#### APPENDIX

# The following appendix does not form part of ECRI's analysis and proposals concerning the situation in the Russian Federation.

ECRI wishes to point out that the analysis contained in its report on the Russian Federation, as indicated on page 1, is dated <u>19 June 1998</u>, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, a national liaison officer was nominated by the authorities of the Russian Federation to engage in a process of confidential dialogue with ECRI on its draft text on the Russian Federation, and a number of his comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the national liaison officer of the Russian Federation expressly requested that the following observations on the part of the authorities of the Russian Federation be reproduced as an appendix to ECRI's report.

#### OBSERVATIONS PROVIDED BY THE AUTHORITIES OF THE RUSSIAN FEDERATION CONCERNING ECRI'S REPORT ON THE RUSSIAN FEDERATION

The reports, prepared by the experts of the Council of Europe on the questions of human rights in Russia, are always considered in Moscow as serious analytic materials which are to contribute to develop further the legislative basis in the interest of full guarantee of human rights and freedom in our country. In this sense the present document is not an exceptional one.

At the same time we consider it is necessary to clarify some points and conclusions of the report so that one could have a real picture prevailing in Russia.

First of all it applies to the conclusions of the report on the alleged discrimination against certain ethnic groups, including the discriminatory effect of the propiska-type system introduced by local ordinances, the prevalence of anti-Semitic sentiments, religious intolerance.

We hope that the following information will help to understand better the situation in these areas.

- In the Russian Federation an important role is devoted to legal means of protection of the rights of national minorities.

In 1990 the Declaration on the State Sovereignty of the RSFSR proclaimed the political, economical, ethnical and cultural rights of national minorities. In 1991 a Law of the RSFSR "On the languages of the people of the RSFSR" was adopted. This law strengthen and developed legal norms concerning the right of national minorities to develop national language, to use it in public and private life and to obtain education in a national language. Federal Law of the Russian Federation "Basis legislation of the Russian Federation on culture" dated 9 October 1992 grants a right to national minorities to preserve and develop their cultural identity. Constitution of the Russian Federation adopted in 1993 which prohibits any discrimination on the basis of race, language, religion, nationality, etc., has opened the possibilities for further development of the federal and regional legislation on national minorities.

The special role in the development of the rights of the national minorities in the Russian federation belongs to the Federal Law "On national and cultural autonomy" dated 17 June 1996, as well as to the State Outline of the State Policy on Nationalities of the Russian Federation, approved by the Presidential Decree N° 909 from 15 June 1996".

In 1998 the Russian Federation ratified the Framework Convention on the Protection of National Minorities which will come into force on 1 December 1998.

In conformity with Art 7 of the Federal Law "On national and cultural autonomy" the Consultative Council on national-cultural autonomies under the auspices of the Government of the Russian Federation was introduced. The Statute of the Council and its composition were approved by Governmental Regulations N° 1517 of December 18, 1996. The Consultative Council is a deliberative body to act as a public one. The Ministry on Nationalities of Russia provides Council's activities with organizational and technical support.

The Consultative Council is composed of representatives of Federal Ministries and Departments as well as of Congress of National Associations of Russia (CNAR) which unites all-Russian NGOs of certain ethnic groups: Armenian, Azerbaijan, Assyrian, Georgian, Greek, Gypsy, Corean, Polish, Ukrainian, German, Uigurian, Moldavian, Kurdish and Jewish.

As far as Federal national- cultural autonomies are being founded, their plenipotentiaries participate in Council's activities.

Basic tasks of the Council are as follows:

- participation in preparation of Federal Programmes in the field of preservation and development of national languages (mother tongues) and national culture, draft Laws and other acts concerning national minorities interests;
- advising the Russian Government, Federal bodies of the executive power on national problems of Russian citizens;
- providing assistance for national-cultural autonomies foundation, their coherent activity establishment;
- representation and protection of cultural and social rights and interests of national minorities in State bodies of the Russian Federation.

A number of various consultative institutions to executive authorities in the subjects of the Russian Federation is established; e.g. the Council on Nationalities' Issues to the Head of Administration of Orenburg and Tcheljabinsk regions, the Moscow Inter-Ethnic Conference (MIC) to the Committee of Public and Interregional Links of the Moscow Government. The Committee assembles presidents of more than 80 national associations. MIC sits quarterly; meetings and conferences on particular topics of national activities as well as working groups and "round tables" are held in the period between sittings of MIC.

National administrative territorial units were introduced for peoples – national minorities' representatives in the number of subjects of the Russian Federation since early 90-s: Kuisk national Veps commune in Vologda region, Evenk Byntantai national district in Sakha Republic, German national district in Altay and Omsk regions, Baikal and Upper-Angara Evenk villages in Burjat Republic, Veps national district in Karelian Republic, Corean national subdistrict "Su-Tchan" in the town of Partisansk, Primorsk region, etc.

Such national settlements are territorial administrative units in form. Local self-government bodies of these settlements possess the same rights as appropriate bodies of ordinary territorial administrative units do.

The USSR Law of April 26, 1990 "On free national development of citizens of the USSR, living beyond limits of their national-state formations or who do not have it in the territory of the USSR" serves a legal basis for creation of national settlements on the Federal level.

The legal status of national territorial units on the territories of subjects of the Russian Federation is regulated by their Laws. The Law of Burjat Republic "On legal status of Evenk rural Soviets of people's deputies on the territory of Burjat Republic" of October 24, 1991 and the Law of the Republic of Karelia "On legal status of national district, national rural Soviets in the Republic of Karelia" of November 22, 1991 were adopted in order to promote the revival of Evenk people on the territory of Burjatia and Finns on the territory of Karelia as well as to satisfy national, cultural, spiritual and linguistic demands, ensure positive demographic process. Both Laws regulate questions of establishment of territorial administrative units, incl. procedure, time-terms, definition of borders etc, economic development issues; issues of self-financing and financial aid.

The Evenk-Bytantai national district ("ulus") in Sakha Republic was established in compliance with Council of Ministers' Regulations N° 375 of December 11, 1989 "On primary measures on establishment of Evenk-Bytantai national district". The legal status of the national district and rural settlement is also foreseen in the special section of the Law of Sakha Republic "On local Soviets of people's deputies and local self-government" dated March 5, 1991.

As an example of national units status regulation in Russian regions one can mention the Provisional Statute on national village, national commune "aimak") in Kemerovo region, approved on November 20, 1991 by the Presidium of Kemerovo Regional Soviet of people' deputies.

National-cultural autonomy is an exterritorial form of national selfgovernment. National cultural autonomy represents a public association of citizens attributing themselves to certain ethnic communities. Such associations action on the basis of voluntary self-organisation are to participate in solving questions connected with the development of language, education and culture of an appropriate ethnic group.

Status of a national-cultural autonomy is defined in the Federal Law "On national-cultural autonomy" (N° 74-FZ of June 17, 1996), Federal Law "On public associations" (N° 82-FZ of May 19, 1995) and in "General principles of legislation of the Russian Federation on culture" of October 9, 1992 (Art. 20 provides the right of all ethnic communities living in a compact manner beyond their State formations or lacking their State organisation for national-cultural autonomy)<sup>1</sup>.

In 1992-93 a number of cultural and educative Gypsy associations were founded in Russia, eg. "Roman khar" association (Moscow), "Gypsy commune "Bara Roma" in Krasnodar region and others. National state and well-known folklore theaters "Roman" and "Ghilari" (youth theater) are functioning as well as a Roman musical salon in Moscow. Russian Gypsies are represented in the Consultative Council on national-cultural autonomies to the Russian Government.

Plan of action on the realization of the Outline of the State Policy on Nationalities of the Russian Federation was approved by the Governmental Regulations N° 217 on 22 February 1997.

- Meskhetian Turks were deported in 1944 to Central Asian republics from the territory of Georgia. Historically they never lived on the territory of Krasnodar Region and now they are residing there temporary until return to their native land. The administration of Krasnodar region issued special temporary registration permits which have allowed Meskhetian Turks to obtain employment, education, medical care.

In March 1992 in Tbilisi the negotiations were held between the delegation of Krasnodar region and State Council of Georgia on the prompt return of Meskhetian Turks to the territory of Georgia. The joint commission elaborated the draft protocol on intentions and agreement on repatriation.

The Russian Federation held the negotiations with the International Organization on Migration which expressed the readiness to finance the

<sup>&</sup>lt;sup>1</sup> The detailed statistical information on the number of schools, newspapers, theaters, etc. of national minorities can be found in Table 1-7, attached to the Commentaries.

resettlement of 100 families of Meskhetian Turks to Georgia. We consider return of Meskhetian Turks to their historical land to be an issue of an international scope, its solution is possible only on the level of an appropriate intergovernmental agreement with the Republic of Georgia.

- After the adoption of the Law "On the right of Russian citizens to liberty of movement and choice of temporary and permanent residence within the Russian Federation" (June 1993) and the Constitution of the Russian Federation (December 1993) the Russian Government, the Constitutional Court of Russia, the Supreme Court of Russia approved a whole series of Decrees and practical steps to improve the legislative basis.

Thus in July 1995 by special regulations of the Government of the Russian Federation executive authorities were obliged to organize a registration based on a "pre-notify" condition and also to lift restrictions on stay and residence in Moscow, St. Petersburg and Moscow region. Measures to improve working mechanisms of the above-mentioned law and to ban different restricting barriers introduced by local authorities against lawful stay of citizens in places of permanent residence are foreseen by resolutions of the Constitutional Court of Russia of April 1996, July 1997 and February 1998 and also by the Regulations of the Government of the Russian Federation of March 1997. These resolutions and Acts were adopted mainly in connection with authorities' actions in Moscow, Moscow region, Stavropol region etc. They are aimed at eliminating any possibilities of discrimination, assuring equal conditions for all citizens to choose place of residence on the territory of Russia including those citizens of the former USSR to come to Russia from other states of the CIS and Baltic countries.

- We are aware that considerable attention has been paid by some nongovernmental organisations and governments to the debate on a new Russian Law "On freedom of conscience and on religious associations". But we have no indications that "international concern" of any kind has been raised around process of implementation of this Law.

We have no indications that any religious group is "suffering" from deprival of legal status. The Russian Government and its special Commission on religious organizations are monitoring the Law implementation process closely. Monthly sessions of the Commission are attended by representatives of all leading confessions, and no facts of well grounded concerns about obstruction of the activities of religious groups were revealed yet. The Law gives definitions to and establishes procedures for registration (if such is needed) of all associations that claim to be of religious nature. And it is one of the merits of the Russian Law that it clearly defines that individual rights to freedom of religion can be enjoyed without interference of state authorities (within religious groups) and leaves the question of registration to the choice of members of the group. In other words, according to Russian legislation any public association on our territory can enjoy the status of legal person (with bank account etc.). The Law "On freedom of conscience and on religious associations" only makes difference between bonae fidei or "reputable" religious structures and other ones. An individual right to freedom of thought, conscience and religion is protected both by the Constitution and by virtue of other legislation establishing clear procedures for its realization.

We would like to underline that the Law "On freedom of conscience and on religious associations" contains provisions which provide for normalization of procedures of State registration of missions of the churches created beyond the limits of the Russian Federation in accordance with the legislation of foreign State, and establish general rules for foreign missionary activity within Russian territory. The relevant Governmental Regulations streamlines arrangements in this respect. - That part of the report which deals with the alleged anti-Semitic sentiments and discriminatory practices against Jewish population also needs to be clarified.

At present in Russia there are 50 Jewish special schools, 15 synagogues (4 of them – in Moscow), more than 20 Jewish newspapers. In 1992 the Federation of Jewish organizations and communities was established. It united more than 200 Jewish organizations. In 1995 the Jewish Congress of Russian was founded.

- As far as the issue of refugees is concerned it is necessary to point out that 235 thousand refugees and among them 240 refugees from Afghanistan, Macedonia, Turkey, Ethiopia were registered in the Russian Federation by 1 January 1998. More over, the main financial burden amounting to 230 million US \$ in 1997 for need of coercive migration was paid by Russia while support promised by international community remained insufficient (12 million \$ in 1997).

- And the last point for record. On the basis of the Presidential Decree N° 232 of 13 March 1997 "On principal document certifying the personality of the citizen of the Russian Federation on the territory of the Russian Federation" and according to the Regulations of the Russian Government N° 828 of 8 July 1997 "On the approval of the regulation concerning the passport of the citizen of the Russian Federation, samples of passport's forms and description of the passport of the citizen of the Russian Federation" a "nationality" item is deleted from the Russian passport. Since 1 October 1997 up to now more than 1,7 mln persons have received new passports<sup>2</sup>.

<sup>&</sup>lt;sup>2</sup> The detailed statistical information on Population of the Russian Federation by the Nationality/Ethnic group can be found in table 8, attached to the Commentaries.

#### Table 1

# Schools with the education process on languages of peoples and ethnic groups of Russia

# (as on the beginning of the school-year 1997/1998))

Russian	62 676
Abazinian	1
Adygeian	36
Azerbaijani	7
Altaian	, 64
Armenian	6
Balkar	17
Bashkir	906
Burjat	138
Georgian	100
Greek	1
Greek	1
Daghestan ethnic	
groups languages:	
Avarian	592
Darghinian	233
Kumyk	91
Lakian	174
Lezghinian	122
Tabasaranian	69
Kabardinian	92
Kalmyk	56
Kazakh	1
Lithuanian	1
Mari / meadow	283
Mari / mountain	43
Mordvinian / mokshan	134
Mordvinian / ertsya	95
Ossetian	157
Tatar	2 406
Touvinian	151
Udmurt	55
Khakass	18
Chechen	23
Cherkes	7
Chuvash	602
Even	2
Estonian	1
Yakut	419
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# Table 2

#### Pupils by the language of education (as on the beginning of the school-year 1997/1998)

Russian	20 638 978
Abazinian	19
Adygeian	3 270
Azerbaijani	588
Altaian	4197
Armenian	1513
Balkar	1180
Bashkir	63 938
Burjat	9 207
Georgian	300
Greek	39
Dachastan sthris	
Daghestan ethnic groups languages:	
Avarian	34 317
Darghinian	20 226
Kumyk	15 244
Lakian	2 977
Lezghinian	15 813
Tabasaranian	4 638
Kabardinian	16 824
Kalmyk	1 752
Kazakh	81
Lithuanian	4
Mari / meadow	13 705
Mari / mountain	15705
Mordvinian / mokshan	2 845
Mordvinian / ertsya	2 698
Ossetian	5 340
Tatar	180 161
Touvinian	34 332
Udmurt	1 929
Khakass	782
Chechen	2 844
Cherkes	746
Chuvash	37 631
Even	126
Estonian	30
Yakut	71 254
Iunui	11 204

#### <u>Table 3</u>

# Newspapers on national languages of peoples of the Russian Federation

#### Newspapers number in 1996

Russian Abazinian Adygeian Altaian Balkar Bashkir Burjat	4 604 1 2 2 1 30 7
Daghestan ethnic	
groups languages:	
Avarian	11
Darghinian	1
Kumyk	4
Lakian	4
Lezghinian	2
Kabardinian	3
Kalmyk	1
Karatchai	1
Komi	4
Mari / meadow	12
Mari / mountain	1
Mordvinian / mokshan	1
Mordvinian / ertsya	2
Nogai	2
Ossetian	3
Languages of peoples	
of the Russian North:	
Mansi	1
Nenets	1
Khanty	1
Tatar	91
Touvinian	7
Udmurt	9
Chechen	2
Chuvash	30
Yakut	26

# <u>Table 4</u>

# Newspapers copies in 1996 (thousands)

nonspapers copies	
Russian	7 644 040
Abazinian	422
Adygeian	1 706
Altaian	974
Balkar	900
Bashkir	27059
Burjat	1 305
Daghestan ethnic	
groups languages:	
Avarian	4 497
Darghinian	275
Kumyk	855
Lakian	330
Lezghinian	438
Kabardinian	3 047
Kalmyk	1 225
Karatchai	1 260
Komi	1 381
Mari / meadow	4 820
Mari / mountain	350
Mordvinian / mokshan	1 005
Mordvinian / ertsya	318
Nogai	449
Ossetian	4 730
Languages of peoples	
of the Russian North:	
Mansi	20
Nenets	30
Khanty	30
Tatar	65 090
Touvinian	2 443
Udmurt	3 235
Chechen	118
Chuvash	20 841
Yakut	22 129

#### <u>Table 5</u>

#### Magazines and Journals on national languages of peoples of the Russian Federation

#### Magazines and Journals number in 1996

Russian Adygeian Altaian Balkar Bashkir	2 620 2 2 1 9
Daghestan ethnic	
groups languages:	
Avarian	1
Darghinian	1
Kumyk	1
Lakian	1
Lezghinian	1
Tabasaran	1
Ingush	1
Kabardinian	1
Kalmyk	2
Komi	3
Mari / meadow	3
Mari / mountain	1
Mordvinian / mokshan	2
Mordvinian / ertsya	2 3 1 2 2 3
Ossetian	
Tatar	17
Touvinian	2
Udmurt	4
Chechen	1
Chuvash	6
Yakut	3

# <u>Table 6</u>

0	
Russian	381 174
Adygeian	5
Altaian	5
Balkar	2
Bashkir	1 541
Daghestan etchnic	
groups languages:	
Avarian	б
Darghinian	2
Kumyk	2
Lakian	2
Lezghinian	2 2 2 2 2 3 5
Tabasaran	2
Ingush	3
Kabardinian	5
Kalmyk	48
Komi	107
Mari / meadow	149
Mari / mountain	1
Mordvinian / mokshan	72
Mordvinian / ertsya	54
Ossetian	7
Tatar	2 610
Touvinian	10
Udmurt	76
Chechen	20
Chuvash	452
Yakut	50
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# <u>Table 7</u>

# Number of theaters using national languages of peoples of Russia (as on end of 1994)

Adygeian Republic	
Russian, Adygeian	1
<u>Altay Republic</u>	
Russian, Altaian	1
<u>Republic of Bashkortostan</u>	
Bashkir	3
Russian, Bashkir	3
Tatar	2
<u>Burjat Republic</u>	
Burjat	1
Russian, Burjat	1
<u>Republic of Daghestan</u>	
Avarian	1
Darghinian	1
Lezghinian	1
Kumyk	1
Lakian	1
<u>Inghush Republic</u>	
Russian, Inghush	1
Jewish autonomous region	
Russian, Jewish	1
<u> Kabardian – Balkar Republic</u>	
Kabardinian, Cherkes	1
Karatchai, Balkar	1
<u> Karatchai – Balkar Republic</u>	
Kabardinian, Cherkes	1
Karatchai, Balkar	1
Kalmyk Republic	
Russian, Kalmyk	1
<u>Karelian Republic</u>	
Finnish	1

<u>Komi Republic</u>	
Komi	1
<u> Mari – El Republic</u>	
Mari	1
<u>Mordvinian Republic</u>	
Mordvinian	1
Orenburg region	
Tatar	1
<u>Perm region</u>	
Russian, Komi / Permian	1
<u>Sakha (Yakut) Republic</u>	
Russian, Yakut	2
Yakut	4
<u>Northern Ossetia – Alania</u>	
<u>Republic</u>	
Russian, Ossetian	2
Ossetian	1
Russian, Tatar	3
Tatar	6
<u>Tuva Republic</u>	
Russian, Tuvinian	
Tuvinian	1
<u>Republic of Khakassia</u>	
Russian Khakas	2
<u>Tchuvash Republic</u>	
Russian, Tchuvash	
Tchuvash	2

#### Table 8

#### Population of the Russian Federation by Nationality/ethnic group (from 1989 cencus data)

# Total population – 147 021 869, of which

Russians	119 865 946
Tatars	5 552 096
Ukrainians	4 362 872
Chuvash	1 773 645
Bashkirs	1 345 273
Belorussians	1 206 222
Mordvins	1 072 939
Chechens	898 999
Germans	842 295
Udmurts	714 833
Maris	643 698
Kazakhs	635 865
Avars	544 016
Jews	536 848
Armenians	532 390
Buryats	417 425
Ossetes	402 275
Kabardins	386 055
Yakuts	380 242
Dargins	353 348
Komi	336 309
Azerbaijanis	335 886
Kumyks	227 163
Lezghins	257 270
Ingush	215 068
Tuvans	206 160
Peoples of the North	181 517
Nenets	34 190
Evens	17 055
Chukchi	15 107
Nanais	11 883
Khakas	78 500
Balkars	78 341
Nogai	73 703
Lithuanians	70 427
Altais	69 409
Cherkes	50 764
Finns	47 102
Letts	46 829
Estonians	46 390
Kirgiz	41 734
Turkmens	39 739
Tajiks	38 208
Abazins	32 983

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Bulgarians	32 785
Crimean Tatars	21 275
Rutuls	19 503
Tats	19 420
Aguls	17 728
Shors	15 745
Veps	12 142
Moutain Jews	11 282
Gagauz	10 051
Meskhet Turks	9 890
Assyrians	9 622
Abkhaz	7 239
Tsakhurs	6 492
Karakalpaks	6 155
Romanians	5 996
Hungarians	5 742
Chinese	5 197
Kurds	4 724
Koryaks	8 942
Mansi	8 279
Dolgans	6 584
Nivkh	4 631
Seikups	3 564
Ulchi	3 173
Itelmens	2 429
Udege	1 902
Saami	1 835
Eskimos	1 704
Chuvans	1 384
Nganasans	1 262
Yukagirs	1 112
Kets	1 084
Oroch	883
Tofalars	722
Aleuts	644
Negidals	587
Entzy	198
Oroks	179
Moldavians	172 671
Kalmyks	165 821
Gypsies	152 939
Krachai	150 332
Komi-Permyaks	147 269
Georgians	130 688
Uzbeks	126 899
Karelians	124 921
Adygei	122 908
Koreans	107 051
Laks	106 245
Poles	94 594
Tabasaran	93 587

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Greeks	91 699
Czechs	4 375
Arabs	2 704
Uighurs	2 577
Iranians (Persians)	2 572
Vietnamese	2 142
Khalkha Mongols	$2\ 117$
Spaniards	2~054
Serbs	1 580
Cubans	1 566
Central Asian Jews	1 172
Udi	1 102
Afghans	858
Slovaks	711
Karaim	680
Dungans	635
Italians	627
Japanese	591
Indian and Pakistani	535
peoples	
Horvaths	479
Dutch	451
Izhors	449
French	352
Crimeans	338
Albanians	298
Baluchis	297
Austrians	295
British	223
Talysh	202
Americans	185
Livonians	64
Other	188 323
	100 020