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

APPENDIX

ECRI wishes to point out that the analysis contained in its second report on the Russian Federation, is dated 16 March 2001, 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 her comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the Russian governmental authorities 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

Unofficial translation

“Re Para.7

The Russian legislation in force does not restrain the rights of citizens on national, religious and similar grounds. The Law on Citizenship of the Russian Federation mentioned in the draft report applies to all the citizens of the Russian Federation and proclaims that in the Russian Federation every person has the right to citizenship.

Re para.26

We believe that the view that the 1993 Law of the Russian Federation on Refugees applies only to migrants from the republics of the ex-USSR is an erroneous one. Both the 1993 Law of the Russian Federation on Refugees and the now in force 1997 Federal Law on Refugees do not distinguish on the basis of countries of origin, citizenship or other grounds.

Moreover, the Russian legislation on refugees in no way relates the acceptance and consideration of the refugee application and granting of the refugee status with the registration of the applicant.

Re para.30-35

Let us draw your attention to the fact that Article 3 of the Law of the Russian Federation on the Right of Russian Citizens to the Freedom of Movement and Choice of Temporary or Permanent Residence within the Russian Federation stipulates that registration or absence thereof cannot serve as a reason for restraining or a condition for enjoying the

rights and freedoms of citizen provided for by the Constitution of the Russian Federation, the laws of the Russian Federation and constitutions and laws of the republics forming part of the Russian Federation.

Besides, as regards enjoyment of social benefits, including health care services (Article 41), the right to education (Article 43), the right to participation in cultural life (Article 44), the Constitution of the Russian Federation establishes an equal access to the above-mentioned social benefits irrespective of the status of the subject of law. Also to be taken into consideration here is that Part 3 of Article 62 of the Constitution of the Russian Federation proclaims that foreign citizens and stateless persons have in our State the same rights and responsibilities as its own citizens, except when it is stipulated otherwise by federal laws or international treaties of the Russian Federation.

Re para 40-41

A Working Group of the Interdepartmental Commission on Solving Problems of Meskhetian Turks living in the territory of the Russian Federation was established by Decree No. 1280-r of September 14, 2000 issued by the Government of the Russian Federation. The Working Group has repeatedly visited the Krasnodar Krai, Rostov Oblast and the North Caucasus.

The situation of Meskhetian Turks residing in the Rostov Oblast (approximately 17,000) as well as in other 12 oblasts of the Russian Federation remains quite satisfactory. They have either acquired the citizenship of the Russian Federation or have been registered in their places of residence and enjoy all the social rights without any discrimination.

Nevertheless, Meskhetian Turks are facing serious difficulties due to some barriers (which the Russian Federation is not to blame for) impeding their return to their historical motherland. As it is known, Georgia assumed while joining the Council of Europe obligations to repatriate Meskhetian Turks to its territory. First of all, it applies to the Meskhetian Turks residing in the Krasnodar Krai. Apart from that, more and more citizens from among Meskhetian Turks arrive in the Krasnodar Krai from the Tambov Oblast, Rostov Oblast of the Russian Federation and some CIS countries (Uzbekistan, Azerbaijan, etc.).

Yet, study visits to Krymski, Abinski, Belorechenski, Apsheronski raions and Varennikovskaya, Pshekhskaya, Kubanskaya stanitsas (Cossack villages) in the Krasnodar Krai where more than 15,000 Meskhetian Turks live compactly have confirmed that most Meskhetian Turks' children attend schools and as of now they constitute a majority in some of the schools. Meskhetian Turks also have an access to health care services and enjoy other social rights.

It should be noted that efforts which were taken earlier by the Ministry of Federation Affairs to resettle 22 families to Turkey (by buying out houses owned by Turks) didn't bring about any positive results. Actually, all Meskhetian Turks who had left for Turkey came back to the Krasnodar Krai.

Re para.54-55

Under Article 27 of the Federal Law on Freedom of Conscience and on Religious Associations, as amended in 2000, closure of a religious organization not reregistered in due time means its exclusion (under a court decision) from the public register of legal persons rather than an actual outlawing of the unreregistered religious organization's activities. Moreover, even the organization that was refused registration may conduct divine services, perform other rites and ceremonies, as well as religious instruction and training of its followers, and undertake other activities that do not require legal person capacity.

We believe that the absolute majority of religious organizations wishing to retain legal person status have had enough time to reregister themselves during the three years that have elapsed since the adoption of the Federal Law on Freedom of Conscience and on Religious Associations (1997).

It should be noted that the Administration of the President of the Russian Federation and the Ministry of Justice of Russia have not received any proposals from religious organizations as regards extending the reregistration deadline. Moreover, religious organizations have not filed any known complaints concerning any problems that could be linked with missing the reregistration deadline established by law.

During the last year and a half, the Government and the Ministry of Justice of Russia spared no effort to intensify the reregistration process, to help those experiencing difficulties in the preparation of necessary documents. Russian authorities intend to do their utmost to prevent restriction of individual rights and freedoms even due to some misunderstanding in this field that, certainly, may take place.

Re para.73, 78

As regards cases of violation of the legislation by the authorities responsible for granting citizenship and registration, we would like to note that actions or inaction of public or other authorities, enterprises, institutions, organizations, officials effecting the right of the citizens of the Russian Federation to the freedom of movement and the choice of place of residence within the Russian Federation can be appealed by the citizens to a higher authority in the order of subordination, to a higher official in the order of subordination or directly to court.

According to Article 46 of the Constitution of the Russian Federation any person can address the interstate bodies on the protection of human rights and freedoms in conformity with international treaties of the Russian Federation, if all the national legal recourse is exhausted.

As far as the recommendation to the Russian authorities to revise the system of registration is concerned, we would like to note that according to the resolution of the Government of the Russian Federation on establishing the rules of registration and striking off the register at the place of residence of the citizens of the Russian Federation

within the Russian Federation and a list of officials responsible for the registration the purpose of the registration is providing for necessary conditions for the citizens to be able to exercise their rights and freedoms, as well as to fulfill their obligations towards other citizens, the State and society. The system of registration that exists now applies to all persons legally staying in the territory of the Russian Federation and is not discriminatory in character."