multi-ethnic and multi-confessional state.¹³⁹ The general curriculum for lower secondary education (fifth to ninth grades) recommends that in different grades, a specific number of hours for subjects like history or geography is used for learning about the region (*krayevedeniye*).¹⁴⁰ During the visit, interlocutors of the Advisory Committee referred to a possibility to learn about the national minorities in the region, their history and culture as part of the subject “The world around us” in primary school, across subjects or during extra-curricular activities, which is often the case. For example, in Kazan, all students in the seventh grade spend a day in the “House of Friendship” to learn about national minorities. At the local school in Lovozero, information about Sami culture and traditions is provided across subjects, in the framework of an extra-curricular subject dedicated to the Sami history and culture, as well as through extracurricular activities (festivals, competitions). As far as teaching and learning materials are concerned, most of these seem to be developed by the teachers themselves.

114. At the same time, the Advisory Committee notes that emphasis continues to be put on “patriotic education”.¹⁴¹ Its interlocutors also indicated during the visit that a unique concept was developed for teaching history at schools throughout the Russian Federation, which has replaced the content designed at the level of the republics. There is little room for different perspectives in history teaching,¹⁴² and discussions about topics such as deportations in the Soviet Union largely depend on the teacher. The Advisory Committee notes, however, that in the process of developing this unique concept, discussions took place with historians from the Republic of Tatarstan on sensitive historical processes in order to harmonise the existing views and develop an acceptable version of the language used.¹⁴³

115. The Advisory Committee notes that during the previous cycles, a review of textbooks aimed at analysing how persons belonging to national minorities are portrayed had been

¹³⁹ See, for example, Federal State Educational Standards for primary general education Order No. 373 of 6 October 2009 (1st-4th grades), for social science and natural science (The World around Us) and for basic general education, Order No. 1897 of 17 December 2010 (5th-9th grades), for history, social and scientific subjects.

¹⁴⁰ Decree of the Ministry of Education of the Russian Federation No. 1312 of 9 March 2004, as amended on 1 February 2012, on the approval of the federal basic curriculum and model curricula for the educational institutions of the Russian Federation implementing general education programs.

¹⁴¹ See also Third Advisory Committee Opinion on the Russian Federation, adopted on 24 November 2011, para. 185, in which the Advisory Committee reiterated “that it is essential that “patriotic education” promotes respect for diversity and an inclusive understanding of civic identity”; and Prina F. (2015), *National Minorities in Putin’s Russia: Diversity and Assimilation*, Routledge, chapter 6.

¹⁴² See also, Prina F. (2015), *National Minorities in Putin’s Russia: Diversity and Assimilation*, Routledge, chapter 6.

¹⁴³ Schnirelman V. A. (2016), *Common Past: Federal and Tatar School History Textbooks*, available at http://istorex.ru/page/shnirelman_va_obschee_proshloe_federalnie_i_tatarstanskije_shkolnie_uchebniki_istorii (in Russian).

announced by the Russian authorities, but no information on its results has been received. It underlines that such a review would be extremely useful and would provide a basis for further development of intercultural education. Curricula and teaching and learning materials for subjects such as history need to be regularly reviewed, in order to ensure that the diversity of cultures and identities is reflected and that respect and intercultural communication are promoted.¹⁴⁴ It shares the view of the Committee on the Elimination of Racial Discrimination that history should be taught in a way that prevents a dominant historical narrative and pattern of ethnic hierarchy.¹⁴⁵

Recommendation

116. The Advisory Committee calls on the authorities to ensure that comprehensive and adequate knowledge about national minorities, including on their histories, is provided in education, in particular in teaching and learning materials. In the teaching and learning of history, a multi-perspective approach should be introduced, in close consultation with persons belonging to national minorities, in order to raise awareness about national minorities as an integral part of society.

Equal access to education

117. The Advisory Committee welcomes information about a project aimed at promoting the inclusion of Roma children in mainstream education, implemented by the Federal National Cultural Autonomy of the Roma national minority and financed by the Russian authorities. According to the state report,¹⁴⁶ the project was implemented in two pilot regions, at pre-school and primary school level, promoted new working methods, including the use of teaching assistants, and it closely involved the Roma community. The Advisory Committee notes, however, the small scale of the project and regrets that no information has been provided with respect to its evaluation and possible follow-up.

118. The Advisory Committee notes that the authorities aim at working towards inclusive education, that segregated education is not authorised by law and that checks are being carried out by the Prosecutor's Office.¹⁴⁷ However, this seems to be progressing slowly in practice. The Advisory Committee learned during its visit and from various other sources that there is still a practice of placing Roma children in separate schools or in separate classes in mainstream schools, sometimes children of different ages in the same class. Separate schools often function in Roma settlements. Reports indicate that many Roma children are also placed in remedial classes for children with learning difficulties, based on testing that allegedly often qualifies even bilingualism as a flaw in the child's development. Sometimes Roma pupils are reportedly excluded from school holidays or not allowed to use common school yards or canteens.¹⁴⁸ Moreover, the quality of teaching provided in separate schools or classes is

¹⁴⁴ ACFC Thematic Commentary No. 1 "Education under the Framework Convention for the Protection of National Minorities" (March 2006), p. 11.

¹⁴⁵ UN CERD, Concluding observations on the twenty-third and twenty-fourth periodic reports of the Russian Federation, CERD/C/RUS/CO/23-24, 20 September 2017, para. 32.

¹⁴⁶ State report, pp. 26-27.

¹⁴⁷ State report, p. 62.

¹⁴⁸ ADC Memorial, Alternative Report on the Russian Federation's Implementation of the International Covenant on Economic, Social and Cultural Rights in Connection with the Consideration of the Sixth Periodic State Report (2016) by the UN Committee on Economic, Social and Cultural Rights, p. 14.

questionable, thus reducing their chances to continue education beyond primary school level.¹⁴⁹

119. The Advisory Committee also notes that the state report¹⁵⁰ indicated that the placing of Roma children in separate classes is based on the choice of their parents, taking into account the traditions and nomadic lifestyle. This issue was brought up in discussions with interlocutors during the visit. It seems however to be more linked to the frequent prejudice and biased attitudes Roma children face in other schools, not only from other pupils, but also from teachers.¹⁵¹

120. The Advisory Committee regrets that Romani does not seem to play any role in education, and moreover that children are reportedly forbidden to speak it. The survey commissioned by the Federal Agency for Ethnic Affairs in 2015¹⁵² indicates that 98% of Roma are able to express themselves fluently and understand Romani, but only 62% are able to read literature in the language, and only 58% have to some extent written skills in Romani language; moreover, the majority of Roma (67%) hold the view that today the Romani language and culture need additional measures of support from the state.

Recommendation

121. The Advisory Committee urges the authorities to take measures so that the practice of undue placement of Roma children in separate or remedial classes or schools is stopped. Existing positive practices of including Roma children in mainstream education should be evaluated and, if they were effective, applied on a larger scale. The use, teaching and learning of Romani should be encouraged.

Indigenous small-numbered peoples

122. The Advisory Committee is pleased to note that efforts are being made to develop alternatives to boarding schools, such as itinerant schools. These seem to function mainly in Yakutsk, Chukotka and Yamal. For example, in the Yamalo-Nenets autonomous *okrug*, these were developed as part of a project started in 2011. In 2016, there were 17 kindergartens and five primary schools, serving about 200 children.¹⁵³ The Advisory Committee was informed during its visit of another alternative - long-distance learning - which seems to be of interest in Chukotka. Interlocutors indicated, however, that the number of itinerant schools is still low, funding is not always secured, nor are there enough teachers. Nevertheless, itinerant schools

¹⁴⁹ ADC Memorial, Alternative Report on the Russian Federation's Implementation of the International Covenant on Economic, Social and Cultural Rights in Connection with the Consideration of the Sixth Periodic State Report (2016) by the UN Committee on Economic, Social and Cultural Rights, pp. 13-14,

¹⁵⁰ State report, p. 62.

¹⁵¹ ADC Memorial, Alternative Report on the Russian Federation's Implementation of the International Covenant on Economic, Social and Cultural Rights in Connection with the Consideration of the Sixth Periodic State Report (2016) by the UN Committee on Economic, Social and Cultural Rights, p.14 also Third Advisory Committee Opinion on the Russian Federation, adopted on 24 November 2011, para. 177

¹⁵² Federal Agency for Ethnic Affairs (2016), Summary of the study "Socio-economic, ethno-cultural and legal problems of gypsies in Russia", available at <http://fadn.gov.ru/news/2016/04/07/2733-itogi-issledovaniya-sotsialno-ekonomicheskie-etnokulturnye-i-pravovye-problemy-tsygan-v-rossii> (in Russian).

¹⁵³ See Mercator (2016), The Nenets, Khanty and Selkup Language in Education in the Yamal Region in Russia, p. 21.

have a major advantage of not taking children out of the family context and cultural environment.

Recommendation

123. The Advisory Committee calls on the authorities to strengthen their efforts and develop, in close consultation with representatives of the indigenous peoples, further alternatives to boarding schools that would adequately meet the educational needs of persons belonging to indigenous small-numbered peoples.

Article 13 of the Framework Convention

Private educational establishments

124. The Advisory Committee notes that minority languages are often taught in so-called Sunday schools, in “houses of friendship”, sometimes privately funded (such as Kurdish language lessons at the Kurdish House in Moscow, the Armenian Sunday Schools in Krasnodar *kray*), some receiving funds from the authorities for paying the premises and the teachers (for example, in Tatarstan, where there is a growing trend of opening Sunday schools for teaching minority languages while the number of small public schools in which minority languages were taught is decreasing). The Advisory Committee notes that while Sunday schools are a positive additional activity promoting teaching of minority languages, these should not replace the systematic teaching in and learning of minority languages in the state education system (see Article 14).

Recommendation

125. The Advisory Committee encourages the authorities to maintain and extend their organisational and material support to private Sunday schools and other educational institutions run by minority communities as far as possible, without this being used as a replacement of systematic teaching in and learning of minority languages in the state education system.

Article 14 of the Framework Convention

Teaching and learning in and of minority languages

126. The school system in the Russian Federation continues to offer, in principle, possibilities to study minority languages as subjects or to be taught through the medium of minority languages. Different models are applied and the situation varies from language to language and among constituent entities of the Russian Federation. A more substantial offer exists for the official languages of the republics, some of which are also used as a medium of instruction,¹⁵⁴ and, to some extent, in the areas where national minorities live in substantial

¹⁵⁴ Tatar appears to be the most used language of education, after Russian, see: Goryacheva M.A., Languages in the communicative sphere of education in Bitkeeva A.N. ed, (forthcoming in 2018), “Regularities of socio-cultural development of languages in poly-ethnic countries of the world (Russia-Vietnam)”, Moscow, and Information on the distribution of institutions implementing general education programmes and students on the language of instruction and on the study of native (non-Russian) language available at <http://opendata.mon.gov.ru/opendata/7710539135-D7>.

numbers. Otherwise, teaching of minority languages seems to take place mainly on an extra-curricular basis or in Sunday schools (see Article 13). Generally, there seems to be very little use of minority languages in kindergartens, much to the regret of some of its interlocutors, and of the Advisory Committee.

127. The Advisory Committee underlines that in order to develop minority language skills as an added value for their speakers, there must be continuity in access to teaching and learning of and in minority languages at all levels of the education system, from pre-school to higher education. Pre-school is, together with secondary education, the level where particular weaknesses in the offer of minority language education are often observed. The Advisory Committee underlines that the lack of incentives or insufficient possibilities at pre-school, secondary or higher level can seriously reduce the attractiveness of minority language learning at primary level.¹⁵⁵

128. Despite a high number of minority languages still present in the education system – according to information received during the visit 24 official languages of the republics of the Russian Federation are used as a medium of instruction and 73 minority languages are studied as a subject – the Advisory Committee regrets that the teaching and learning in and of minority languages is on the whole diminishing. Official data indicate that 33 minority languages were used as a medium of instruction in the previous reporting period,¹⁵⁶ while in the current monitoring cycle, there are only 24 being used. Interlocutors informed the Advisory Committee that in general teaching in the minority language was scarce after primary school. Moreover, information received during the visit indicates a decrease in the number of schools where minority languages are taught or used a medium of instruction, of the hours dedicated to teaching minority languages, and changes in their status from compulsory to optional or extra-curricular. While welcoming compulsory teaching of Sami at the vocational school National Northern College in Lovozero, the Advisory Committee notes that the language has no longer been taught as mandatory at primary and secondary levels since the closure of the boarding school in the same village, which was considered an ethnic school (decided in 2010, the last pupil graduated in 2014). The Sami language has become an extra-curricular subject at the local school. In many cases, the situation of indigenous peoples is difficult. The Advisory Committee was also informed, for example, that the Shor language is taught as an extra-curricular subject in one school, which is classified by the authorities as an “ethnic school”.

129. The Advisory Committee is concerned that reforms implemented in the education sector in recent years appear to have negatively affected the teaching and learning of and in minority languages. Following the amendments to the education legislation in 2007, new educational standards have been introduced and the structure and roles in designing the curriculum have changed. Currently, the curriculum is comprised of a compulsory part (70%), established at federal level, and a variable part (30%), which includes minority languages and is devised by participants in the education process (schools, parents). All this has diminished the role of the regions in the process.¹⁵⁷ The languages of instruction are determined by individual

¹⁵⁵ ACFC Thematic Commentary No. 3 “The Language Rights of Persons belonging to National Minorities under the Framework Convention” (May 2012), para. 75.

¹⁵⁶ State report, p. 100.

¹⁵⁷ See also Third Advisory Committee Opinion on the Russian Federation, adopted on 24 November 2011, para. 191; Federal Law No. 309-FZ on the Amendment of Legal Acts of the Russian Federation Modifying the Concept

schools with the involvement of parents and are registered in the school documents. The new Law on Education in the Russian Federation adopted in December 2012¹⁵⁸ emphasises the position of the Russian language as the state language, by guaranteeing education in Russian, as well as the choice of the language of instruction, while the previous law provided for the right to education in the first language, as well as to choose the language of instruction. Teaching and learning of the official languages of the republics may be introduced in accordance with their respective laws and are to take place “in accordance with the federal state education standards”, which had been expressly referred to only for the teaching of Russian as a subject under the previous law. The new law has also introduced a safeguard for the Russian language, as teaching and learning of the official languages of the republics should not be to the detriment of the teaching and learning of the state language of the Russian Federation. The law further maintains the right to be taught in the first language from pre-school to lower secondary education, as well as of learning these languages “within the limits of the opportunities offered by the education system”. Teaching and learning of the first language is to take place “in accordance with the federal state education standards”. The law also appears to have eliminated the provision concerning state support for teacher training for minority languages, which are not official languages of the republics.

130. Furthermore, a “unified state examination” to be taken in Russian irrespective of the language of instruction and serving as the final graduation examination and entry examination into higher education was introduced in 2009.¹⁵⁹ The Advisory Committee was informed during its visit that the very demanding compulsory curriculum and final examination have largely prompted schools and parents to focus on the main subjects, which in turn diminishes demand for minority language teaching and learning. The Advisory Committee notes that high school graduation or university entry exams provided only in the official language may indeed discourage learning of minority languages at the highest level of proficiency, which can have a negative effect on the acceptance and functionality of these languages in public life.¹⁶⁰

131. A process of “optimisation” of schools began in 2008, which led to the closure of schools with teaching in and of minority languages, mainly small village schools.¹⁶¹ Although some solutions seem available, such as long-distance learning or travelling to another school, there are clearly fewer opportunities to learn minority languages in cities.¹⁶² Moreover, interlocutors underlined that in big cities such as Moscow it is sometimes not possible to enrol children to the – often – one school offering minority language teaching, as travelling there would take too long.

and Structure of State Education Standards and Prina F. (2015), *National Minorities in Putin’s Russia: Diversity and Assimilation*, Routledge, chapter 6.

¹⁵⁸ Federal Law No 273-FZ of 29 December 2012.

¹⁵⁹ Prina F. (2015), *National Minorities in Putin’s Russia: Diversity and Assimilation*, Routledge, chapter 6.

¹⁶⁰ ACFC Thematic Commentary No. 3 “The Language Rights of Persons belonging to National Minorities under the Framework Convention” (May 2012, para. 75.

¹⁶¹ See also Third Advisory Committee Opinion on the Russian Federation, adopted on 24 November 2011, para 192.

¹⁶² Goryacheva M.A., Languages in the communicative sphere of education in Bitkeeva A.N. ed, (forthcoming in 2018), “Regularities of socio-cultural development of languages in poly-ethnic countries of the world (Russia-Vietnam)”, Moscow, and Information on the distribution of institutions implementing general education programmes and students on the language of instruction and on the study of native (non-Russian) language available at <http://opendata.mon.gov.ru/opendata/7710539135-D7>.

132. With parents' demand playing a significant role in minority language education, the Advisory Committee notes that the parents contacted during the visit were not aware of the opportunities and procedures to be followed in order for their children to learn the minority languages in school. Moreover, without a comprehensive policy at the federal level in support of minority languages and measures conducive to their use in various areas (see Article 10), there is a risk that possibilities for speakers to learn and use these languages will further diminish.

133. The situation of the languages of the indigenous small-numbered peoples as potential for the socio-economic development of the indigenous peoples is of particular concern, as many of them are endangered and, according to the state report, only 22 (less than a half) are studied in school.¹⁶³

134. The Advisory Committee observes with concern the discussion since July 2017¹⁶⁴ about mandatory teaching of minority languages, which are second official languages in republics. In the case of Tatarstan, the issue resulted in an open conflict between the federal authorities and the leadership of the republic in the context of a broader discussion about the non-renewal of the power-sharing treaty between Moscow on Kazan.¹⁶⁵ The essence of the conflict is that the federal authorities perceive a contradiction between the Federal Law on Education, which foresees the possibility of education in the "native language" in addition to a set number of hours of Russian, and the practice in some republics to require all students to attend classes of the respective second official language, whether or not this is their first language. In some cases this practice led to a reduction of the number of hours of Russian language teaching. While mandatory teaching of the second official language has been abolished in Kalmykia and Buryatia already some years ago, it continued to exist at least partially in, *inter alia*, Bashkortostan, Chuvashia and Mordovia and was standard practice in Tatarstan. Following an investigation by the Prosecutor General during August and September 2017,¹⁶⁶ the Republic of Tatarstan had to alter this practice and is to offer no more than two hours of Tatar language classes on a voluntary basis.

135. While noting the need for regional law and practice to be in line with federal legislation, the Advisory Committee regrets that this decision, which lowers the status of minority languages, has been taken too hastily. In the Advisory Committee's view, more time should be taken to reflect upon a solution that would accommodate both the need for sufficient hours of Russian language and the wish of the authorities in republics to develop a certain level of bilingualism of the population. The Advisory Committee wishes to reiterate its support for the

¹⁶³ See state report, p. 18. Similar concerns have been expressed by the UN Committee on the Rights of the Child, in the Concluding observations on the combined fourth and fifth periodic reports of the Russian Federation, CRC/C/RUS/CO/4-5, 27 February 2014, para. 63. See also IWGIA Report 18 (2014): Indigenous Peoples in the Russian Federation, pp. 11 and 66.

¹⁶⁴ The discussion started with a statement by President Vladimir Putin on minority language teaching on the occasion of a visit to the Republic of Mari El in July 2017. See www.rferl.org/a/russia-putin-minority-languages-mari-el/28630555.html.

¹⁶⁵ Open Democracy (8 December 2017), Moscow leaves Tatarstan speechless, available at www.opendemocracy.net/od-russia/bulat-mukhamedzhanov/moscow-leaves-tatarstan-speechless. On the same issue, though less contentious, in the Chuvash Republic, see Kommersant (20 November 2017), The Chuvash language now has its defender, available at <https://www.kommersant.ru/doc/3472990> (in Russian).

¹⁶⁶ List of instructions following the meeting of the Council for Interethnic Relations available at <http://kremlin.ru/acts/assignments/orders/55464>.

development of bi- or multilingual teaching models in Russian and minority languages, as part of the mandatory school curriculum. Ideally, if the situation so allows, dual medium approaches may be adopted in which minority and majority languages are present in equal proportions. In some cases, it may be useful to promote the minority language in order to counterbalance the difference in language prestige, to guarantee the rights of speakers of numerically small minority languages, and to meet the legitimate needs of parents and children as protected under the Framework Convention.¹⁶⁷ Moreover, multilingual and dual medium education models address children from majority and minority backgrounds and cater for children who grow up bilingually, or in ‘mixed’ families. Bi- or multilingual education open to students from all linguistic groups, including minorities and the majority, can, apart from having significant cognitive benefits for the individuals, contribute to intercultural comprehension and co-operation.

Recommendation

136. The Advisory Committee urges the authorities, in close consultation with persons belonging to national minorities, to develop a comprehensive long-term strategy promoting minority languages in education, ensuring continuity from kindergarten to higher education, including by enhancing the available opportunities to study in minority languages through the introduction of modern bilingual and multilingual teaching approaches.

Article 15 of the Framework Convention

Participation of persons belonging to national minorities

137. There is a variety of consultative bodies where persons belonging to minorities can participate in public affairs, usually through their organisations. These are usually called councils on ethnic issues or inter-ethnic relations and exist at federal and regional levels as well as in big cities. The main body at the federal level is the Presidential Council for Inter-Ethnic Relations, which was established in 2012 as an advisory body to the President of the Russian Federation.¹⁶⁸ It is chaired by the President and composed of members of the Presidential administration, the government, the “Assembly of Peoples of Russia”, National cultural autonomies, other minority organisations, Cossack organisations and researchers. Three more advisory bodies operate under the Federal Agency for Ethnic Affairs. Firstly, the Consultative Council on National Cultural Autonomies, which was created in 2015 and consists of 17 representatives of federal national cultural autonomies.¹⁶⁹ Secondly, the Federal Agency has a “Public Council” (*obshchestvennyy sovet*). It is, however, mainly composed of other public figures (researchers, journalists, representatives of trade unions) and only a few

¹⁶⁷ ACFC Thematic Commentary No. 3 “The Language Rights of Persons belonging to National Minorities under the Framework Convention” (May 2012), para. 81.

¹⁶⁸ Presidential Decree No. 776 of 7 June 2012 on the Presidential Council on Inter-Ethnic Relations, available at <http://kremlin.ru/events/councils/by-council/28/15577> (in Russian). Summaries of all plenary meetings (one per year) and board meetings (four per year) are available in English at <http://en.kremlin.ru/events/councils/by-council/28>.

¹⁶⁹ Consultative Council on National Cultural Autonomies under the Federal Agency for Ethnic Affairs, available at <http://fadn.gov.ru/otkrito-agenstvo/obshchestvennyy-kontrol/konsultativnyy-sovet-po-delam-natsionalno-kulturnyh-avtonomiy-pri-federalnom-agentstve-po-delam-natsionalnostey>.

representatives of indigenous, minority and migrant organisations.¹⁷⁰ Finally, in 2017, the Federal Agency set up an Expert Consultative Council on the Social-Economic Development of the Indigenous Small-numbered Peoples of the North, Siberia and Far East.¹⁷¹ It is made up of representatives of the Federal Agency and other government bodies, regional and local administrations, researchers, representatives of indigenous peoples associations, and companies, such as Lukoil and Gazprom, active in regions inhabited by indigenous peoples.¹⁷²

138. Similar consultative councils, advisory bodies or assemblies exist at regional level, including in the regions the Advisory Committee visited.¹⁷³ In addition, the “Civic Chambers”, which exist at the federal, regional and local levels, can provide a channel for minority organisations to voice their concerns. In the Republic of Mordovia, for example, the Public Chamber in practice made available seats for representatives of Mordovians, Russians and Tatars.¹⁷⁴ The Federal Civic Chamber has a Sub-Commission on the “harmonisation of inter-ethnic and inter-religious issues” and a few members representing minority organisations and religious associations.¹⁷⁵ As far as indigenous peoples are concerned, municipalities can establish, on a voluntary basis, under the authority of the heads of municipalities, councils of the representatives of indigenous small-numbered peoples, with a view to protecting their rights and interests.¹⁷⁶

139. The Advisory Committee welcomes the existence of these consultative bodies and appreciates their role as a platform for communication between the authorities and official representatives of minorities. It notes, however, that these bodies are not necessarily providing for effective participation in the sense that minority participation has “substantial influence on decisions which are taken”.¹⁷⁷ The main deficit, in the Advisory Committee’s opinion, is the missing legal entrenchment of the advisory bodies’ guaranteed rights in the decision-making processes. None of the legal documents which provide the basis for the

¹⁷⁰ Composition of the Public Council of the Federal Agency for Ethnic Affairs, available at http://fadn.gov.ru/system/attachments/attaches/000/029/066/original/%D0%9E%D0%B1%D1%89%D0%B5%D1%81%D1%82%D0%B2%D0%B5%D0%BD%D0%BD%D1%8B%D0%B9_%D1%81%D0%BE%D0%B2%D0%B5%D1%82_04.pptx?1507128638 (in Russian).

¹⁷¹ In addition, Federal Law No. 256-FZ of 13 July 2015 on Amending Article 7 of the Federal Law on Guarantees of the Rights of Indigenous Peoples of the Russian Federation refers to the right of local authorities “to establish on a voluntary basis under the heads of municipalities in places of traditional residence and traditional economic activities of small-numbered peoples the councils of representatives of small-numbered peoples for the protection of the rights and legitimate interests of the said peoples.”

¹⁷² Members of the Expert Consultative Council on the Social-Economic Development of the numerically small indigenous peoples of the North, Siberia and Far East, available at http://fadn.gov.ru/system/attachments/attaches/000/029/107/original/%D0%A0%D0%8E%D0%A0%D1%95%D0%A0%D0%86%D0%A0%C2%B5%D0%A1%E2%80%9A_%D0%A0%D1%97%D0%A0%D1%95_%D0%A0%D1%99%D0%A0%D1%9A%D0%A0%D1%9C%D0%A0%D0%8E.pdf?1507796605 (in Russian).

¹⁷³ The Republic of Tatarstan has an “Assembly of the Peoples of Tatarstan” composed of more than 200 associations representing 36 ethnicities. Murmansk *oblast* has a “Council of Representatives of the Numerically small indigenous Peoples” and a “Sami Assembly” (see Article 7).

¹⁷⁴ Prina F. (2015), National Minorities in Putin’s Russia: Diversity and Assimilation, Routledge, chapter 9.

¹⁷⁵ Website of the Civic Chamber of the Russian Federation, available at <https://opr.f.ru/structure/comissions/comissions2017/1349>.

¹⁷⁶ Federal Law No. 256-FZ of 13 July 2015 on Amendments to Article 7 of the Federal Law on Guarantees of Rights of Indigenous Small-numbered Peoples of the Russian Federation.

¹⁷⁷ ACFC Thematic Commentary No. 2 “The Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs” (February 2008), para. 19.

establishment of the above-mentioned bodies defines any guarantees on which policy areas the respective bodies are heard in a systematic manner. In its two meetings in 2016, for example, the Consultative Council on National Cultural Autonomies focused on how these autonomies can contribute to the implementation of the “Strategy on State Nationalities Policy for the period until 2025”, their participation in ethno-cultural festivals and the organisation of youth meetings promoting “civic identity and patriotic education”.¹⁷⁸ The Advisory Committee stresses that the scope of consultation with national minority representatives has to be clearly defined to ensure, for example, the systematic consultation at an early enough stage in the drafting process of new legislation.¹⁷⁹

140. Furthermore, there is only limited transparency with regard to the agenda of the meetings and the composition of these bodies. While issues discussed at the meetings of the Presidential Council for Inter-Ethnic Relations are published online,¹⁸⁰ little public information is available about the frequency and content of the meetings of the three above-mentioned advisory bodies to the Federal Agency for Ethnic Affairs. It appears that many councils, such as the Consultative Council on National Cultural Autonomies and the Assembly of the Peoples of the Republic of Tatarstan, seem to include all representatives of a certain category of (minority) organisations. By contrast, criteria for membership in the Presidential Council on Inter-Ethnic Relations do not seem to be established transparently.

141. In the case of the Council of representatives of the indigenous small-numbered peoples of the Murmansk *oblast*, the composition brings together nine representatives of the communities (*obshchina*) who are solely appointed by the governor, the deputy governor, a member of the State Duma and a representative of the Civic Chamber of Murmansk *oblast*.¹⁸¹ The Advisory Committee regrets to note from its exchanges with several interlocutors that the steps taken to establish the Sami Assembly from 2008 onwards have been accompanied by alternating issues of recognition, questions on representation and, in particular in 2014, involvement of the authorities in the election process.¹⁸² The Advisory Committee underlines that to secure effective participation of persons belonging to national minorities, consultative bodies should reflect the diversity within national minorities and genuinely represent a wide range of views amongst persons belonging to national minorities, while the appointment procedures should be transparent and designed in close consultation with the national minorities.¹⁸³

¹⁷⁸ Report on the work of the Consultative Council on National Cultural Autonomies for 2016, available at <http://fadn.gov.ru/documents/9002-otchet-o-rabote-konsultativnogo-soveta-po-delam-natsionalno-kulturnyh-avtonomiy-pri-federalnom-agentstve-po-delam-natsionalnostey> (in Russian).

¹⁷⁹ ACFC Thematic Commentary No. 2 “The Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs” (February 2008), paras. 116 and 118.

¹⁸⁰ At its Board meeting in September 2017, for example, the Presidential Council discussed the issue of voluntary vs. mandatory minority language teaching of second official languages in republics. See <http://en.kremlin.ru/catalog/keywords/26/events/55633>.

¹⁸¹ See Council of representatives of the indigenous small-numbered peoples of the North under Murmansk *oblast* government, available at www.gov-murman.ru/region/saami/convocation/.

¹⁸² See, among many others, Berg-Nordlie M. (2017), Fighting to be Heard-in Russia and in Sámi, Russian Sami representation in Russian and Pan-Sámi politics, dissertation for the degree of Philosophy Doctor, February 2017, Faculty of Humanities, Social Science of Education, The Arctic University of Norway.

¹⁸³ ACFC Thematic Commentary No. 2 “The Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs” (February 2008), paras. 110-111.

142. Further factors limiting the enjoyment of the right to participation are the restrictions on the freedom of association and the requirement of national minorities to form only one association at any given level (see Article 7).

Recommendation

143. The Advisory Committee calls on the authorities to ensure that existing consultative bodies at federal, regional and local levels are equipped with legally guaranteed consultation rights in all relevant areas. Their composition should genuinely represent a wide range of views amongst persons belonging to national minorities.

Participation in socio-economic life

144. The Advisory Committee takes note of information it has received from a group of persons belonging to the Siberian Tatar minority living in the village of Nizhnie Aremzyany in the Tobolsk district in Tyumen *oblast* about the lack of consultation on the planned construction of a large timber industry complex in the immediate vicinity of their village. The group also mentioned other planned developments of holiday resorts in areas traditionally inhabited by Siberian Tatars, where minority representatives felt their views were not taken into account. The Advisory Committee indeed got the impression that regional authorities were not sufficiently aware of the rights of persons belonging to national minorities to effective participation in matters affecting them.¹⁸⁴

145. Although the legislation provides for participation of indigenous peoples in decision-making as far as the use of land and natural resources in the areas where they live traditionally,¹⁸⁵ the Advisory Committee was informed by its interlocutors that in practice their effective involvement is not always ensured and consultations are not organised in a way that leads to meaningful results and to their views being taken into account. The extent to which consultations are organised depends in some cases on the local authorities¹⁸⁶ and varies among regions, with some being more advanced in ensuring participation of indigenous peoples. The Advisory Committee notes, for example, that only the Republic of Sakha has adopted a law on “ethnological analysis”, defined in the Law on Guarantees of the Rights of Indigenous Peoples of the Russian Federation as research on the impact of the changes in the native habitat and socio-cultural situation of the indigenous peoples in the development of their ethnos. This is compulsory before any decision to carry out economic activities in the areas inhabited by indigenous peoples. A federal legal framework on the “ethnological analysis” is, however, missing and its adoption would be a step forward, according to interlocutors of the Advisory Committee. In the case of other industrial projects developed in the areas inhabited by indigenous peoples, such as the Yamal Liquefied Natural Gas Project, effective consultation was not ensured, as it did not reportedly take place in a “culturally-

¹⁸⁴ The Advisory Committee learned that its interlocutor affiliating with the Siberian Tatar minority was dismissed from her job at the university on 2 November 2017, allegedly due to her activism against the timber industry complex. The decision was revoked by a local court on 16 January 2018.

¹⁸⁵ See for example the Law on Guarantees, Articles 7.2, 7.5 - 7.6.

¹⁸⁶ For example, Article 39.14.9 of the Federal Land Code foresees that in the areas of traditional residence and traditional economic activities of indigenous peoples, gatherings or referenda *may* be held before providing land plots for facilities not related to their traditional economic activities; the allocation of plots is based on the results of these consultations.

appropriate manner”, and did not ensure that people were fully informed and understood to what they were giving their consent.¹⁸⁷

Recommendation

146. The Advisory Committee urges the authorities to ensure effective participation of persons belonging to national minorities, including indigenous peoples, in socio-economic life, by promoting the sustainable economic development of the territories in which they live.

Articles 17 and 18 of the Framework Convention

Cross-border co-operation and bilateral relations

147. The Advisory Committee notes that the Russian Federation has concluded a large number of bilateral agreements containing clauses aimed at protecting national minorities and facilitating cross-border co-operation on education and culture.¹⁸⁸ Close ties exist in these fields with a variety of countries, albeit in a differentiated way for instance with Armenia, Central Asian countries or Germany. The Advisory Committee notes that one of the agreements with Ukraine (on higher education institutions signed in 2003) is marked as “not in force” on the website of the Ministry of Foreign Affairs.¹⁸⁹

148. The Advisory Committee notes with regret reports from various minority communities that they are experiencing restrictions in their co-operation with interested states. The situation is particularly difficult for some persons belonging to the Ukrainian minority, but also others such as representatives of the Polish minority have equally experienced problems as a result of inter-state tensions that developed throughout the reporting period. In the case of the Pomor movement, co-operation of its leader with organisations in Norway has raised the suspicion of the authorities.¹⁹⁰ Some representatives of Germans and Armenians reported no difficulties in receiving support from Germany and Armenia, respectively, but were aware that this was due to specificities in inter-state relations with the Russian Federation. During its visit, the Advisory Committee was able to learn from its interlocutors that minority representatives consider themselves as an integral part of Russian society and hence expect support primarily from the Russian state. Some feel uncomfortable, fearing exposure to a situation where they become the object of bilateral political struggles. The Advisory Committee wishes to recall that the protection of national minority rights is a primary responsibility of the state with national minorities.¹⁹¹ The protection afforded and support given to certain national minorities should not be dependent on the conditions of bilateral relations with another state.

¹⁸⁷ Submission to the Advisory Committee by the IWGIA, Institute for Ecology and Action Anthropology, Myski local civic organisation “Revival of the Kazas and Shor People”, European Network on Indigenous Peoples, paras. 26-28.

¹⁸⁸ For the full list of bilateral treaties see www.mid.ru/foreign_policy/international_contracts.

¹⁸⁹ Website of the Ministry of Foreign Affairs, available at www.mid.ru/ru/foreign_policy/international_contracts/2_contract.

¹⁹⁰ Barents Observer (22 November 2012), Pomor Brotherhood?, available at <http://barentsobserver.com/en/opinion/2012/11/pomor-brotherhood-22-11>.

¹⁹¹ See also OSCE High Commissioner on National Minorities (2008), The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations.

149. The Advisory Committee is deeply concerned about the cases of minority organisations that have been put on the list of “foreign agents” owing to their links to other states. It observed during its visit that many minority organisations are weary of the legislation on “foreign agents” and “undesirable organisations” and consequently avoid accepting funding from abroad and engaging in activities that might be interpreted as political (see Article 7). While noting that support for minority organisations is the primary responsibility of the state concerned, the Advisory Committee finds that the current legislation makes minority organisations with links in other countries vulnerable to undue restrictions on their right to establish and maintain free and peaceful contacts across frontiers.

150. The Advisory Committee is furthermore concerned about the case of several indigenous peoples’ delegates travelling to the 2014 UN World Conference of Indigenous Peoples in New York, who were obstructed from catching their flights by means of a physical assault or administrative interference. Two such incidents occurred on 18 and 20 September 2014, at Moscow Sheremetyevo International Airport, where the passports of the two representatives were seized allegedly as they were invalid, due to missing pages. They were unable to leave Russia and faced administrative proceedings, but both cases were closed a few days later. Two other cases concern two representatives who travelled together on 20 September 2014 from Lovozero to Kirkenes (Norway) and from there on to New York. The car they planned to travel in had the tyres punctured, and they were stopped later and questioned three times by the police. During one such check-up, an individual attempted to steal the belongings of one of the representatives resulting in them also having to travel to a police station to file a complaint. Although delayed, they were however able to travel to New York one day later.¹⁹²

Recommendation

151. The Advisory Committee calls on the authorities not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across borders, including through the application of the legislation on “foreign agents”. The authorities should ensure that inter-state relations do not negatively affect the enjoyment of minority rights.

¹⁹² For detailed information, see Human Rights Council, Communications Report of Special Procedures, 28th session, March 2015, A/HCR/28/85, p. 90, including the request for information sent to the Russian authorities and their reply, available at www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx.

III. Conclusions

152. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by the Russian Federation.

153. The authorities are invited to take account of the detailed observations and recommendations contained in Sections I and II of the Advisory Committee's fourth opinion.¹⁹³ In particular, they should take the following measures to improve further the implementation of the Framework Convention:

Recommendations for immediate action¹⁹⁴

- **Take resolute measures to guarantee full and effective equality for persons belonging to national minorities; strengthen efforts to implement the Concept Paper for the sustainable development of indigenous small-numbered peoples. Ensure that conditions are in place for persons belonging to indigenous peoples to maintain and develop their cultures in the widest sense and provide for their effective participation in matters concerning them, including the use of land and resources.**
- **Amend the legislation and change practice regarding non-governmental organisations and national cultural autonomies in a way that all persons belonging to national minorities can enjoy freedom of association and benefit from support for their cultural activities. Guarantee effective participation of persons belonging to national minorities in consultative bodies at all levels and ensure that their composition genuinely represents a wide range of views amongst persons belonging to national minorities.**
- **Develop and implement programmes promoting respect and intercultural understanding and societal integration as an all-encompassing process, based on the recognition of minority communities as an equal and integral part of society.**
- **Adopt, in consultation with persons belonging to national minorities, a comprehensive long-term strategy and corresponding legislation safeguarding the teaching in and of minority languages from kindergarten to higher education, including through strengthening bilingual and multilingual teaching approaches. Ensure that comprehensive and adequate knowledge about national minorities, including on their histories, is provided in education, in particular in teaching and learning materials.**

Further recommendations¹⁹⁵

- **Ensure that the 2020 population census is prepared in consultation with national minority representatives and that it safeguards free and voluntary self-identification. The census methodology should provide for the possibility to declare more than one ethnic**

¹⁹³ A link to the opinion is to be inserted in the draft resolution before submission to the GR-H.

¹⁹⁴ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

¹⁹⁵ The recommendations below are listed in the order of the corresponding articles of the Framework Convention

affiliation and to process and reflect them in the census results. The processing of the data and categorisation into ethnic groups and “sub-groups” should be carried out in consultation with representatives of those concerned.

- Adopt comprehensive legislation setting out the rights of persons belonging to national minorities in line with the Framework Convention and further develop and consistently implement anti-discrimination legislation covering all spheres of life.
- Develop and implement a multi-year action plan on full and effective equality of the Roma covering all relevant areas, including housing, employment, health, education, culture and participation. Design the action plan in consultation with a broad spectrum of Roma representatives, including Roma women, and ensure it is based on a thorough assessment of the situation and evaluation of existing pilot projects, includes a gender dimension, and is sufficiently funded.
- Take resolute preventive measures and identify, investigate, prosecute and sanction effectively all racially and ethnically motivated acts, including those against persons from the North Caucasus and against migrants. Law enforcement personnel, including Cossacks used in that role, should be trained on human and minority rights standards and how to apply these with respect to persons belonging to minorities.
- Refrain from any undue interference in the right of persons belonging to national minorities to express and manifest freely their religious beliefs.
- Facilitate access of persons belonging to national minorities to licences for television and radio broadcasting in minority languages at local level. In order to cater for the various needs and habits of media consumers, support editors of minority media in the transition from print to online editions, without having to abandon print versions altogether.
- Actively encourage and support the use of minority languages in contacts with the administrative authorities and promote the use of minority languages in topographical indications, signs and other inscriptions.