

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

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COUNCIL OF EUROPE



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**Comments of the Government of the Russian Federation on the Fourth Opinion of the  
Advisory Committee on the implementation of the Framework Convention for the  
Protection of National Minorities by the Russian Federation**  
received on 24 December 2018

*Unofficial translation*

**Comments by the Russian Federation  
on the draft opinion of the Council of Europe Advisory Committee  
on the Framework Convention for the Protection of National Minorities  
following the visit to the Russian Federation**

Federal executive bodies of the Russian Federation have thoroughly examined the draft opinion of the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities following the visit to the Russian Federation (October 16–24, 2017) during the fourth monitoring cycle.

We note that a substantial part of findings and conclusions of the draft opinion is based on personal judgments and biases, as well as on information provided by partial sources. The draft opinion tends to twist and misinterpret the official data to discredit the Russian Federation and even presents isolated cases of alleged rights violations of minority representatives as a targeted State policy to persecute this category of citizens.

We draw attention to the fact that, in our view, the recommendations of the Advisory Committee attached to the opinion are groundless.

Above all, legislation and law enforcement of the Russian Federation ensure the equal right of non-governmental organizations and national cultural autonomies for freedom of association and support for cultural activities. There are no impediments for the effective participation of minority representatives in the activities of any competent authorities at any level.

All the subjects of the Russian Federation have developed and implement a policy and planned measures to harmonize inter-ethnic relations as well as ensure social and cultural adaptation of migrants and protection for national

minorities. The Russian Federation continues its efforts in this regard and works to increase efficiency thereof.

Legislation and law enforcement of the Russian Federation ensure respect for the rights of citizens to learn their mother tongue and choose the language of education.

Moreover, the reference to "illegitimate annexation of Crimea by the Russian Federation" in the opinion is unacceptable. We stress that the Republic of Crimea is an integral part of the Russian Federation that reunited with our country through the exercise of the free will by its population in a referendum.

**Paras. 7-9, 11, 126-136.**

We consider the statement by the Advisory Committee regarding the violation of the citizens' right to learn their mother tongues to be ungrounded.

According to the Constitution of the Russian Federation, Article 68, the Russian language is the State language on the entire territory of the Russian Federation.

Article 14 of Federal Law No. 273-FZ of December 29, 2012 "On Education in the Russian Federation" (hereinafter referred to as "Law No. 273-FZ"), ensures in the Russian Federation the right to receive education in the State language as well as to choose the language of education from the options provided by the education system.

State and local educational institutions can introduce teaching and learning of the official languages of the republics in accordance with the legislation of the republics provided that this is not detrimental to teaching and learning of the State language.

Citizens have the right to receive pre-school, primary basic and general basic education in their mother tongue from among the languages of Russia's peoples and to learn such language if the education system can provide this opportunity. The required amount of the relevant educational institutions,

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classes, groups, and conditions for their functioning are being established to ensure the said rights.

Teaching and learning of the State language, official languages of the republics of the Russian Federation, and the mother tongue from among the languages of Russia's peoples are performed in compliance with the State educational standards.

Language(s) of education is (are) defined by local regulations of an educational institution.

Under Law No. 273-FZ, Article 20, Part 3, educational institutions take into account the views of students councils, parents councils and students representative bodies in adopting local regulations affecting the rights of its students.

### **Para. 13**

The Russian Federation takes steps to reduce statelessness.

According to the Convention on the Reduction of Statelessness of August 30, 1961, the States should take measures to reduce the number of stateless persons in their territory facilitating the procedure for acquiring citizenship. The Russian Federation has not so far joined the Convention but at the same time, Russian legislation contains provisions aimed at reducing statelessness, which means that the Russian Federation recognizes de facto the said Convention and implements its provisions.

According to the Constitution of the Russian Federation, Article 62, Para. 3, stateless persons in the Russian Federation enjoy rights and bear responsibilities that are equal to those of the Russian Federation citizens, except for the cases specified by a federal law or an international treaty of the Russian Federation.

According to Article 12 of Federal Law No. 115-FZ of July 25, 2002 "On the Legal Status of Foreign Citizens in the Russian Federation" (hereinafter referred to as "Federal Law No. 115"), foreign citizens and stateless persons

residing permanently in the Russian Federation have the right to vote and be elected to local authorities and participate in a local referendum in the cases and under the procedure stipulated by federal laws.

According to Article 4 of Federal Law No. 62-FZ of May 31, 2002 "On Citizenship of the Russian Federation" (hereinafter referred to as "Federal Law No. 62-FZ"), reduction of statelessness is a principle of the Russian State policy on citizenship. In that regard, the Russian Federation encourages stateless persons residing in its territory to acquire citizenship of the Russian Federation.

Its another principle is the universal nature of the Russian Federation citizenship meaning that there are no provisions limiting the rights of citizens on the grounds of social status, race, nationality, language, or religion.

Federal Law No. 62-FZ stipulates a range of regulations for stateless people that facilitate the procedure for gaining citizenship of the Russian Federation.

In accordance with Para. "b" of Article 14 (Part 1) of Federal Law No. 6-FZ, legally competent foreign citizens and stateless persons over 18 years old are eligible to apply for citizenship of the Russian Federation under the simplified procedure without conditions specified by Para. "a" of Article 13 (Part 1) of Federal Law No. 62-FZ if such citizens and persons had USSR citizenship, reside(d) in States that used to be parts of the USSR, have not taken up citizenship of those States and, therefore, remain stateless.

In pursuance of the Para. "g" of Article 14 (Part 1) of Federal Law No. 6-FZ, a child acquires citizenship of the Russian Federation by birth if both of his or her parents or one of them residing in the territory of the Russian Federation are (is) stateless on the day of the birth of the child, provided that the child was born in the territory of the Russian Federation.

Amendments of November 2012 to Federal Law No. 62-FZ provided stateless persons – former USSR citizens who could not obtain a legal status of the Russian Federation residents due to various external circumstances (no

documents, housing, etc.) – with the right to choose between a citizenship of the Russian Federation or a residence permit .

The said amendments allowed this category of persons who stay in the territory of the Russian Federation to resolve their legal status either by acquiring citizenship of the Russian Federation (Federal Law No. 62-FZ, Article 41.3) or being recognized as citizens of the Russian Federation (Federal Law No. 62-FZ, Article 41.2). We continue the work to implement Federal Law No. 62-FZ aimed at resolving the legal status for this category of persons.

In pursuance of Article 41.3 of Federal Law No. 62-FZ, in 2017, citizenship of the Russian Federation was granted to 4,745 persons (in 2016 – to 6,520 persons, -27,2%). In the first six months of 2018, 1,274 persons were naturalized (in the first six months of 2017 – 3,253 persons, -60,8%).

In pursuance of Article 41.2 of Federal Law No. 62-FZ, in 2017, citizenship of the Russian Federation was granted to 646 persons (in 2016 – to 1,082 persons, -40,3%). In the first six months of 2018, 284 persons were naturalized (in the first six months of 2017 – 405 persons, -29,9%).

As of 30 June 2018, there are 4 086 persons who received the passport of a citizen of the Russian Federation, although subsequently found not to have the Russian citizenship despite the grounds to obtain such under Articles 41.2 or 41.3 of Federal Law No. 62-FZ, or reside in the territory of the Russian Federation without a resolved legal status. Statistical data shows that the number of stateless persons residing in the territory of the Russian Federation decreases annually.

In accordance with Article 333.29 of the Tax Code of the Russian Federation (Part II) "when citizenship of the Russian Federation is granted to physical persons who had USSR citizenship and who resided and continue to reside in states which formed part of the USSR but did not receive citizenship of those states and, as a result, became stateless persons, State duty shall not be payable".

Furthermore, the Ministry of the Interior of the Russian Federation drew up a draft Federal Law "On Amendments to Certain Regulations of the Russian Federation as regards Regularizing the Legal Status of Stateless Persons" (hereinafter – the draft law), which provides for a temporary identification document for stateless persons in the territory of the Russian Federation; this document will be issued based on the conclusion that the identity of a stateless person has been proved in line with Article 10.1 of Federal Law No. 115-FZ of 25 July 2002 "On the Legal Situation of Foreign Citizens in the Russian Federation" and will identify its holder in the Russian Federation. The draft law also suggests that Federal Law No. 62-FZ could be further amended to include Article 14.1, which enters into force since 1 January 2020, with a view to regulating the legal status of categories of persons listed in Chapter VIII. 1 of Federal Law No. 62-FZ upon the termination of its regulations (Federal Law No. 462-FZ of 19 December 2016 "On Amendments to Article 3 of the Federal Law "On Amendments to the Federal Law "On Citizenship of the Russian Federation"" extended the period of validity of the regulations under Chapter VIII. 1 of Federal Law No. 62-FZ of 31 May 2002 "On Citizenship of the Russian Federation" aimed at regularizing the legal status of certain categories of persons until 1 January 2020). According to Article 14.1. under preparation, stateless persons holding the temporary document of a stateless person in the Russian Federation will acquire Russian citizenship under a simplified procedure. The draft law is currently undergoing interagency review.

It is also important to note that those who come to the Russian Federation from abroad swell the ranks of stateless persons.

### **Paragraphs 14, 73**

The competent authorities of the Russian Federation have no information about arbitrary identity checks and other forms of discrimination of persons from the North Caucasus and of Roma, including by Cossack militia.

There was no data either regarding discrimination, ill-treatment and torture of persons from the North Caucasus as well as of stateless persons in the penal system.

**Paragraphs 17,118,119**

According to Articles 3 and 5 of Federal Law No. 273-FZ, state policy and legal regulation of relations in the educational field are based, inter alia, on the principle of ensuring the right of each person to education and unacceptability of discrimination in education. In the Russian Federation, the right to education is guaranteed irrespective of gender, race, nationality, language, origin, property status or social position, place of residence, attitude towards religion, convictions, as well as other circumstances.

Pursuant to Article 78 of Federal Law No. 273-FZ, foreign citizens and stateless persons enjoy the same rights as citizens of the Russian Federation to receive pre-school, primary general, basic general and secondary general education, as well as technical and vocational education and training on a publicly available and free basis.

The educational authorities and organizations involved in educational activities detect, keep a register of, and take steps to ensure the upbringing and education of minors who fail to attend educational institutions or are systematically absent without a valid reason (Art. 14 of Federal Law No. 120-FZ of 24 June 1999 "On the Bases of the Child-Neglect and Juvenile-Delinquency Prevention System").

According to the Russian Census of 2010, 8216 (0.31%) of Roma persons reside in Volgograd Oblast. More than 1500 Roma minors attend standard educational organizations, enjoy equal rights and opportunities to study in educational organizations and are provided with all needed educational literature, stationery and meals. Roma children study together with children of other ethnic origins. Learning environment and requirements of the educational process are equal for all students. Children participate in school cultural and



recreational activities. Traditional Roma skills-training courses such as embroidery, sewing, weaving, and pottery are organized at general education establishments of Volgograd Oblast after classes.

Administrations of general education establishments did not require Roma pupils not to participate in celebrations to mark the beginning of the new school year. In 2017-2018, the Committee on Education, Science and Youth Policy of Volgograd Oblast received no communications from parents (legal representatives) regarding the issues in question.

As of the end of 2017-2018, in Volgograd Oblast 733 Roma children studied in general education establishments, 494 of whom participated in skills-training courses and sports clubs, including amateur art (singing, glee, dancing) and handicraft clubs.

In conformity with Article 42 of Federal Law No. 273-FZ, Roma children who experience difficulties with basic educational programmes, development and social adaptation receive psychological and educational, medical and social assistance when necessary.

The competent authorities of the Russian Federation received no communications from citizens regarding the violation of the rights of Roma children to education, and their discrimination.

Thus, the allegation by the Advisory Committee of violation of the right of Roma children to education and, in particular, the *de facto* segregation of Roma children seems groundless.

### **Paragraphs 23-26**

The Advisory Committee reminds the Russian Federation 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. It also gives particular recommendations for the 2020 Census that "the census form has to provide for the possibility to indicate more than one ethnic affiliation." However, Article 3 of the Framework

Convention does not envisage "multiple ethnic identities", hence this recommendation has no legal grounds.

**Paragraphs 30, 31, 62**

The remark by the Advisory Committee that the Strategy of the State national policy for the period until 2025 and the relevant government program are dedicated not only to the advancement of national minorities, but also, in particular, to the patriotic education of the youth and promotion of the Russian language, seems to be absolutely far-fetched.

It is generally recognized that one of the main objectives of any state is to preserve and strengthen itself as a single and indivisible community. Successful nation-building is possible only if a civil identity is formed, "when a citizen associates himself with his country which is reflected primarily in the name of its citizens, for example, the Americans, the Indians, the Spanish, the Chinese, the Mexicans, the Russians, the French" (Vocabulary of the Main Concepts of National Policy and Interethnic Relations, developed by the Russian Academy of Sciences). Meanwhile, a mature civil identity, obviously, does not mean the elimination of any other self-identifications, rather promoting interethnic stability and harmonious development of national minorities in a single socio-political dimension.

Such processes are currently underway in the territory of the Russian Federation. Russian scientists believe that relationship-building process among the peoples of Russia is constantly evolving and improving: the implementation of constitutional, ethnic and confessional rights of citizens is a pledge of national peace and harmony.

In this regard, the multiple tasks allotted to the Federal Agency for Ethnic Affairs are not excessive, as concluded by the Advisory Committee; they rather strengthen Russia's multi-ethnic unity with the concurrent implementation of the linguistic, cultural, religious and other rights of national minorities.

**Paragraph 53**

According to the information from the Federal List of Extremist Materials, the Moscow Meshchansky District Court ruled on December 1, 2011 that the following printed editions be recognized extremist: "1932-33 Holodomor in Ukraine: Criminal Case № 475;" "1932-1933 Holodomor in Ukraine as a crime of genocide: legal assessment", 2009; "Ukrainian genocide. Series: 1932-1933 Holodomor. Holodomor," 2007.

The correspondence related to recognizing these materials as extremist was destroyed due to statutory limitations, so it is not possible to provide specific information about the ground of the decision made.

At the same time, any allegations that these decisions are part of Russian "intimidation practices" related to the conflict in Ukraine are untrue, since they were adopted long before the mentioned events.

**Paragraph 59**

Since December 2013, there have been no protest activities related to the alleged violation of rights of the Shor indigenous people registered in Kemerovo Oblast. No basis for ethnic conflict has been identified either.

The case that was presented as a violation of rights of the Shor people by commercial entities and local authorities is not true.

According to the information available, in 2012 the administration of the Myskovsky district (Kemerovo Oblast) and the OAO UK Yuzhnaya (licensed coal mining company) signed an agreement on social and economic cooperation, concerning the resettlement of the Kazas settlement residents. In December 2012, the meeting of the Kazas residents agreed by majority to resettle and cancel the settlement status.

In December 2014, in Myski the extended Council of the Shor people reviewed the demands of the Kazas residents to OAO UK Yuzhnaya. In April 2015, the Shor people congress was to take the final decision on this issue, but never discussed it.

In 2013-2014, most residents of the Kazas settlement moved to another place, received a monetary compensation many times exceeding the actual value of their former houses. In 2016, the rest of the Shor residents remaining in this territory were resettled.

The new Kazas settlement is located within the same municipality, so it retains its status of the Shor traditional residence. A sanctuary was built here, with accompanying necessary religious rituals in accordance with the Shor traditional beliefs. In fact, a spiritual center of the Shor people similar to that located on the Karagay Lyash mountain has been recreated.

*For reference: Y.I. Bubentsov (Russian, citizen of Novokuznetsk), who resided Kazas in his summer cottage, tried to avail himself of this civil law case to settle his financial problems under the guise of protection of rights of the Shor people. Mr. Bubentsov demanded a 29.5 million ruble compensation for his cottage in Kazas. During the settlement of the dispute he was offered a real cash payment for his property.*

### **Paragraph 65**

The Ministry of the Interior of Russia provides systematic scientific and methodological support to the anti-extremist activities.

A research section was established within the Main Directorate for Countering Extremism of the Ministry of the Interior of Russia consisting of heads of the relevant Ministry structural units and territorial units responsible for countering extremism (General Administrations of the MIA of Russia for: the North-Caucasian Federal District, the Republic of Crimea, the Republic of Tatarstan, Sevastopol, the Nizhniy Novgorod Region and the Moscow Region), leading scientists from research and educational institutions of the Ministry of the Interior of Russia, representatives from the MFA of Russia, Federal Security Service of Russia, Prosecutor General's Office of the Russian Federation, Diplomatic Academy of the MFA of Russia.

From 2017 through July 2018 a number of conferences and seminars were held to improve the activities of the employees of counter-extremism units and raise their awareness of challenging law enforcement issues.

The counter-extremism MIA territorial units as well as the MIA Main Directorate of transport received 23 manuals drafted by the Main Directorate for Countering Extremism (GUPE) of the Ministry of the Interior of Russia (teaching material, guidelines, reviews, express information on good practices) and 6 manuals in 2017 in the first half of this year.

For reference:

- *All-Russia scientific and practical conference on "Problems of Determination with Respect to Crime Prevention" (January 2017) was held at the Academy of the Prosecutor General's Office of the Russian Federation;*
- *the Ministry of the Interior of Russia held a panel discussion on operational and search challenges facing the counter-extremism units with the participation of senior staff of the counter-extremism centers (groups) of the Ministry of the Interior, the Russian MIA General Administration in the subjects of the Russian Federation (February 2017);*
- *All-Russian Institute of Advanced Training of Employees (VIPK) of the Ministry of the Interior of the Russian Federation held panel discussions on countering extremism and terrorism (September 2017) and on topical issues of preventing, detecting and solving extremist crimes with the participation of employees of the candidate pool of the MIA district-level territorial bodies (October 2017);*
- *the VIPK of the Ministry of the Interior of Russia held a workshop with the heads of migration units of the MIA territorial bodies (September 2017);*
- *MIA All-Russian Institute of Advanced Training of Employees held a panel discussion on topical migration issues facing the internal affairs bodies (November 2017);*

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- *the Krasnodar University of the Ministry of the Interior of the Russian Federation held international scientific conferences on "Operational and Investigative Activities, Theory and Practice" and "Countering Extremism and Terrorism: Philosophical, Sociological and Political Aspects" (November 2017);*
- *MIA VIPK held a panel discussion on countering extremism and terrorism (December 2017);*
- *Krasnodar University of the Ministry of the Interior of Russia organized a meeting of the GUPE research unit of the Ministry of the Interior of Russia (June 2018);*
- *Krasnodar University of the MIA of Russia held panel discussions on "Countering Extremism and Terrorism in the Russian Federation: Current State and Operational Issues of Counter-Extremism Units of the MIA of Russia district and regional territorial bodies (March, June 2018);*
- *MIA VIPK held a panel discussion on countering extremism and terrorism (February, April 2018);*
- *the Kikot Moscow University of the Ministry of the Interior of the Russian Federation together with the MFA of Russia held an international scientific and practical conference on "Priority Tasks of International Cooperation in Countering Extremism and Terrorism" under the auspices of the Interdepartmental Commission on Countering Extremism (April 2018);*
- *FSB Border Guard Academy held an interdepartmental scientific and practical workshop on teaching the fundamentals of terrorism prevention in educational institutions of the Russian Federation (June 2018).*

### **Paragraph 66**

The information that Ye.E. Vologzhaninova, referred to in this paragraph, was found guilty inter alia of inciting hatred towards the authorities is not true.

On February 20, 2016, she was found guilty by the Zheleznodorozhny District Court of Yekaterinburg, Sverdlovsk Oblast, under Article 282, Criminal

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Code of the Russian Federation, for actions aimed at inciting hatred and enmity as well as at humiliating the dignity of a group of people on the grounds of nationality and origin.

The court acknowledged that Ms. Vologzhaninova published text materials and images containing the relevant information including the propaganda of inferiority of a group of people on the grounds of ethnicity and origin as well as a call for violent actions against the above group.

The court of appeal left the sentence unchanged and noted that the posted information went beyond Ukraine-related opinions and was associated with incitement to national hatred and enmity.

As for I.I. Moseev, in October 2012 criminal proceedings were reportedly instituted against him for "the incitement of hatred or enmity and humiliation of human dignity" under Article 282, part 1, Criminal Code of the Russian Federation.

From the beginning of the public court session on this criminal case (November 2012) and up to its end (March 2013) the process was covered by regional and federal media as well as by a number of foreign media (The Barents Observer, Dagbladet, Nordlys.no web-site, NRK radio (Norway), the Swedish FIB web-site, etc.). On March 1, 2013, the Oktyabrsky District Court of Arkhangelsk pleaded Mr. Moseev guilty and sentenced to a fine.

### **Paragraph 68**

Foreign citizens receive legal assistance in accordance with Article 1 part 3, Federal Law No. 59-FZ "On the procedures for consideration of appeals by citizens of the Russian Federation" (applicable also to foreign citizens and stateless persons) of May 2, 2006, as well as with the procedures of departmental control over registration of citizens' appeals, established by Order of the Ministry of the Interior of Russia No. 707 "On Organization of Examination of Citizens' Applications within the System of the Ministry of the Interior of the Russian Federation of September" 12, 2013.

In order to prevent illegal employment of foreign workers in the Russian Federation, the Ministry of Labor and Social Protection of the Russian Federation jointly with the interested federal executive bodies of the Russian Federation, including the MIA of Russia, is working on bilateral agreements with a number of states on organized temporary employment in the Russian Federation. These agreements envisage, among other things, a possibility of comprehensive training of foreign citizens in their own country before the departure, including vocational, advanced training, retraining, studying the Russian language, Russian history, fundamentals of the legislation of the Russian Federation, as well as preliminary medical check-ups.

The Ministry of Labor and Social Protection of the Russian Federation is drafting agreements on organized employment with the Republic of Azerbaijan, the Socialist Republic of Vietnam, the Kyrgyz Republic and the Republic of Tajikistan.

### **Paragraph 72**

The competent authorities of the Russian Federation do not have any information about violation of the rights of persons of non-Slavic origin by the Cossacks. Moreover, citizens of the Krasnodar Kray, guests, various events in the region, as well as national communities and diasporas note the well-organized job done by the Cossack militia, their effectiveness in identifying and suppressing offenses and grave crimes, willingness to assist people on various issues.

### **Paragraph 74**

The MIA of Russia continually monitors the potential threat of ethnic conflicts. The information about discrimination of the Roma on ethnic grounds in the Zelenodolsk municipal district of the Republic of Tatarstan has not been confirmed. There were no registered protest activities related to the violation of rights of the local Roma. No basis for an ethnic conflict was identified.



According to the information available, in 2016 the Executive Committee of the Ayshinsky rural settlement in the Zelenodolsk municipal district filed a lawsuit against four locals who, apart from owing legal residential property, had built new unauthorized houses which they rented out to third persons (ethnic Roma) later. The Zelenodolsk city court sustained the claim by acknowledging the houses illegal. Since the owners refused to fulfill the judicial requirement to demolish the said houses, the latter were dismantled by Federal Bailiff's Service officers in August 2017. The residents thereof were provided with plots of land in Vasilyevo, an urban-type settlement in the Zelenodolsk municipal district, under the social program for the protection of interests of the multi-child families

### **Paragraph 77**

On September 16, 2017, members of "Bashkort", a Bashkir non-governmental organization, committed an administrative offence under para. 5, Article 20.2, Code of Administrative Offences of the Russian Federation "Violating the Established Procedure for Arranging or Conducting a Meeting, Rally, Demonstration, Procession or Picket". Organizers of the public rally (which took place that day in Ufa featuring over 700 people) had failed to get a permission from the local authorities as prescribed by the relevant legal procedure, and thus were held administratively liable.

On December 7, 2015, Moscow's Basmany Court sentenced Ildar I. Dadin to three years in prison for a crime provided for in Article 212.1, Criminal Code of the Russian Federation, "Repeated Violation of the Established Procedure for Arranging or Conducting a Meeting, Rally, Demonstration, Procession or Picket".

In January 2017, the Constitutional Court of the Russian Federation demanded a revision of Mr. Dadin's sentence. The Court refused to acknowledge Article 212.1 of the Criminal Code unconstitutional, but suggested amending it, since, as was explained, a protester may face criminal liability only

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in case his/her actions have caused damage to people, public security or constitutionally protected values.

In February 2017, the Presidium of the Supreme Court of Russia overruled the sentence, so that Mr. Dadin was released from penal institutions with a right to rehabilitation.

### **Paragraph 80**

Pursuant to Federal Law of December 28, 2012 No. 272-FZ "On Measures of Influence on Persons Involved in Violation of Basic Human Rights and Freedoms, Rights and Freedoms of Citizens of the Russian Federation", activities of foreign or international governmental organizations posing a threat to the foundations of the constitutional order of the Russian Federation, to its defense or national security, may be considered undesirable in the territory of the Russian Federation. The relevant legislation is in line with Article 22 of the International Covenant on Civil and Political Rights and Article 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms, being an adequate response to the potential threat to national security and public order.

### **Paragraph 84**

The Constitution laws of the Russian Federation and national legislation (with due regard to the above international instruments) criminalize offences the persons mentioned in paragraphs 84 and 85 have been charged with, therefore any reference to the said criminal cases in the context of freedom of expression violation, politically motivated prosecution or illegal conviction, seems groundless.

Pursuant to Article 15.3, para. 1 of the Federal Law of July 27, 2006 No. 149-FZ "On Information, Information Technologies and Information Protection" (as amended by Federal Law of December 28, 2003 No. 398-FZ), the General Prosecutor of the Russian Federation and his deputies can decide to limit access to the websites containing calls for mass riots, extremist activities,

participation in mass (public) events held in violation of the established procedure. This provision covers content shared by foreign or international non-governmental organizations when their activities have been recognized as undesirable in the territory of the Russian Federation as well as data enabling access to the said information or content.

Such decision seeks to delete unlawful information. Once the requirements of authorities are fulfilled, access to such websites is restored without delay. A website can be blocked only in case of refusal to delete the banned information, which is fully in line with Article 20 of the International Covenant on Civil and Political Rights and Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms, being an adequate response to the potential threat to people's security and safety.

Advisory Committee's allegations that Article 280.1 of the Criminal Code of the Russian Federation criminalizes "public, online calls aimed at violating the territorial integrity of the Russian Federation" and that this provision is used to prosecute and intimidate critics of Russia's policy on Crimea to limit the freedom of expression of persons belonging to national minorities, are untrue.

For instance, Andrey B. Bubeyev, whose criminal case is referred to in Draft para. 84, was prosecuted and convicted for an offence against the foundations of the constitutional order and national security.

In its sentence of May 5, 2016, the Tver Zavolzhsky District Court asserted the fact that he had willfully shared information containing incitement to extremism, i.e.: crimes on grounds of political hatred or enmity; dissemination of content aimed at inciting hatred, enmity or discord in relation to a group of people of certain ethnicity, as well as to violation of the territorial integrity of the Russian Federation.

A court of appeal upheld the sentence.

The sentence of the Naberezhnye Chelny City Court (the Republic of Tatarstan) of September 15, 2015, found Rafis R. Kashapov guilty of crimes

provided for in Article 282, para. 1 and Article 280, para. 2 of the Criminal Code of the Russian Federation. He was sentenced to three years of imprisonment in a penal colony of general regime with no right to use Internet social networks for 2 years.

The Court proved that he made some relevant posts on his personal page on VKontakte social network during the period from July till December 2014, with a view to violating the territorial integrity of the Russian Federation, inciting hatred or enmity and degrading human dignity and dignity of a group of people on ethnic grounds.

The Court considered that a clear case of abuse by the defendant of his right to freedom of expression as well as of unlawful acts violating Article 29 of the Constitution of the Russian Federation which guarantees freedom of thought and speech and prohibits propaganda or agitation, which arouses social, racial, national, religious or linguistic supremacy.

The court ruling contains no evidence that Mr. Kashapov was found guilty of incitement of hatred towards the Russian authorities as a social group.

According to the ruling of November 13, 2015, made on appeal by a judicial panel for criminal cases of the Supreme Court in the Republic of Tatarstan, the sentence in relation to Mr. Kashapov was overruled to excise the additional punishment, i.e. a two-year ban on the use of social networks.

### **Paragraph 85**

Natalya G. Sharina, director of "Library of Ukrainian Literature" the Moscow public cultural institution, later redesignated to a state-run cultural institution (hereinafter referred to as the "Library"), was convicted by Moscow's Meschansky Court on June 5, 2017 for crimes under Article 282, Part 2, para. "b", Article, para. 3 and 4 of the Criminal Code of the Russian Federation.

The sentence of the Court found that while in office, with a view to incite hatred and enmity as well as degrade the dignity of a group of people on ethnic or origin grounds, she shared some online books by Ukrainian authors,

containing humiliating remarks and negative emotional judgments about the Russian ethnic group and certain representatives thereof meant to encourage action against this ethnic group and contribute to nationalist sentiments against Russians as well as songs available on CDs titled "March of UNA-UNSO" and "Khto zhivyi?" (Who's alive?) voicing direct calls for an armed struggle.

All publications on Ukrainian nationalism contribute to a hostile environment against Russians since Ukrainian nationalism suggests a indispensable adversarial relationship between Ukrainians and Russians. The sentence of the Supreme Court of the Russian Federation of November 17, 2014, acknowledged Ukrainian organizations "Ukrainian National Assembly – Ukrainian People's Self-Defense" (UNA-UNSO) and "Ukrainian Insurgent Army" (UPA) extremist, so their activities were prohibited in the territory of the Russian Federation.

In addition, Ms. Sharina was found guilty of two counts of fraudulent use of funds she was entrusted with totaling over two million rubles.

Bearing in mind the above facts, the criminal case against Ms. G. Sharina is obviously not politically motivated.

The Court gave Ms. Sharina a four-year suspended prison sentence with a probationary period of 4 years.

The verdict against Ms. Sharina was upheld on appeal in the Moscow City Court.

Article 19 of the International Covenant on Civil and Political Rights stipulates that everyone "shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice".

At the same time, it allows for certain restrictions as are prescribed by law regarding the exercise of this right "for the protection of national security or of public order, or of public health or morals".

Pursuant to Article 10, para. 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950 "the exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary".

Article 55, Para. 3 of the Constitution of the Russian Federation contains a similar provision which stipulates that human and civil rights and freedoms may be restricted on the basis of the federal law and only to the extent, to which it shall be necessary for the purposes of protecting the foundations of the constitutional system, morality, the health, the rights and the lawful interests of other persons, of providing for the defense of the country and for the state security.

The Russian legislation, with due regard for the above-mentioned international instruments and the Constitution of the Russian Federation, criminalizes offences the persons mentioned in subparagraphs 66, 84 or 85 have been charged with, therefore any reference to the said criminal cases in the context of freedom of expression violation, politically motivated prosecution or illegal conviction, seems groundless.

**Para. 86.**

The authorities of the Republic of Chechnya have issued no regulation obliging public sector workers to wear traditional Muslim headscarf during work; neither have the relevant agencies of the Russian Federation received any complaints about being coerced to do so.

**Paragraph 91**

The ruling of the Sochi Lazarevsky District Court of August 30, 2017, found the leader of a group of the Black Sea Adyghians (Shapsugs), Ruslan I. Gvashev, guilty of an administrative offence provided for in Article 20.2 para. 5 of the Code of Administrative Offences of the Russian Federation (violation by a participant of a public event of the established procedure for conducting a meeting, rally, demonstration, procession or picket) and sentenced him to a fine of ten thousand rubles.

The Court found that on May 21, 2017, following the flower- and wreath-laying ceremony at the monument To the Adyghians Killed in the Caucasian War in Kichmaysky rural area of the Lazarevsky District in Sochi, a column of vehicles (carrying about 60 people) proceeded to the Tulip Tree located in Golovinka microdistrict. Ruslan I. Gvashev said a prayer which later turned into a rally demanding to recognize the genocide of the Adyghian people and voicing his views on various issues of social life.

The actual prayer and other issues related to their religious affiliation or exercise of religious cult were not considered by court and had no legal bearing to the offence classification. Therefore, any claims of violation of the said persons' right to freedom of religion are groundless.

By its decision of October 16, 2017, the Krasnodar Regional Court upheld the ruling of the lower court and dismissed Ruslan I. Gvashev's claim.

**Para. 107**

Article 10 of the Framework Convention contains no provision as to the choice of alphabet. Scientists and linguists have proved that a chosen script has nothing to do with the language itself, and neither hinders nor facilitates its use.

Bearing in mind the scientific data and expert opinion, the government of the Russian Federation does not share the view that Latin script is particularly convenient for the Turkic or Finno-Ugric languages, since its introduction would mean using a significant number of diacritical marks and letter

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combinations which slow down rather than facilitate the transliteration of speech. As regards the Tatar language, Latin script was in use from 1927 till 1939. The use of the Latin script for 12 years is not indicative of its traditional role.

Latin script was used for teaching Karelian for a short period of time, from 1938 to 1940. About 200 Latin-script books were published during that period. In 1940, the republic was transformed into the Karelo-Finnish Soviet Socialist Republic, and the written form of the Karelian language was abandoned and replaced by Finnish. The Latin alphabet came back to Karelia in 1987 and was used until 2002, up to the amendment to the law on Languages of the Peoples of the Russian Federation. In other words, the Karelians used Latin script for 18 years for writing in their native language, and 15 years for writing in Finnish.