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## Protecting the Rights of Minorities and Indigenous Peoples in the Russian Federation: Challenges and Ways Forward

Federica Prina





A local resident Avgusta Ledneva, 60, stands near reindeer grazing in a settlement in Tundra region, about 85 km (53 miles) southeast of the town of Naryan-Mar, in northern Russia. Anton Golubev / Reuters, February 2012.

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### Minority Rights Group Europe

Based in Budapest since 1996, Minority Rights Group Europe is the European regional branch of MRG, with the aim of promoting and protecting the rights of minorities and indigenous peoples across Europe and Central Asia. MRG Europe does this through capacity building, international advocacy, media advocacy and networking.

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MRG is an NGO working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understand between communities. Our activities are focused on international advocacy, training, publishing and outreach. We are guided by the needs expressed by our worldwide partner network of organizations, which represent minority and indigenous peoples.

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# Protecting the Rights of Minorities and Indigenous Peoples in the Russian Federation: Challenges and Ways Forward

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## Contents

Preface	2
Executive summary	3
1. Introduction: Russia's minority and indigenous rights	5
1.1 Titular and non-titular nationalities	5
1.2 Indigenous peoples	5
1.3 Vulnerable, visible minorities	6
1.3.1 Migrant workers	6
1.3.2 Roma	6
2. Domestic and international legislation	7
2.1 Domestic legislation	7
2.2 International commitments	7
3. Minorities and indigenous peoples: Key concerns	8
3.1 Discrimination	8
3.2 Xenophobia: Societal attitudes, public discourse and the media	9
3.3 Abuse of power by law-enforcement officials	10
3.4 Migrant workers: Exploitation and harassment	11
3.5 Arbitrary arrest and conditions of detention	11
3.6 Persons without Russian citizenship	12
3.7 Linguistic and cultural rights in the Russian education system	13
3.8 Participation and consultation	14
3.9 Indigenous peoples of the North, Siberia and the Far East	15
4. Factors affecting the implementation of mechanisms for minority and indigenous protection	16
4.1 Fulfilment of international obligations	16
4.2 Domestic legislation: Legal uncertainty and partial implementation	17
4.3 Ineffective mechanisms to promote minority and indigenous rights	17
4.4 Prejudice	18
4.5 Obstacles to civil society participation in the implementation of the Framework Convention for the Protection of Minorities	19
5. Conclusion	21
6. Recommendations	22
Notes	24

# Preface

This report provides an overview of the present situation of minority and indigenous peoples' rights in Russia. It examines the difficulties in the implementation of international mechanisms for minority and indigenous protection, with a focus on the Council of Europe's Framework Convention on the Protection of National Minorities (FCNM), although other international standards (emanating from the OSCE and United Nations) are also taken into account. In particular, the report considers the complexities in the participation of civil society in international monitoring mechanisms. Following an introduction and an overview of domestic and international legislation, the report provides: a) an overview of the main problems confronting minorities and indigenous peoples in Russia; and b) an outline of the factors affecting the implementation of international mechanisms on minority and indigenous protection.

This report was compiled on the basis of data gathered during a mission to Russia from 13- 25 January 2014. Meetings were held with representatives of NGOs

working to protect the rights of minority and indigenous peoples; analysts of research institutes in Moscow and St Petersburg; persons employed or previously employed as public officials; and members of semi-official institutions working on issues relating to minority policies, such as National Cultural Autonomies and Public Chambers. Overall 24 people were interviewed.<sup>1</sup> Given the finite time and resources available, the meetings were confined to Moscow and St Petersburg. Email communication was established with representatives of selected organizations outside the two main cities. The specific examples given by the persons interviewed are not used here as sole evidence, but were examined in the context of a substantial body of research by Russian and international bodies. Some of the statements of the persons who spoke to MRG are presented here as examples of the more general points made in the report.

In the interests of confidentiality and for the safety of respondents, no names of interviewees are provided in the report.

# Executive Summary

Russia is a country with remarkable levels of diversity. Its official policies and legislation recognize, and partially accommodate, the country's multi-ethnicity. Yet several problems exist in the application of domestic and international standards on minority and indigenous rights. The severity of such problems varies greatly between different groups, with some being in a particularly vulnerable position (e.g. persons originating from the Caucasus and Central Asia, Roma and indigenous peoples), while others are relatively unaffected by discrimination, enjoy some regional autonomy and have as primary concerns the preservation of their cultural and linguistic distinctiveness rather than protection from the violation of basic human rights. Among those who are most at risk are migrants, particularly those of 'non-Slavic appearance': they tend to experience difficulties in obtaining documents, which, combined with racial prejudice, often results in exploitation by employers, harassment by law-enforcement officials and arbitrary arrest, followed by poor conditions of detention and, at times, ill-treatment. Bureaucratic hurdles not only impair the legalization of the foreign labour force, but can also easily place in a position of illegality (and vulnerability) internal migrants (who simply move from one region of Russia to another) and persons without documents. This situation is exacerbated in the case of persons without citizenship, such as a number of Meskhetian Turks in Krasnodar Krai, who, as non-citizens, are deprived of basic rights such as free healthcare. The Roma are affected by particularly severe discrimination and ill-treatment, in the form of segregation of Roma children in schools and police 'special operations' targeting settlements. Overall, the Russian government fails to protect persons belonging to minorities from hate crime, discrimination, and harassment by its own law-enforcement officials.

Racial prejudice is becoming increasingly normalized – ranging from distrust of certain ethnic groups and avoidance of inter-ethnic contact, to racial attacks and hate crime. There are few opportunities for the majority to understand the concerns and interests of minorities and

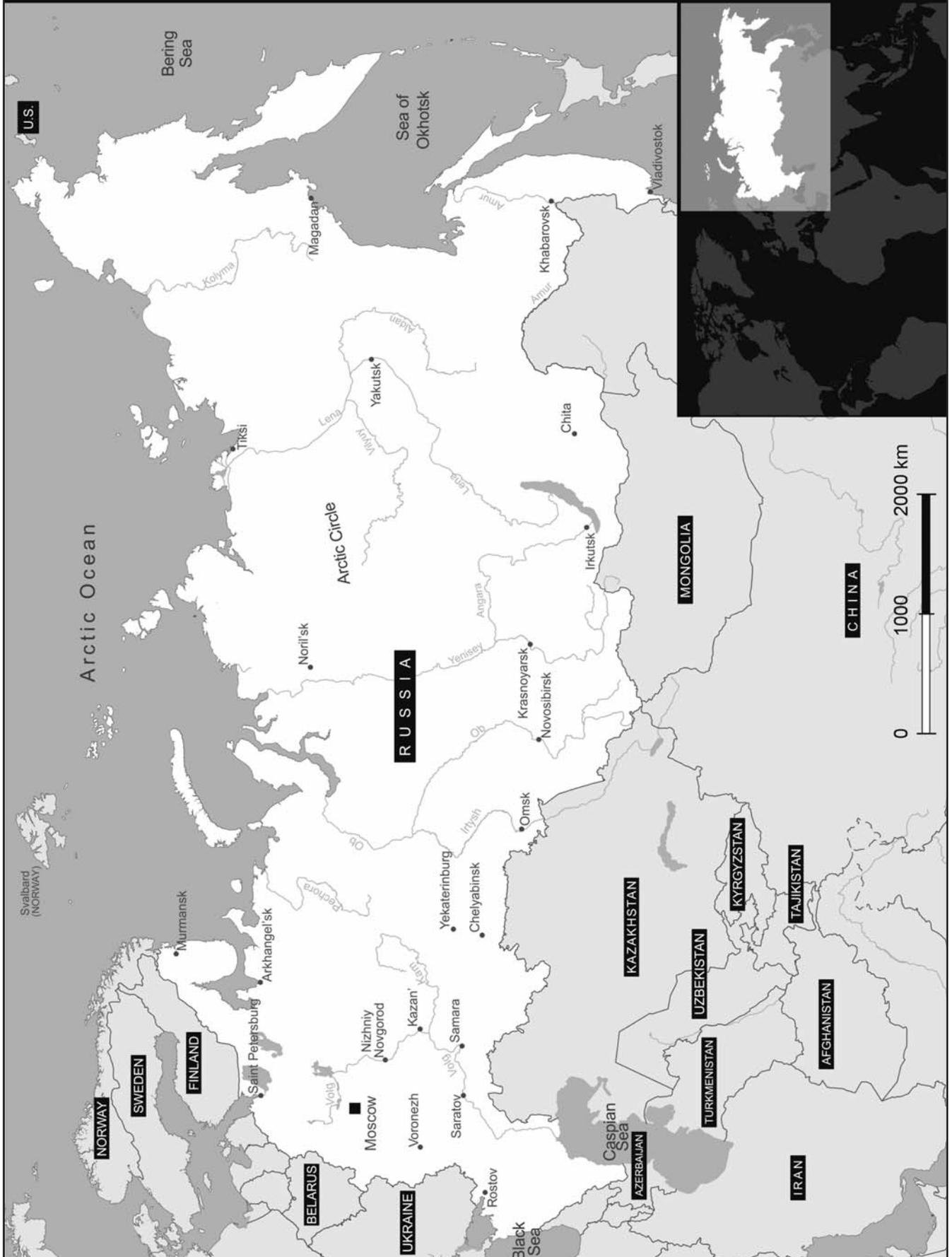
indigenous peoples, as the media does not devote attention to cultural diversity – or does so at a superficial level, while also contributing to consolidating negative ethnicity-based stereotypes and the vilification of particular groups. In parallel to this, the overall linguistic and cultural diversity present in Russia has tended to be diluted – through legal reform that has adversely affected the teaching and use of minority and indigenous languages, particularly with regard to indigenous peoples' endangered languages. Indigenous people further suffer from poor standards of living and limited enjoyment of their rights to access natural resources. Opportunities for participation in decision-making for national minorities and indigenous peoples remain without institutionalization or effectiveness: despite some examples of fruitful cooperation between civil society and the local or regional authorities, outcomes tend to depend on the goodwill of individual public officials and changing political circumstances.

This report identifies five main factors that influence the implementation of international standards. These are:

1. diverging positions between Russia and the Council of Europe on some aspects of implementation of international standards;
2. legal uncertainty and selective implementation of domestic legislation;
3. ineffective mechanisms to promote minority rights – themselves linked to the limited coordination between the centre and the regions in implementing minority policies;
4. widespread prejudice – leading to the normalization of discrimination and inter-ethnic tensions;
5. obstacles to civil society activity.

The last factor is linked not only to the limited resources available to civil society but also, more alarmingly, to a set of measures that actively impedes their activities, such as legislation hostile to NGOs, excessively bureaucratic systems and at times harassment, including 'inspections'.

# Russia



# 1. Introduction: Russia's minority and indigenous rights

Russia is a highly diverse country – ethnically, culturally, religiously and linguistically. According to the 2010 census, those who describe themselves as ethnic Russians amount to 80.9 per cent of the population. Numerically the Tatars are the country's second biggest ethnic group, amounting to 3.87 per cent of the population, followed by Ukrainians (1.40 per cent); Bashkirs (1.15 per cent); Chuvashes (1.05 per cent); Chechens (1.04 per cent); Armenians (0.86 per cent); Avars (0.66 per cent) and Mordovians (0.54 per cent). The remaining 8.5 per cent of the population is made up of numerous other, much smaller, ethnicities. The 2010 census lists 193 ethnic groups (and subgroups) besides Russians.<sup>2</sup> While ethnic Russians tend to identify with the Russian Orthodox faith, in 2010 there were over 16.4 million Muslims<sup>3</sup> in Russia, in addition to people affiliated to numerous other faiths. The Russian language is spoken by nearly the entire citizenry (99.49 per cent), and the Russian language and culture overall dominate the country's public life. According to official figures, 277 languages were spoken in Russia in 2010, of which 39 were languages of instruction in schools and 50 were taught as subjects.<sup>4</sup>

## 1.1 Titular and non-titular nationalities

There are substantial variations in the conditions of different minorities and indigenous peoples within the Russian Federation. A first basic distinction can be made between those groups belonging to 'titular nationalities' and 'non-titular nationalities' (in this report 'nationality' is used in the sense of 'ethnic group', as per the Russian *natsional'nost*). Titular nationalities are those that had a territory assigned to them during the Soviet period. The resulting territorial units made the transition into the post-Soviet period, e.g. the Tatar Autonomous Soviet Socialist Republic became the Republic of Tatarstan, one of the constituent parts of the present Russian Federation. In early 2014<sup>5</sup> there were 21 ethnic republics out of a total of 83 territorial units (*subiekti*, or 'subjects') of the Russian Federation.

However, the conditions of the republics vary greatly, particularly with regard to the ratio of representatives of titular nationalities versus ethnic Russians residing within

their borders. For example, within the Republic of Tatarstan, Tatars are a numerical majority, outnumbering ethnic Russians (53.2 per cent Tatars versus 39.7 per cent Russians). In the case of the Republic of Karelia,<sup>6</sup> Karelians are a very small numerical minority: 7.4 per cent versus 82.2 per cent Russians, according to the 2010 Census.

Titular nationalities in ethnic republics benefit from a range of rights. Among other things, the republics can pass constitutions that protect the right of titular languages and cultures; and schools provide teaching of, and at times through the medium of, titular languages. However, the benefits arising from titularity are correlated to local conditions, such as strength of numbers, and the territorial concentration of persons belonging to the titular nationality. In the case of Karelia, the concrete advantages deriving from titularity are minor, given that, as noted, Karelians are only a very small numerical minority within the republic. Moreover, many persons belonging to ethnic groups live outside their 'own' republics. For example, only 2 million of Russia's 5.3 million Tatars reside in the Republic of Tatarstan.

Other minorities do not benefit from having a territorial unit within Russia, with a limited degree of autonomy. Some of these minorities have kin-states that were once Soviet republics, such as Armenians, Azerbaijanis, Georgians, and persons from Central Asian states (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan).

## 1.2 Indigenous peoples

The 'small-in-number' indigenous peoples of the North, Siberia and Far East are placed in a separate category. Russian law refers to them as 'small-in-number' as the number of persons belonging to each such group does not exceed 50,000. Russian federal legislation grants them special rights with regard to land and the preservation of traditional way of life.<sup>7</sup> However, obstacles are often encountered in the exercising of these rights, and in the enjoyment of the protection formally afforded to indigenous peoples by Russian legislation. Moreover, standards of living, as well as levels of education, tend to be lower than for the rest of the population.

## 1.3 Vulnerable, visible minorities

For practical purposes, an additional and crucial distinction ought to be made between minorities that are of ‘Slavic’ and ‘non-Slavic’ appearance. While this distinction is not clear-cut, xenophobic sentiments tend to be targeted primarily at darker-skinned people, and particularly those from the Caucasus and Central Asia and Roma people – although at times Africans, Chinese and others are also targeted. Persons who are also stateless, in addition to being of ‘non-Slavic appearance’, are in a position of heightened vulnerability.

### 1.3.1 Migrant workers

Persons from the Caucasus include migrants from the South Caucasus as well as internal migrants (with Russian citizenship and mostly originating from Russia’s North

Caucasus). These groups are affected by particularly severe forms of mistreatment, and remain for the most part unequipped to end their conditions of vulnerability. The reasons can be found in state policy and the actions of law-enforcement officials, described below, combined with widespread and deeply-ingrained prejudice against particular ethnic groups. The Chechen wars and instances of Islamic fundamentalism have further contributed to creating suspicion towards persons originating from the North Caucasus.

### 1.3.2 Roma

According to the 2010 census, there are 205,000 Roma in Russia. Their communities are plagued by sub-standard living conditions, difficulties in socio-economic integration and, at times, segregation of children in schools. Both migrant and Roma settlements have been targeted by law-enforcement officials.



A detained illegal immigrant from a former Soviet republic waits in a holding cell at a police station in Russia's Siberian city of Krasnoyarsk. Ilya Naymushin / Reuters, September 2013.

# 2. Domestic and international legislation

## 2.1 Domestic legislation

The 1993 Russian Constitution<sup>8</sup> guarantees equality in Article 19:

*‘ All people shall be equal before the law and court.’*  
*‘ The State guarantees the equality of human and civil rights and freedoms regardless of sex, race, nationality, language, origin, material and official status, place of residence, attitude to religion, convictions, membership of public associations, or of other circumstances. All forms of limitations of human rights on social, racial, national, language or religious grounds shall be prohibited.’*

Further provisions on equality are included in Article 136 of the Russian Criminal Code.<sup>9</sup> Article 282 of the Criminal Code prohibits incitement of ‘national, racial and religious hostility’. Article 29(2) provides:

*‘ Propaganda or agitation, which arouses social, racial, national or religious hatred and hostility shall be prohibited. Propaganda of social, racial, national, religious or linguistic supremacy shall also be prohibited.’*

Article 26(2) of the Constitution states:

*‘ Everyone shall have the right to use his or her native language and to a free choice of the language of communication, upbringing, education and creative work.’*

A similar provision can be found at Article 68(3):

*‘ The Russian Federation shall guarantee to all of its peoples the right to preserve their native language and to create conditions for its study and development.’*

The Law ‘On Languages of the Peoples of the Russian Federation’ provides at Article 9(2) the right to receive basic general education in one’s native language, and the right to choose the language of instruction. The Federal Law ‘On National-Cultural Autonomy’ (No. 74-FZ of 17 June 1996) provides for the establishment of National Cultural Autonomies for the ‘linguistic, educational and national cultural development’ of minority communities.

Moreover, specific provisions exist protecting the rights of indigenous people.

In December 2012 President Vladimir Putin signed a presidential Decree ‘On the Strategy of State Nationality Policy of the Russian Federation until 2025’, to replace the original 1996 Concept of State Nationality Policy of the Russian Federation. The Decree contains references to the protection of minority languages and cultures.<sup>10</sup>

## 2.2 International commitments

In 1969 Russia (then the Soviet Union) ratified the UN International Convention on the Elimination of All Forms of Racial Discrimination and in 1973 it ratified the two main UN human rights treaties – the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.<sup>11</sup> In 1996, the Russian Federation became a member of the Council of Europe, and in 1998 it ratified both the European Convention on Human Rights (ECHR) and the Framework Convention for the Protection of National Minorities (FCNM). When it acceded to the Council of Europe, Russia also committed to become a state party to the European Charter for Regional or Minority Languages; however, although it signed the Charter in 2001, ratification was still pending at the time of writing.

After joining the Council of Europe, Russia initiated a process of legal reform, involving the adoption of new criminal and civil provisions. Article 15(4) of the Constitution declares the supremacy of international law over Russian law.<sup>12</sup> Moreover, Article 3 of the 1996 Constitutional Law ‘On the Judicial System of the Russian Federation’<sup>13</sup> obliges Russian courts to apply ‘generally recognised principles and norms of international law and international treaties of the Russian Federation’. The ECHR has to be applied in Russian courts by virtue of the 1998 Law ‘On the Ratification of the Convention on the Protection of Human Rights and Fundamental Freedoms’.<sup>14</sup> A 2003 Supreme Court Resolution<sup>15</sup> further reaffirms that Russia’s international treaties and ‘the rights and liberties of man in conformity with commonly recognised principles and the norms of the international law’ have direct effect within the country.

# 3. Minorities and indigenous peoples: Key concerns

## 3.1 Discrimination

Various provisions in Russian law uphold the right to equality, while discrimination is prohibited in particular sectors, for example through the Labour Code.<sup>16</sup> However, Russia does not have comprehensive anti-discrimination legislation, providing detailed provisions as well as a definition of discrimination. International bodies have repeatedly urged the Russian government to remedy this shortcoming, as well as to establish a dedicated, independent body to monitor and raise awareness of instances of discrimination.<sup>17</sup> Although the number of cases brought to court for alleged discrimination has increased in recent years, judicial proceedings are still extremely rare when compared to reports of routine discrimination by both the public and private sectors. The low number of discrimination cases that reach Russian courts can be linked to a lack of awareness of discrimination, deficient legal remedies, and the limited trust in the authorities that should enforce them.<sup>18</sup>

Reported instances of day-to-day discrimination often relate to employment and housing. Announcements for flats for rent are often accompanied by statements ‘only for Russians’ or ‘only for Slavs’.

*‘When I made telephone calls looking for a flat to rent the first thing that people asked me was my nationality.’<sup>19</sup>*

Human rights defender, Moscow, January 2014.

Some persons interviewed who belong to minorities referred to ethnic profiling that involves fingerprinting and the taking of photographs when there are no grounds to believe that a person has committed an offence – but simply as ‘routine’ procedure, not sanctioned by Russian law. For example, MRG was informed of cases of persons from the North Caucasus who, when accessing university accommodation, were singled out for special checks – and had photographs and their fingerprints taken – while students of other ethnic backgrounds were not required to undergo the same procedure.<sup>20</sup> Similarly, Anti-Discrimination Centre (ADC) Memorial has reported on the existence of ‘Roma databases’, with regular fingerprinting taking place in Roma settlements, as well as cases of Roma being searched and detained – despite the law not requiring it.<sup>21</sup>

An interviewee of Chechen ethnicity reported his family members being refused employment when their ethnic background became known, regardless of their educational and professional qualifications.<sup>22</sup> MRG was told that the application form of a well-known Russian chain of cafés requested job applicants to specify their ethnicity. Reportedly some persons belonging to minorities refrained from applying as a direct result of the question.<sup>23</sup> Meanwhile, the stigmatization, as well as the absence of documents, prevents vulnerable ethnic minorities and migrants from accessing services, such as healthcare and, at times education, which impairs these groups’ enjoyment of social, economic and cultural rights.<sup>24</sup>

The segregation of and discrimination against Roma children in Russian schools has been a major concern.<sup>25</sup> Some Russian organizations, such as the ADC Memorial, have worked to sensitize school employees of the harmful effects of this practice, which, among other things, results in lower educational standards for Roma children. There have been reports of schools that have ended this practice as a result of such efforts, for example in the town of Troitske (Chelyabinsk Oblast), in Zelenodol’skii district (Republic of Tatarstan), and Lampovyi district (city of Penza), and in the city of Astrakhan.<sup>26</sup> Despite these and similar improvements at local level, they remain insufficiently far-reaching to address systemic problems affecting Roma – such as endemic discrimination and precarious socio-economic conditions.<sup>27</sup>

Discrimination against, and social exclusion of, Roma are unlikely to come to an end without measures to promote integration. However, a centre that worked towards Roma integration, including through educational programmes, was closed in 2013 after being established only the previous year. The organization in question, the Russian Centre of Research of Roma Culture, had been created within the Russian Institute of Cultural Research (RIC – part of the Ministry of Culture); it worked towards the preparation of a concept for the development of Roma education, which would support the process of raising the educational standards of Roma and the achievement of more equitable schooling. During the process of the restructuring of the RIC in 2013, the Centre was one of the first to be closed, greatly impairing the work of its specialists as a result. Following a complaint by the former director of the Centre, the Ministry of Culture replied with a letter in June 2013 (in

MRG's possession), stating that 'the decision to carry out structural changes was taken by the management of the Institute in line with the implementation of the Concept for the development and optimization of the activity of the Institute with a view to improving its work, develop research priorities ...' The procedure followed was 'in line with the Labour Code of the Russian Federation'.<sup>28</sup>

### 3.2 Xenophobia: Societal attitudes, public discourse and the media

The official discourse on diversity is built around the notion of a multi-ethnic, multi-faith country. The Russian Constitution provides that '[t]he bearer of sovereignty and the only source of power in the Russian Federation shall be its multinational people' (Article 3(1)). Although ethnic Russians tend to identify with the Russian Orthodox religion, four religions are recognized as the traditional religions of Russia (Russian Orthodoxy, Islam, Judaism and Buddhism).<sup>29</sup> Minority and indigenous languages, and some minority religions such as Islam, Judaism and Buddhism, are taught in schools, and there are local and regional media outlets in the languages of minorities. However, the public discourse tends to have a patriotic slant, while prejudice reported through the media is widely documented. Racist, inflammatory speech is also disseminated through the internet.<sup>30</sup>

There are alarming levels of xenophobia in Russia. Instances of hate crime, particularly perpetrated by neo-Nazi groups, have resulted in injuries and murders. The victims tend to be, again, persons originating from Central Asia and the Caucasus.<sup>31</sup> According to data compiled by the SOVA Center for Information and Analysis, in 2013 attacks took place in 32 regions of Russia and resulted in the death of 21 people and injuries of 173 people.<sup>32</sup> Since a peak in hate crime in 2007-08, data suggests that hate crime had decreased until 2012, due to the cumulative effects of criminal prosecutions. However, ethnic violence was no longer declining by 2013. SOVA reported:

*'The largest group of victims [in 2013] were migrants from Central Asia - 13 killed, 45 injured (compared to seven killed, 36 injured in 2012). The number of casualties from the Caucasus increased significantly - three killed, 26 injured (compared to four killed and 14 injured in 2012). In addition, 29 victims (one killed, 28 injured) were of unspecified "non-Slavic" appearance, often described as "Asian", so most likely, migrants from Central Asia constitute the vast majority of this group as well. A year earlier the corresponding figure was 16 (one killed, 15 injured).'*<sup>33</sup>

The data can only be based on reported cases. Many more cases might remain unreported to the police and human rights NGOs. Persons belonging to vulnerable ethnic groups often refrain from seeking the help of the police when physically attacked, for fear of further ill-treatment, or because they are in a condition of illegality due to the absence of documents. For example, the Moscow Helsinki Group documented cases of Meskhetian Turks in the south of Russia who have been the victims of ethnically-motivated violence (by non-state actors) but refrained from reporting them to the police. While the victims talked to human rights defenders about such occurrences, they were afraid to go to the police, or for their cases to be included in public reports or statements.<sup>34</sup> It indicates a distrust of law-enforcement officials, and in their ability (or willingness) to protect vulnerable groups.

Xenophobic sentiments continue to be extremely widespread. A poll by the Levada Centre carried out in October 2013 across various Russian cities and regions showed that a substantial proportion of Russians had feelings of dislike (30 per cent), anger (25 per cent), or fear (6 per cent) towards persons from the Southern republics of Russia (North Caucasus) living in their cities (in 2008 the figures had been 14 per cent, 14 per cent and 2 per cent respectively). According to the same poll, 66 per cent of Russians agree with the slogan 'Russia for the Russians', and 71 per cent with 'stop feeding the Caucasus'. High percentages of Russians think that there should be restrictions on the permission to live in Russia for persons from the Caucasus (54 per cent), China (45 per cent), former Soviet republics (45 per cent) and for Roma (32 per cent).<sup>35</sup>

On 13 October 2013 the murder of an ethnic Russian, which an ethnic Azeri was suspected of having committed, triggered anti-immigrant protests in the Moscow district of Biryulevo which degenerated into riots. Subsequently, violence spread to other Russian cities. On 14 October, the police rounded up over 1,600 migrants, and detained hundreds of them.<sup>36</sup> This and other round-ups were televised and heavily publicized. Some of the activists and experts interviewed believed that such occurrences had contributed to effectively normalizing anti-immigrant pogroms, creating a perception that they were inevitable for the protection of Russians from aliens.<sup>37</sup> Indeed, according to SOVA, these large-scale anti-migrant campaigns have caused the rise of ethnic intolerance, and provided fertile ground for campaigns to introduce a visa regime with countries of Central Asia and the South Caucasus.<sup>38</sup>

The media contribute to shaping public attitudes towards social groups, including minorities. In Russia the media has been employed for nation-building, with the dissemination of patriotic messages: state-owned television

channels such as *Pervyi Kanal* and *Rossiya*<sup>39</sup> since the 2000s have strived to evoke Russian pride following the extreme political and economic instability caused by the Soviet Union's collapse.<sup>40</sup> Specific themes include the successes of the Russian Empire and Soviet Union, including what is commonly referred to as the 'Great Patriotic War', and the Russian Orthodox Church. *Pervyi Kanal* employs a form of 'everyday patriotism', combined with highly positive images of Putin and Prime Minister Dmitry Medvedev.<sup>41</sup>

While Russianness is celebrated through the media, racism and prejudice are often also promulgated. Some of the minority members interviewed referred to hate speech in the media, and to the poor training of journalists to cover inter-ethnic relations with cultural sensitivity. The UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance referred to 'the dissemination of racist and xenophobic ideas and stereotypes by an increasing sector of the media', which has contributed to 'a negative image of certain communities and [to] fostering feelings of intolerance and xenophobia'.<sup>42</sup> In particular, Roma and Tajiks tend to be associated with drug trafficking and crime in the media,<sup>43</sup> and Caucasians (particularly Chechens) with terrorism. Public figures and politicians continue routinely to express xenophobic remarks publicly, including through the media. There are no mechanisms for minorities to feed into decision-making on programmes, to contain possible ethnic bias or to make coverage more culturally sensitive.

Overall, Russian media do not reflect the remarkable ethnic, cultural and linguistic diversity present in Russian society. Coverage of themes related to minorities and indigenous peoples is normally confined to festivals with a folkloristic flavour and major incidents with an inter-ethnic component, such as riots and violence by ultra-right groups. Even in the latter case, media do not tend to cover public debates or analyze the root causes of such incidents. The media is primarily driven by financial and political considerations, rather than fulfilling a social function. The local media in poorer regions tends to be especially dependent on the regional authorities or private sponsors for funds. The media thus avoids, or distorts, the reporting of sensitive themes. International personalities are not immune from censorship: the former Council of Europe Commissioner for Human Rights Alvaro Gil-Robles, in a visit to Krasnodar, had his statements 'completely censored and twisted' by a public television channel following a meeting with representatives of national minorities, including Meskhetian Turks.<sup>44</sup> In his comments the Commissioner had spelled out his concerns to the governor of Krasnodar.<sup>45</sup>

A positive development has been the establishment of the Guild of Inter-ethnic Journalism, which covers issues

relating to inter-ethnic relations and promotes a journalistic code of ethics.<sup>46</sup> These efforts need to be much developed to challenge dominant media trends.

### 3.3 Abuse of power by law-enforcement officials

Persons belonging to certain ethnic groups, particularly those who are visually conspicuous (of non-Slavic appearance) are routinely subjected to a plethora of rights violations. The most vulnerable are Roma and migrant workers, particularly those not in possession of legal documents to live and work in the region of Russia where they reside. This group also includes stateless persons and Russian citizens who have lost their documents or failed (or were unable) to register locally. The absence of documents places these persons in a condition of heightened vulnerability and defencelessness in counteracting possible police abuse – ranging from arbitrary detention, to intimidation, violence, threats, illegal searches and the extortion of bribes.

Police officers, like wider society, are often affected by deep-rooted prejudice against members of certain groups.<sup>47</sup> Assumptions are made about the involvement of Roma in drug trafficking; even age-old prejudices about Roma stealing children periodically resurface.<sup>48</sup> Research has shown that the police frequently engage in ethnic profiling. A well-known study carried out by the Russian NGO Jurix in 2006 showed that in the Moscow underground dark-skinned people were 22 times more likely to be stopped by the police for checks.<sup>49</sup>

Persons belonging to marginalized groups are at times subjected to cruel and degrading treatment. Minority women may be particularly vulnerable to certain forms of abuse. For example, there have been numerous reported instances of Roma women whose hair was cut while in detention. In the specific cultural context of Roma, the forceful cutting of a woman's hair is considered deeply shameful – an act that, in the words of a human rights defender interviewed by MRG, is 'comparable to rape'.<sup>50</sup> Roma women have been specifically singled out for this treatment in police stations, and it is believed that the hair might also be sold for financial gain. Roma are particularly vulnerable targets as they frequently have no documents – having lost them, or never having had Russian citizenship.<sup>51</sup>

Law-enforcement officials periodically carry out 'special operations' against specific target groups – primarily immigrants and Roma settlements (known as *tabors*). These include systematic document checks, which, in the words of Russian NGOs, 'often take the form of punitive anti-migrant expeditions accompanied by extortion, racist insults and beatings'.<sup>52</sup> Raids aiming to identify 'illegal immigrants' are also periodically carried

out by ultra-right groups. This form of ‘vigilantism’ has been counteracted through criminal proceedings, yet there have been reports of the Federal Migration Service officials cooperating with these groups, involving them in state-sponsored raids and inspections.<sup>53</sup>

In recognition of the fundamental problems affecting the Russian police force and the need for reform, the Russian authorities have adopted the Federal Law ‘On Police’, which came into force in March 2011. Among other things, the law prohibits ill-treatment targeting ethnic minorities and discrimination on any grounds by law-enforcement officials (Article 7).<sup>54</sup> However, the adoption of the legislation has so far not led to an overall improvement of the situation.<sup>55</sup>

### 3.4 Migrant workers: Exploitation and harassment

Many immigrants enter Russia to work, particularly with a view to sending financial help to their families in their countries of origin. According to data of the UN Department of Economic and Social Affairs (UN-DESA), in 2013 Russia was the second recipient (after the United States) of international migrants – 11 million out of a total of 232 million international migrants worldwide.<sup>56</sup> The 2010 census recorded 11.2 million people born outside Russia and 865,000 foreigners permanently residing in Russia, of which 42 per cent were from Central Asia. There is much demand and reliance on foreign workers in the Russian market, especially in light of the demographic decline of the Russian population.<sup>57</sup> There are, however, very high levels of immigration that are not legalized, due to the highly bureaucratic and burdensome nature of the procedures to obtain work permits and residence registration.

Persons from several countries of the Commonwealth of Independent States are able to enter Russia without a visa, but they need to obtain a work permit and residence registration. Work permits are handed out on the basis of quotas – following an assessment of the labour needs of Russia’s regions. However, the methods used for this assessment are grossly unreliable. The available quotas are filled very quickly, leaving the remaining persons without the option of working legally. In the opinion of some of the experts interviewed,<sup>58</sup> the quota system ought to be discontinued, since, as one person put it, ‘it just generates corruption’.<sup>59</sup>

Another difficulty is residence registration. Even citizens of Russia are required to register if they move to another part of the country. The system is justified on the grounds of monitoring internal migration; it formally amounts to notifying the local authorities of one’s place of residence.<sup>60</sup> However, registration can present difficulties.

A person cannot register without housing, which can be denied on a discriminatory basis to persons of ‘non-Slavic appearance’. Moreover, there have been reports of officers delaying, or denying, registration on discriminatory grounds – particularly against persons originating from the Caucasus and Roma – or extorting bribes.<sup>61</sup>

The procedure of obtaining work permits and registration is so hostile to immigrants that many resort to the assistance of intermediary firms. These firms provide a range of ‘services’: arranging employment and the preparation of documents, including medical certificates. These processes are largely unregulated, resulting in instances of firms producing falsified documents, such as false residence registrations, which can create serious problems for migrants: a law adopted at the end of 2013<sup>62</sup> criminalizes false residence registrations; failure to produce a valid registration can be punished with a fine, forced labour or imprisonment.<sup>63</sup> Moreover, intermediary firms at times fail to pay workers. The fact that the employing companies benefit from the labour of migrants through intermediary firms effectively enables them to forgo many of the responsibilities of employers towards their employees (such as health and safety, and on-time payment of salaries). Vulnerable minorities, particularly when not in possession of valid documents, are often unable to obtain legal redress in cases of fraudulent activity by employers and intermediary firms, or when their salaries remain unpaid. The illegal activities of some such firms are a breeding ground for more illegality, as they increase the likelihood of migrants finding themselves devoid of valid documents and funds.

On 30 December 2012 a new law<sup>64</sup> was adopted, providing that foreign citizens who fail to leave Russia within a 30-day period from the expiry of their right to remain cannot return to the country for a period of three years. Persons who have breached the terms of their stay are deported, with no option to remedy the situation by paying a fine. Moreover, deportation is routinely preceded by a period in a detention centre. Reportedly, when a Moscow detention centre could not accommodate any more detainees, ‘informal agreements’ were reached with the Moscow City Court that it would temporarily refrain from judgements involving deportation.<sup>65</sup> A lawyer who works to defend migrants and refugees argued that what is thus created is a situation of ‘legal deadlock’, where laws are ‘absurd’ and ‘have not been written to be implemented’.<sup>66</sup>

### 3.5 Arbitrary arrest and conditions of detention

According to a lawyer defending migrants who spoke to MRG,<sup>67</sup> arbitrary detention is the most acute problem affecting this vulnerable group, and it has an adverse impact

on both internal and external migrants. In particular, certain groups, such as Chechens, are subjected to arbitrary detention – sometimes on the basis of fabricated charges. There have also been reported instances in which Chechens were prosecuted twice for the same offence.<sup>68</sup>

Detention and cruel treatment often go hand in hand, and the overall climate of xenophobia affects prison personnel as well as broader society. Thus, for example, there have been regular complaints of ill-treatment of Chechen prisoners, as well as of cases in which they were unable to access healthcare or to practise their religion.<sup>69</sup> Data from Russian NGOs suggest a correlation between the occurrence of terrorist attacks and a subsequent increase in ill-treatment of prisoners from the North Caucasus while in detention.<sup>70</sup> Finally, the conditions of detention centres for persons taken into custody pending deportation are also extremely poor, particularly due to overcrowding.

### 3.6 Persons without Russian citizenship

According to estimates by UN High Commissioner for Refugees (UNHCR), in 2009 there were 50,000 stateless persons in Russia.<sup>71</sup> The Council of Europe has devoted considerable attention to the fate of Meskhetian Turks,<sup>72</sup> who are among the stateless persons residing in Russia. This minority group were deported from Georgia to Central Asia in the Soviet period, and left Central Asia in 1989 over security concerns. They resettled in various regions, including in Russia (especially Krasnodar Krai), and experienced difficulties in obtaining Russian citizenship in the post-Soviet period.<sup>73</sup> According to figures provided by the Russian authorities, nearly all Meskhetian Turks in Krasnodar Krai have been granted Russian citizenship;<sup>74</sup> however, this fact is disputed by human rights activists, who argue that in the south of Russia hundreds of persons have still not been granted Russian citizenship, despite repeated appeals to the local authorities. They can only rely on passports of the defunct USSR as means of basic identification.<sup>75</sup>

Between 2004 and 2007 approximately 11,000 Meskhetian Turks emigrated to the United States thanks to a resettlement programme. The stateless persons who remain in Krasnodar Krai suffer from widespread discrimination: in addition to Meskhetian Turks, other minorities have suffered a similar fate - Batumi Kurds, Hemshils and Yezidis.<sup>76</sup> Absence of citizenship in practice results in the inability to access a number of rights, such as free healthcare, benefits or pensions. Persons without citizenship cannot be legally employed or even travel (as a passport is required in Russia to buy a train ticket). While the children of stateless persons can normally go to school,

they cannot take the secondary school examination without a passport. Due to the absence of valid documents, Meskhetian Turks were also not able to get financial help from the state following the flooding of some villages in 2012.<sup>77</sup> A human rights activist from Krasnodar told MRG that there are attempts to organize another resettlement programme to the United States.<sup>78</sup>

Other persons without Russian citizenship who face regular hardships are refugees and asylum-seekers. Only 7 per cent of applications for refugee status between 2007 and 2012 were successful.<sup>79</sup> While refugees and asylum seekers should by law be issued a document indicating their legal status in the Russian Federation, in practice this is often not the case. As a result, they are excluded access to basic rights and services, as well as exposed to harassment by the police.<sup>80</sup>

### 3.7 Linguistic and cultural rights in the Russian education system

Titular nationalities in the ethnic republics enjoy special linguistic and cultural rights. Article 68 of the Constitution states that although Russian is the state language in the whole territory of the Russian Federation, the republics 'shall have the right to establish their own state languages'. The republics can legislate for the titular language to be used in the republics' institutions alongside Russian. The benefits flowing from the republics' rights vary from region to region. For example, in the Republic of Tatarstan (where Tatars are over half of the republic's population) the Tatar language is a compulsory subject in all schools, including for ethnic Russians; some schools also teach through the medium of the Tatar language in all grades.<sup>81</sup> Conversely, in Karelia (where the Karelian population is only 7.4 per cent), Karelian is studied as an optional subject only, and classes amount to two to three hours a week until grade 11.<sup>82</sup> Despite these variations, the general trend has been the overall decrease of opportunities for the accommodation of diversity. The Russian authorities stated in the Third Report to the Advisory Committee on the FCNM (ACFC) that 'in recent years, a number of the subjects of the Russian Federation have significantly increased their networks of general education institutions that hold tuition in native languages.'<sup>83</sup> However, there has been an overall decrease in the number of schools providing education in and through the medium of minority and indigenous languages. For example, data from the Tatarstani authorities<sup>84</sup> indicate that the number of schools teaching in Tatar decreased from 712 (in 2004) to 490 (in 2009). Overall, teaching of minority and

indigenous languages as subjects, as well as instruction through the medium of minority languages, has declined in the 2000s; there has further been a decline in students receiving an education in a minority language.<sup>85</sup> While the Russian government in its reports to the ACFC provides figures on schools with courses in minority languages, there is little data specifying the percentage of teaching per school that actually takes place in minority languages<sup>86</sup> – effectively, the information in the reports does not amount to the full picture and can therefore be deceptive.

The closure of minority-language schools is primarily linked to low birth rates and financial constraints. These circumstances have particularly affected small village schools, where representatives of minority groups are concentrated and where the language of instruction is more likely to be the languages of these minorities.<sup>87</sup> In 2011 it was reported that 700 village schools were closed every year in Russia.<sup>88</sup> These schools are no longer found to be financially viable and tend to be closed as part of plans of modernization and ‘optimization’ of the education system.<sup>89</sup> When there is no other minority-language school in the vicinity, pupils are left with no alternative but to enrol in Russian-language schools.<sup>90</sup> The ‘optimization’ of the education system has further affected boarding schools of children from indigenous peoples.<sup>91</sup>

Legislative developments have also affected minority-language education. In 2007 Law No. 309,<sup>92</sup> amending the Federal Law ‘On Education’, was adopted. The law creates a ‘unified educational space’,<sup>93</sup> by effectively abolishing the ‘national-regional component’; this constituted a segment of the school curricula (approximately 15 per cent of teaching time) for the study of minority languages and cultures, to be devised by the regions.<sup>94</sup> The amendments have undercut the decision-making powers on curricula at the level of the ethnic republics, enhancing instead the role of the Federal Ministry of Education. At the same time, the law provides a number of new rights and responsibilities to schools themselves: the ‘participants in the educational process’ at the local level can now devise a substantial amount of teaching time (30 per cent compared to 10 per cent before the adoption of Law 309).<sup>95</sup> Choices on curricula are to be made ‘primarily by educational institutions with consideration of the needs of students and their parents, as well as by education regulatory bodies.’<sup>96</sup> However, there are scarce means for the schools to effectively use their new rights, or for parents to claim them. The main drawback is the paucity of resources, particularly in rural areas, to teach courses on minority languages and cultures. Meanwhile, reportedly, parents, who by law have the right to request these courses, have often not been fully informed of their rights.<sup>97</sup>

In another development, a 2009 presidential decree removed the option for students to take the ‘uniform state exam’ (*Edinyi Gosudarstvennyi Ekzamen - EGE*), the final secondary school examination, in a minority language rather than in Russian. This has particularly affected Tatarstan, where students from Tatar-language schools were previously able to take the examination in Tatar. There are indications that the decree has made parents less inclined to send their children to schools where Tatar is the main language of instruction, for fear that they will be disadvantaged when sitting their examinations.<sup>98</sup> The combined effect of Law 309 and the Russian-only EGE has been a growing tendency to study minority languages only as subjects, rather than to employ them as language of instruction. Thus, the ACFC has recommended awareness-raising efforts to inform parents of opportunities for minority-language education, as well as ‘the establishment of a climate conducive to the use of minority languages in daily life’.<sup>99</sup>

Schools operating in, or teaching, minority languages can be made available outside the ethnic republics, where there is a concentration of representatives of a certain group, and subject to demand and available resources. In the case of groups without an ethnic republic or without specific territorial concentration, relevant activities are implemented by NGOs or activists: for example, efforts to preserve the use of the Romani language in Russia remain without state support.<sup>100</sup>

Meanwhile, Russia continues to refrain from ratifying the European Charter for Regional or Minority Languages, despite having committed to it when it joined the Council of Europe.<sup>101</sup> A joint European Union and Council of Europe programme, entitled ‘Minorities in Russia: Developing Culture, Language, Media and Civil Society’, was carried out in the period 2009-2011, in collaboration with the Russian Ministry of Regional Development; it aimed to facilitate Russia’s ratification of the Charter through research, public discussions and seminars. However, following the programme the Russian authorities stated that its findings ‘demonstrate that the application of the Charter does not suit the specific multilingual situation seen in the Russian Federation’.<sup>102</sup>

### 3.8 Participation and consultation

Some persons belonging to minorities and indigenous peoples are represented in elected bodies, through their membership of mainstream political parties. However, Russia has no special measures to guarantee the participatory rights of these groups in elected bodies, such as reserved seats in parliament for minority and indigenous representatives. Moreover, Russian legislation

prohibits the establishment of political parties on the grounds of ethnic or religious identity.<sup>103</sup>

With regard to consultation, there are two main forms: one under the system of ‘National Cultural Autonomy’ (NCA), and one through other, multiple mechanisms of consultation – various (non-NCA) consultative councils, public chambers, and Houses of Nationalities.

The Law ‘On National Cultural Autonomy’ (NCA Law)<sup>104</sup> defines an NCA as ‘a form of national and cultural self-determination’. NCAs can be established by minorities and indigenous peoples in order to ‘independently regulate the issues of their identity preservation and their linguistic, educational and national cultural development’.<sup>105</sup> By law NCAs provide opportunities to non-titular minorities (minorities without a territory), or to representatives of titular nationalities residing outside ethnic republics. The rationale is to provide a mechanism for the realization of cultural and linguistic rights which does not rely on territoriality. However, NCAs have no actual powers to develop education or linguistic policies, and, given the limited effectiveness of the system – due to financial constraints and scarce implementation of the NCA Law – they hardly differ from regular NGOs.<sup>106</sup>

Various consultative councils also provide some opportunities for participation. One of the main bodies is the Consultative Council on Inter-ethnic Relations under the Ministry of Regional Development (the Ministry responsible for policies on national minorities and indigenous peoples). The Consultative Council gathers NCAs that have registered at the federal level, following the creation of a network of local and regional NCAs for a particular minority.<sup>107</sup> Other consultative bodies (not exclusively for NCAs) include those at the federal level (the Presidential Council on Inter-ethnic Relations – whose chairman is Putin himself), and councils established at the regional and local levels. Discussions also take place in other institutions such as Public Chambers<sup>108</sup> and Houses of Nationalities.<sup>109</sup>

MRG was informed of some consultations,<sup>110</sup> such as when compiling the 2012 ‘Concept of the State Migration Policy of the Russian Federation through to 2025’: part of the consultation reportedly took place in the Moscow House of Nationalities.<sup>111</sup> However, despite the existence of consultative bodies, in some cases decision-making on issues affecting minorities has not been preceded by consultation. This was the case, for example, with the adoption of Law 309 amending the Law ‘On Education’, or the institution of the Russian-only exam.<sup>112</sup> This point was underlined by the ACFC, which expressed the opinion that ‘[t]here is no systematic and consistent involvement of minority representatives in decision-making on issues concerning them.’<sup>113</sup>

Similarly, in relation to monitoring reports submitted to the Council of Europe and the United Nations, there have been instances in which the authorities consulted with civil society, by soliciting and incorporating in the reports information from them. However, this has occurred as a form of intermittent, rather than systematic, cooperation. The ACFC has noted that, although the (third) state report had been drafted with data from various sources, including NGOs, very few of these had participated in the drafting process.<sup>114</sup> The emerging picture is one in which consultation can be fruitful, but outcomes depend on specific (and changing) circumstances, and on the relations between civil society and individual public officials.

The arbitrary and volatile nature of relations between public officials and civil society is illustrated by the case of the (ethnic) republic of Mari-El. The head of the republic, Leonid Markelov, refused, after his election in 2000, to collaborate with the existing consultative council, the Congress of Mari People, and instead established an alternative institution, the Mari Council, comprising handpicked loyalists.<sup>115</sup> The relations between Mari groups and the republic’s authorities have since deteriorated.<sup>116</sup> On the other hand, a positive example that was brought to MRG’s attention is the Public Chamber of the Voronezh Police Department, where two representatives of the Regional National Chamber (which brings together the minority groups in the region) attend meetings and take part in discussions.<sup>117</sup>

Some representatives of NGOs interviewed reported that a greater amount of funding has been made available by the Russian government for the development of civil society and their projects compared to previous years.<sup>118</sup> However, some of the interviewees noted that decisions concerning funds, and budgets for activities of institutions such as Houses of Nationalities, tend to be non-transparent.<sup>119</sup> Limited financial resources also remain a concern for most organizations.<sup>120</sup>

Finally, it is of significance that the public discourse on minority and indigenous issues centres around their ‘cultural development’, rather than their ‘rights’. In a report to the Parliamentary Assembly of the Council of Europe (PACE), this attitude was referred to as ‘folklorisation’ of minorities and indigenous peoples – or their linguistic and cultural rights being approached primarily as folklore.<sup>121</sup> A person interviewed, who worked for an organization helping immigrants integrate, and who cooperated with the authorities where possible, said: ‘You have to divide yourself in two: you speak one language with your colleagues, and another with public officials.’<sup>122</sup> Others reported some opportunities to discuss difficult, controversial subjects at meetings, such as integration of migrants into Russian society.<sup>123</sup> The ability to broach

these themes, and to find solutions for them, again seemed to depend on the circumstances and willingness of public officials.

### 3.9 Indigenous peoples of the North, Siberia and the Far East

Official documents<sup>124</sup> list 46 different groups of indigenous peoples. The biggest group is the Nenets with 44,640 people; the smallest have only a few hundred representatives or even fewer (two groups have fewer than 100 members).<sup>125</sup> The protection of the rights of indigenous peoples is guaranteed at Article 69 of the Constitution.<sup>126</sup> Specific legislation includes: the 1999 Law 'On Guarantees of the Rights of Numerically-small Indigenous Peoples of the Russian Federation',<sup>127</sup> and the 2001 Law 'On Territories of Traditional Nature Use of the Numerically-small Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation'.<sup>128</sup> Federal legislation provides for the free-of-charge use of land in areas traditionally occupied by indigenous peoples, in which they carry out traditional activities necessary for their livelihood ('territories of traditional nature use'). Other provisions ensure some autonomy with regard to educational institutions. Indigenous peoples are also guaranteed by law some control against the exploitation of natural resources for industrial purposes. The Law 'On Basic Principles of Community Organization of Indigenous Small Peoples of the North, Siberia and the Far East of the Russian Federation'<sup>129</sup> provides for a form of self-organization for indigenous communities, with a view to protecting the areas they traditionally inhabit, and traditional ways of life and culture.<sup>130</sup>

The 'Concept Paper on the Sustainable Development of Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation' was adopted in February 2009.<sup>131</sup> It outlines a comprehensive federal policy on indigenous peoples from 2009 to 2025. The policy aims are the enhancement of socio-economic conditions and standards of living; and the protection of the environment, culture and traditional way of life of indigenous peoples.

Despite these guarantees, there are a number of concerns relating to their legal implementation. Although resources have in the past been allocated from the federal budget to support indigenous communities, there has been criticism relating to the paucity and mismanagement of funds.<sup>132</sup> Indigenous peoples continue to suffer from difficult socio-economic conditions and low standards of living.<sup>133</sup> Despite the rights to land and natural resources referred to above, at the time of writing no areas had been established as a 'territory of traditional nature use' at the federal level (although some such areas were established at

the regional level). No mechanisms were in place for the implementation of the relevant federal provisions. While the 2009 Concept is comprehensive, it is also general and broad;<sup>134</sup> reportedly, progress towards implementation has been slow, and the funds earmarked insufficient.<sup>135</sup>

The levels of literacy and education of indigenous peoples are lower than those of the rest of the population.<sup>136</sup> Indigenous peoples are often dispersed and live in remote areas; thus their children tend to study in boarding schools which, MRG was told, generally have low levels of education.<sup>137</sup> Moreover, the local community has little input in curriculum development in these schools: the curriculum is primarily defined by federal standards, with the addition (to a limited extent) of the teaching of the languages of indigenous people.<sup>138</sup> Several such languages are endangered:<sup>139</sup> although some educational materials have been made available, resources are very limited. Teaching of these languages is complicated by the remoteness of the locations where communities live.<sup>140</sup>

Consultation is reportedly sought by the federal authorities in decision-making affecting indigenous peoples. Again, however, participation and consultation are impaired by the fact that indigenous peoples reside in remote areas, with limited means of transportation and communication.<sup>141</sup> Consultation is also not guaranteed in all cases and is sometimes linked to the goodwill of local authorities.<sup>142</sup>

A positive example originates from Khanty-Mansi Autonomous Okrug, which established in 1996 an Assembly of Indigenous Peoples as an integral part of the regional Duma; moreover, three out of 21 seats in the regional Duma are allocated to indigenous people. The regional administration has also cooperated with an indigenous peoples' organization in policy- and law-making at the regional level.<sup>143</sup> Another positive example is Yakutia's unique law providing that any project that might affect the habitat of indigenous peoples, their culture and traditional way of life, must pass an 'ethnological assessment' prior to its implementation. The assessment examines whether the project will have an adverse impact on the living conditions of indigenous people.<sup>144</sup> In other regions such assessments are also carried out, but they remain optional, with no legal obligations for companies to follow their recommendations.<sup>145</sup>

The Russian Association of Indigenous Peoples of the North (RAIPON) has provided assistance to indigenous peoples in litigation to protect their rights (such as land rights, special fishing and hunting rights, and protection from the exploitation of natural resources by private businesses). According to legal experts who have worked on these cases, lawyers specializing in the rights of indigenous people are still very few in Russia. Many judges, similarly, have little familiarity with the specialized legislation on indigenous peoples' rights.<sup>146</sup>

# 4. Factors affecting the implementation of mechanisms for minority and indigenous protection

On the basis of the above overview and of secondary sources, MRG identified five primary concerns preventing a more effective implementation of the FCNM:

- a) diverging positions between Russia and the Council of Europe on some aspects of FCNM implementation;
- b) issues with domestic legislation;
- c) ineffective mechanisms to promote minority rights;
- d) prejudice; and
- e) obstacles to civil society activity.

## 4.1 Fulfilment of international obligations

In specific instances, the Russian government's position on the implementation of international standards and those of the Council of Europe do not fully converge. One such area is that of equality. For example, the Russian government (like the Russian Constitutional Court and Supreme Court) have interpreted fluency in the Russian language as a requirement towards equality: uniform educational standards for the study of Russian across the Federation, and Russian-only examinations (EGE) have been declared necessary to uphold the principle of equality in relation to the enjoyment of the right to education, and equal opportunities in entering universities.<sup>147</sup> Similarly, the Russian government objected to nurseries operating exclusively in minority languages as they violated the '*principle of equal opportunities* [italics added] of education, further employment etc.'<sup>148</sup> While knowledge of Russian is certainly crucial for the successful integration of minorities and indigenous peoples into Russian society, international standards rather interpret equality not as forced uniformity, but as *equal opportunities despite and with* cultural, linguistic and religious differences. The FCNM recognizes the importance of the state language as a unifying factor to integration, but also envisages active state intervention to promote languages and cultures of minorities and indigenous peoples.<sup>149</sup> Such special measures are not to be interpreted as discriminating or segregating, but as creating genuine equality between the minority and the majority in the enjoyment of all rights.<sup>150</sup>

To fully implement the FCNM, there is a need not only to *refrain* from interfering with the cultural and linguistic rights of these groups, but also to *actively promote* them, for example by devising a language policy with a concrete plan of action to promote minority and indigenous languages. The Russian government's position suggests a perception of linguistic and cultural diversity not as societal wealth, but rather as a destabilizing factor.

Another issue is the perception of what exactly amounts to 'implementation' of international obligations. In its reports, the Russian government lists a series of measures, such as events and, where relevant, the adoption of new legislation. However, while these can certainly contribute to the implementation of the FCNM, few details on practical measures and their impact are outlined in the reports. The vague nature of the data in the reports does not enable an assessment of the individual steps towards implementation. The ACFC in its Third Opinion expressed the view that, overall, there has been only 'limited progress' over the issues identified as problematic in previous cycles of monitoring.<sup>151</sup>

There have also been instances in which the Russian government has not taken on board the resolutions and recommendations of bodies such as the Council of Europe with regard to ethnic minorities and indigenous peoples.<sup>152</sup> Specific problems, such as those of Meskhetian Turks, have still not been fully resolved. With regard to ACFC Opinions, the Russian authorities have argued that the ACFC's 'views [...] quite often are unreasonably negative', referring to a 'somewhat biased interpretation of the Russian legislation and law-enforcement practice'.<sup>153</sup> Similarly, the Russian government disputed the findings of a 2007 report on Russia by the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance<sup>154</sup> – by pointing to 'far-reaching conclusions [...] based on unproven data and falsifications'.<sup>155</sup> Another example is that Russia in 2014 was still refraining from ratifying the European Charter for Regional or Minority Languages. Russia's actions suggest a belief that ratification can be delayed indefinitely, despite a legal commitment to ratify which the Council of Europe has urged Russia to comply with.

## 4.2 Domestic legislation: Legal uncertainty and partial implementation

The implementation of the FCNM requires incorporating its main principles into domestic legislation. However, the following issues impede the smooth unfolding of these processes:

1. *Inconsistencies between Russian law and international law:* An example is the adoption of controversial legislation such as the 'Foreign Agents' Law.<sup>156</sup> It affects the activity of civil society, by requiring organizations in receipt of foreign funds and involved in 'political activity' to register as foreign agents.
2. *Lack of legal clarity:* For example, Russian law does not provide a definition of 'discrimination', complicating the implementation of anti-discrimination provisions. Moreover, the meaning of 'political activity' in the 'Foreign Agents' Law has not been defined, and can be subject to wide interpretation. Russian legislation continues to undergo very numerous (and sometimes contradictory) amendments, which add to the overall opacity of the law.
3. *The declarative nature of provisions relating to minority and indigenous rights:* The Russian Constitution provides only vague provisions on human (including minority and indigenous) rights. The legislation also vaguely refers to, for example, the right to the 'preservation and comprehensive development of the native language'.<sup>157</sup> These vague formulations complicate the translation of legal provisions into clear rights for minorities and indigenous peoples, and the assessment of whether such rights have been violated. Another example is the Law on NCAs, which, following amendments in 2009,<sup>158</sup> enables NCAs to receive funds from governmental bodies. There is, however, no actual obligation for the authorities to provide funding. 'Concepts'<sup>159</sup> consist primarily in a series of principles, which are not normally followed by by-laws or detailed plans of action. Moreover, the (general) minority and indigenous rights guarantees included in the federal legislation are at times contradicted by regional legislation.
4. *Difficulties in implementation:* In some cases provisions that could enhance FCNM implementation are adopted, but are not followed by effective, practical steps for their application and enforcement. For example, the Law 'On Police' entered into force in March 2011<sup>160</sup> and law-enforcement officials were required to undergo a process to renew their qualifications in light of the new provisions; however, according to Russian NGOs, police abuse of

vulnerable groups has not overall been reduced as a result of these efforts.<sup>161</sup>

5. *A partially independent judiciary:* The Russian judiciary is still not fully independent. Despite important reforms of the justice system since 1993, the UN Special Rapporteur on the independence of judges and lawyers referred in 2013 to 'reports of direct or indirect threats and improper interferences and pressures on the judiciary, which adversely affect its independence and impartiality'.<sup>162</sup> Moreover, a significant percentage of judgements are not implemented, while there is insufficient transparency in the appointment of judges.<sup>163</sup>

## 4.3 Ineffective mechanisms to promote minority and indigenous rights

While there are numerous institutions promoting minority and indigenous peoples' rights, problems persist in guaranteeing those rights, including through the implementation of international standards in this area. There are a number of reasons for this:

1. *Limited coordination between bodies involved in the implementation of international standards:* In the case of the FCNM, the Ministry of Regional Development has the primary responsibility for its implementation, and the compiling of periodic reports to the ACFC. The Ministry gathers data from the various regions to produce monitoring reports at five-year intervals, as required by the FCNM. However, research by MRG<sup>164</sup> strongly suggests that there is no specific plan of implementation, or elaboration of a set of objectives and targets, to fulfil state responsibilities under the FCNM at the regional and local level. Thus, the activities of the authorities at different levels are not coordinated, and do not feed into a comprehensive strategy. Similarly, the ACFC pointed out:  
*'[t]he implementation of minority policies continues to be hampered by a certain lack of consultation and coordination of minority policies and legislations among the subjects of the Federation, as well as between the regional and federal levels, resulting in varying levels of implementation of the rights protected under the Framework Convention in different regions.'*<sup>165</sup>
2. *Vague programmes:* Some of the programmes for the improvement of the conditions of specific minorities remain vague. One example is the 'Concept Paper on the Sustainable Development of Indigenous Peoples of

the North, Siberia and the Far East of the Russian Federation', which has not led to the establishment of concrete mechanisms for its implementation.<sup>166</sup>

Another example is the 'Comprehensive action plan for socio-economic and ethno-cultural development of the Roma in the Russian Federation for 2013-2014', adopted by the Ministry of Regional Development in January 2013. In the words of a Roma rights activist, the plan reveals a 'lack of understanding of the problems in this area'<sup>167</sup> [of socio-economic integration of Roma]. For instance, it does not refer to the need to address the practice of segregation of Roma children in schools, discrimination or ill-treatment by the police.

3. *Obstacles to civil society participation:* Another issue concerns the input from civil society and minorities or indigenous peoples in the shaping and implementation of relevant policies (and FCNM application itself). The law prohibits the establishment of political parties on ethnic grounds, and, despite Russia's federal structure, and a (limited) degree of devolution, the country remains highly centralized. In the area of languages and cultures, for example, the ethnic republics have seen a decrease of autonomy in the area of education.<sup>168</sup> The remaining opportunities for minority and indigenous representatives to feed into decision-making relate to consultative bodies. The available data on these processes show a complex (and varied) picture of the situation. In some cases, meetings of consultative bodies can be fruitful; much depends on the interaction between individual public officials and persons belonging to minority and indigenous organizations.

4. *Ad hoc mechanisms:* As one former public official said to MRG: 'public officials are not all the same':<sup>169</sup> some are committed to providing support to persons belonging to minorities and indigenous organizations. The downside of this type of cooperation is that that much is left to personal relations rather than it being institutionalized. The same former public official cited above told MRG: 'Personalities are important, because institutions do not work.' Thus, persons without commitment or experience in human (including minority and indigenous) rights can be appointed to important positions. Representatives of NGOs told MRG that the personal attitudes of key public officials greatly impact on their work.<sup>170</sup> While good personal relations can be beneficial, there are no guarantees that they will be long-lasting. The head of an NCA in Moscow noted that: 'when there is a problem, we know whom to contact to get information and find a solution';<sup>171</sup> yet new public officials can be appointed, or their support withdrawn. The informality and flexibility of these relations leave much to the goodwill

(and personal opinions) of individual public officials. The lack of institutionalization of mechanisms of consultation means that there is no guarantee that recommendations from minorities and indigenous peoples will be incorporated into the decision-making process. Moreover, the high number of consultative councils leads to a proliferation of institutions that can dilute the impact of their individual efforts.

The result is a lack of guarantees that participation will be *effective*. The expression 'effective participation' is included in the OSCE Lund Recommendations<sup>172</sup> as well as in Article 15 of the FCNM and ACFC Opinions. It implies that minorities and indigenous peoples should not only be present in consultative (or elected) bodies, but also be in a position to *influence* decision-making. In Russia there are no specific mechanisms to guarantee effective participation. The ACFC has made it clear that it expected 'wider consultation' with civil society, and minority and indigenous representatives in particular, in both future monitoring cycles and implementation of recommendations for the last cycles.<sup>173</sup>

Even when representatives of these groups are able to participate in discussions, and their suggestions are taken on board for working papers and policy documents, mechanisms might not be set into motion to implement these policies. The 2012 Presidential Decree on the Strategy on Nationality Policy contains multiple references to the protection of minority and indigenous languages and cultures. However, they are vaguely phrased and the document amounts to a collection of general principles.

## 4.4 Prejudice

Factors that hinder the implementation of the FCNM are also linked to prejudice, which has become embedded in Russian society. Prejudice can affect law-enforcement officials as well as civil servants. There are indications, for example, that xenophobic attitudes affect members of the police forces, and that some seem to interpret their role as protecting Russian society against specific groups (migrants and Roma), rather than protecting each person regardless of his/her ethnic, cultural or religious background. The role of the police in protecting 'Russia' was emphasized when the round-ups of migrants by the police, particularly following the Biryulevo incident,<sup>174</sup> were widely and incessantly broadcast. While some steps have been taken to modify police practice, more rigorous efforts are needed to signal that police abuse of vulnerable minorities is unacceptable. Similarly, discriminatory attitudes abound among the general population in a society where xenophobia becomes increasingly normalized.

Minority policies in Russia have two primary focuses: first, the containment of extremist activity;<sup>175</sup> and, second, the promotion of minority and indigenous cultures (particularly through festivals, seminars and other public events). While these objectives are certainly in line with those of the FCNM, they are not sufficient to combat widespread prejudice. Education and the media, in particular, need to be employed to challenge existing negative perceptions of vulnerable groups and visible minorities that tend to be marginalized and discriminated against. Additional programmes need to be included in school curricula and public media outlets to promote inter-cultural dialogue and understanding. At a minimum, all teachers and journalists need to receive basic training to approach their work with cultural sensitivity, while also communicating to students and audiences the importance of inter-ethnic tolerance.

The importance of public campaigns to modify the general climate of intolerance was also stressed by Council of Europe bodies, particularly with regard to discrimination. The European Commission against Racism and Intolerance (ECRI) stated in its 2013 report on the Russian Federation:

*‘While the attention of the authorities has focused on fighting violent extremism, non-violent discrimination has been given second place in recent years. Many reports indicate that everyday discrimination is very common. ECRI observes that this is mainly due to a widespread lack of understanding, even on the part of some senior officials, of what constitutes discrimination and the importance of non-discrimination as a fundamental human right.’*<sup>176</sup>

Similarly, the ACFC recommended the establishment of a specialized body devoted to combating discrimination in view of the need for ‘targeted awareness-raising activities for the public at large’.<sup>177</sup>

## 4.5 Obstacles to civil society participation in the implementation of the Framework Convention for the Protection of Minorities

A number of highly professional Russian NGOs participate actively in international monitoring, by providing information to the Council of Europe, United Nations and OSCE. RAIPON is also a member of various international bodies, including UN ones.<sup>178</sup>

Mechanisms for civil society participation are in-built in the FCNM monitoring process. The FCNM invites alternative (shadow) reports by civil society as part of its five-year monitoring cycle. The ACFC holds meetings with representatives of civil society and minority organizations during their country visits to compile data for their Opinions. Civil society representatives are invited to participate in Council of Europe events on the implementation of the FCNM and ECRI: such processes aim to stimulate a three-way dialogue between the Council of Europe, the Russian authorities, and civil society.

However, the representatives of NGOs interviewed noted a set of difficulties, both of a practical and political nature, affecting their involvement in international monitoring mechanisms.

1. *Practical difficulties:* These derive primarily from the limited resources (human and financial) available to civil society. In addition to the need to ensure the basic financial viability of their organizations, activists monitoring minority rights violations told MRG that these incidents could not be covered comprehensively and systematically, due to the monitors’ limited capacity.<sup>179</sup> Gathering data on minority rights violations is particularly laborious given that many cases remain unreported due to the distrust of the police by certain groups (and the situation of lawlessness in areas such as foreign labour). These difficulties have led to some organizations choosing not to participate in international monitoring, so as to devote their finite resources to other activities, such as legal defence of vulnerable groups. A third group of organizations - those working on promoting minority cultures through events such as festivals – were at times unaware of international standards and how they could relate to their activities.
2. *Repression of civil society:* Other difficulties noted by NGOs relate to the *political environment* in which the monitoring takes place.<sup>180</sup> Organizations that participate in international (mostly Council of Europe and UN) mechanisms expose themselves to risks, as do organizations that work on issues that are politically sensitive, such as the rights of Roma and migrant workers. What has become known as the ‘Foreign Agents’ Law,<sup>181</sup> adopted in June 2012, was a primary concern. The new provisions amend five laws regulating the activities of NGOs, including the criminal code. They require organizations in receipt of foreign funding and engaging in ‘political activities’ to register as an ‘organization performing the functions of a foreign agent’. The law generates two main problems: the risk of being publicly condemned for

collaboration with foreign entities (an accusation that carries the connotation of links to illegal activities such as espionage); and numerous obligations relating to reporting and auditing (to add to the already onerous bureaucratic system). Even the representative of an NCA (not engaging in politically-sensitive activities) reported being monitored very closely by the Ministry of Justice in relation to their finances and activity.<sup>182</sup> Organizations can be suspended over minor technicalities.

Different organizations have experienced different outcomes following the adoption of the 'Foreign Agents' Law: some had civil law lawsuits brought against them (eg ADC Memorial), or administrative court cases (e.g. Perm Regional Human Rights Center); others have been suspended (e.g. Golos); others had severe fines imposed on them, which they were unable to pay (e.g. Kostroma Centre for Support for Public Initiative); others have received warnings that if they did not discontinue their 'political activities' they would be in violation of the law (e.g. Citizens Watch). Others have had inspections but (so far) no additional consequences. Overall, hundreds of organizations have been affected.<sup>183</sup>

The 'Foreign Agents' Law has also been applied to minority organizations. In June 2013 the Association of Murmansk Sami in Lovozerski district (Murmansk Oblast) were required to register as 'foreign agents' given that they receive funds from Finland and Sweden. Although they only carry out activities linked to the preservation of Sami culture, reportedly objectives listed in its statute could be interpreted as 'political activities' – given the vague nature of the expression.<sup>184</sup>

In the case of ADC Memorial, a ruling that their activity had amounted to 'the activity of an NGO fulfilling the functions of a foreign agent'<sup>185</sup> was motivated through reference to a report which ADC Memorial had submitted to the UN Committee Against Torture.<sup>186</sup> The ruling was issued despite a statement by the UN Committee Against Torture specifically on this case:

*'Russia is a State Party to the Convention against Torture and as such should ensure that no group faces prosecution for communicating with or providing information to the Committee ... [Under the*

*Convention] [s]teps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.'*<sup>187</sup>

ADC Memorial was closed down in Russia in April 2014.<sup>188</sup> Since then, it has continued to operate as an organization officially based outside Russia. The organization has further complained of a letter allegedly submitted by the Roma community of the Leningrad Oblast to the Russian prosecutor, denouncing ADC Memorial's 'intrusion' in their lives. ADC Memorial has stated that 'we are quite sure that this letter was neither written nor even read by the people who signed it ... We are deeply disturbed by this attempt to use poverty, lack of education, and fear of the people we care about against us.'<sup>189</sup>

Even those organizations that have not been directly affected by the 'Foreign Agents' Law are exposed to the threat of possible warnings and closure.<sup>190</sup> The application of the legislation has been unpredictable; the vagueness of the expression 'political activities' provides scope for a very wide interpretation. Some of the NGO workers interviewed believed that they had suffered retaliatory measures for having engaged in activities that are politically sensitive, while they had also noticed other organizations adopting a more cautious approach to avoid similar outcomes.<sup>191</sup> Indeed, some organizations have refrained from criticizing the authorities at international fora, including the Council of Europe and the UN. Different organizations have chosen to position themselves more or less antagonistically to the government, and to be more or less vocal in their criticism of the government.

Legal initiatives such as the 'Foreign Agents' Law further deplete the financial and human resources of civil society. So as to pre-empt accusation of operating as foreign agents, some organizations have simply stopped being recipients of foreign funds – yet this has affected their performance. One NGO worker<sup>192</sup> told MRG that his organization had suspended the implementation of a large, ongoing project. At the same time, restrictions on the receipt of foreign funds are not new: there are financial disincentives, such as high taxes, as well as inspections.<sup>193</sup> Moreover, human resources are employed in litigation, and in dealing with warnings and inspections, detracting from the normal activity of NGOs.

# 5. Conclusion

While Russia continues to be a diverse country – with schools teaching the languages of national minorities and indigenous peoples, and many representatives of minorities fully integrated in Russian society – numerous, severe problems persist. There has been only limited progress in the implementation of international protection standards, such as the FCNM, and a resistance to ratification of the European Charter for Regional or Minority Languages. The government reports to the Council of Europe on FCNM implementation provide information on numerous programmes to protect minorities and indigenous peoples and promote cultural and linguistic diversity, but they do not include a clear analysis of the practical impact of such programmes.

This report highlights the need for urgent measures to promote minority and indigenous rights, and particularly for the protection of vulnerable groups – from hate crime, from discrimination, and from harassment by law-enforcement officials. Such measures ought to prioritise the adoption of unambiguous legal protections combined with their enforcement. Urgent attention is required, in particular, to cater for the specific needs of marginalized groups such as Roma, indigenous people, migrant workers and persons without citizenship. Roma, migrants and stateless people have been subjected to harassment and, at times, degrading treatment; in the case of indigenous peoples, their geographic isolation tends to go hand in hand with their political and social isolation, and is often accompanied by an inability to exercise their rights to access natural resources. Such vulnerable groups often endure sub-standard living conditions, poor education opportunities and impaired access to services. Their specific needs are to be approached not only with cultural sensitivity, but also with gender sensitivity.

Minority and indigenous policies should further introduce a form of participation in decision-making that is *effective*, in the sense that representatives of these groups may have a direct *impact* upon decision-making – particularly in areas that directly affect them. This would imply not leaving the outcomes of decision-making to chance – in the shape of goodwill and personal concerns of public officials.

Given Russia's diversity, social cohesion is an imperative necessity; treating diversity as potentially detrimental to stability, rather than valuing it as a form of societal wealth, can lead to marginalization and, in some cases, radicalization – an acute concern in Russia's North Caucasus. The protection of minorities in Russia necessitates the adoption of robust measures, to raise awareness of problems affecting Russian society that impair the peaceful coexistence of its groups (widespread xenophobia, racial prejudice and discrimination) and the need to eradicate them. A particularly concerning phenomenon is the xenophobic, inflammatory remarks disseminated through the media, in lieu of culturally-sensitive coverage of events. Similarly, positive action is needed to preserve Russia's diversity: Russia's multilingualism can only be protected through language policies that act to contain homogenizing factors – not only stemming from Russian nationalism, but generally from a globalizing world. Thus, an effective system for the protection of minority and indigenous rights implies an environment where equal opportunities are enabled without forcefully implying assimilation, providing options for these groups to be full members of society while preserving their cultural and linguistic distinctiveness (if they so wish). However, Russia seems to be pursuing a policy aimed at ultimately levelling difference as a way to resolve the complexities posited by its diversity.

The fact that prejudice is becoming increasingly normalized, with widespread xenophobic attitudes across various societal sectors, calls for robust measures to promote inter-ethnic understanding. These should involve the dissemination of information on minorities (including migrants) and indigenous people, their concerns and problems, lifestyles, cultures and languages, through the media and the education system. Finally, there is a need to create an environment in which civil society is free to operate without fear of intimidation or repression, and where there can be an open debate on issues relating to minority and indigenous rights.

# 6. Recommendations to the Government of Russia

## International standards

- Devise a comprehensive implementation plan for the Framework Convention on the Protection of National Minorities (FCNM) and ratify the European Charter for Regional or Minority Languages. Coordination between the central authorities and the regional/local authorities in realizing these standards should be intensified.
- Include clear and where possible measurable targets to ensure that programmes that are part of FCNM implementation are evaluated to highlight their practical impact and/or shortcomings. Reports to the Advisory Committee on the FCNM (ACFC) should include data on the impact of programmes that contribute to the FCNM's implementation, and involve persons belonging to minorities in their preparation.
- Adopt a cooperative approach in exchanges with the relevant bodies from the Council of Europe and the UN to incorporate the recommendations arising from international monitoring into minority and indigenous policies.
- Ensure clarity in legal provisions relating to minority and indigenous rights and provide training to judges to effectively deal with cases relating to these groups.

## Integration and protection of vulnerable minorities and indigenous peoples

- Implement programmes for the social and economic integration of particularly disadvantaged and marginalized minorities or indigenous groups, such as Roma and Meskhetian Turks. In particular, the practice of segregating Roma children in schools should be fully eradicated.
- Simplify the procedures for the legalization of migrant workers, ensuring that all those who have entered the country legally to work are able to formalize their status. Procedures for residence registration should be simplified, without unnecessary or arbitrary bureaucratic hurdles, and the quota system for foreign workers abolished or relaxed.
- Introduce a system to urgently provide citizenship to those persons who remain stateless, and ensure that refugees and asylum-seekers are issued legal documentation that allows them to access basic rights and services.
- Ensure that physical attacks against persons belonging to minorities are fully investigated, with a view to bringing the perpetrators to justice.

## Domestic legislation and implementation

- Adopt clearly defined and comprehensive anti-discrimination legislation, with an independent body to monitor and raise awareness of instances where minorities and indigenous peoples have been excluded from accessing services, employment, housing and land rights, with a particular focus on the inter-sectional challenges faced by minority and indigenous women.
- Designate indigenous areas as a 'territory of traditional nature use' at the federal level, as provided by Russian legislation. Regional legislatures could also adopt laws foreseeing the 'ethnological assessment' of planned projects that may affect indigenous people.
- Cease any form of intimidation and harassment of NGOs through legal means, including the 'Foreign Agents' Law, to ensure that civil society can operate in a favourable and free environment.

## Law-enforcement officials

- Provide training to law-enforcement officials, with a view to eradicating the practice of 'ethnic profiling'. In particular, ensure that persons belonging to minorities are not subjected to discriminatory treatment in the form of unjustified fingerprinting, photographing and collection of data. Steps should also be taken to guarantee that persons are arrested and detained only in strict compliance with the law, and that detention conditions are humane.

- Ensure that instances of harassment, mistreatment and arbitrary arrest by law-enforcement officials of representatives of minorities are investigated, with a view to bringing the perpetrators to justice. Authorities should signal that these practices will not be tolerated by instituting severe penalties for corruption and abuse of power by law-enforcement officials, including extortion of bribes and failure to protect persons belonging to minorities and indigenous groups.
- Ensure the full enforcement of the provisions contained in the Law ‘On Police’ prohibiting ill-treatment of ethnic minorities, including unjustified anti-immigrant and anti-Roma ‘pogroms’. Procedures should be in place to ensure that minority and indigenous women in particular are protected from abusive or exploitative treatment.

### **Media, education and inter-cultural understanding**

- Challenge the ‘normalization’ of racial prejudice and facilitate the use of the media as a means towards inter-cultural dialogue and the promotion of awareness about diversity. Among other measures, journalists should receive basic training in the reporting of inter-ethnic relations and the positive activities of the Guild of Inter-ethnic Journalism should be expanded.
- Create the conditions for greater diversity in the media to promote understanding of the cultures and concerns of persons belonging to other groups. In particular, representatives of minorities should have the opportunity to feed into decision-making on broadcasts and print media outputs to contain possible ethnic bias and make coverage more culturally sensitive.
- Prosecute instances of hate speech disseminated through the media and publicly denounce any xenophobic remark made by politicians and other public figures.

### **Promoting diversity**

- Develop a comprehensive language policy, in consultation with persons belonging to minorities and indigenous groups, with sufficient resources allocated to ensure that schools are able to operate in and/or teach non-majority languages.
- Raise the awareness of persons belonging to minorities and indigenous peoples of their rights to request education of their native language for their children. Students who have studied through the medium of a minority language should also be able to take a final examination in the same language.

### **Participation**

- Devise clear and streamlined mechanisms that can effectively incorporate the views of minorities and indigenous peoples into decision-making. Authorities should engage in dialogue in the preparation of policies, especially those that directly affect representatives of minorities.
- Amend legislation so as to permit the formation of political parties on the basis of ethnicity.
- Ensure that the incorporation of the views of minorities and indigenous peoples into policy-making is done systematically. This should include the establishment of mechanisms to guarantee their political representation at the regional and local levels.
- Ensure that decisions on the allocation and use of funds for programmes promoting the rights of minorities and indigenous people are fully transparent, and reached in consultation with said groups.

# Notes

- 1 The author of the report would like to thank the respondents for agreeing to be interviewed and for their time.
- 2 Census results can be found at [http://www.perepis-2010.ru/results\\_of\\_the\\_census/results-inform.php](http://www.perepis-2010.ru/results_of_the_census/results-inform.php). See under Section 4, *Natsional'nyi Sostav Naseleniya Rossiiskoi* [Ethnic Composition of the Population of the Russian Federation] [item 1].
- 3 According to the Pew Forum, Muslims in Russia were projected to increase from approximately 16.4 million (2010) to 18.6 million (2030), and their share of the population from 11.7 per cent (2010) to 14.4 per cent (2030). Pew Forum, 'The future of the global Muslim population: Europe', 27 January 2011, retrieved 2 May 2014.
- 4 Government of Russia, 'Comments of the Government of the Russian Federation on the Third Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities by the Russian Federation', GVT/COM/III (2012)004, 25 July 2012, p. 6. The figure of 277 includes the languages spoken by immigrants, in addition to the languages spoken by peoples with a traditional presence in Russia.
- 5 This changed with the annexation of Crimea, and the adoption of Federal Constitutional Law No.6-FKZ of 21 March 2014 'On the Accession into the Russian Federation of the Republic of Crimea and the Formation of New Subjects of the Russian Federation – the Republic of Crimea and Sevastopol, city of federal significance'. Ethnic Ukrainians and Tatars have voiced concerns about possible discrimination and violence against them. The volatility of the situation led many Tatars and ethnic Ukrainians to leave Crimea – with the displacement of 3,000 Crimean Tatars in April 2014 (data from UN High Commissioner for Human Rights, Report on the Human Rights Situation in Ukraine, 15 April 2014, §89; 92). On the possible consequences of the annexation of Crimea by Russia for Crimean Tatars, see also Osipov, A. 'What do the Crimean Tatars face in Crimea?', ECMI Issue Brief No.32, 2014. [http://www.ecmi.de/uploads/tx\\_ifpubdb/Brief\\_32.pdf](http://www.ecmi.de/uploads/tx_ifpubdb/Brief_32.pdf).
- 6 Established in 1920 as the Karelian Autonomous Soviet Socialist Republic, and later incorporated into the Karelo-Finnish Soviet Socialist Republic.
- 7 The main law is the Law No. 104-FZ of 20 July 2000 'On the Basic Principles of Community Organization of Small-number Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation'.
- 8 Retrieved 15 May 2014, <http://www.constitution.ru/en/10003000-03.htm>.
- 9 Foreseeing penalties for 'Violation of the equality of human and civil rights and freedoms, based on sex, race, nationality, language, origin, property or official status, place or residence, attitude to religion, convictions, or affiliation with public associations which has caused harm to the rights and legally-protected interests of individuals'.
- 10 It also states that the Russian people historically represent the 'backbone' of the union of peoples that constitute the present Russian state.
- 11 It has not, however, ratified the 1989 International Labour Organization 'Indigenous and Tribal Peoples Convention' No.169.
- 12 It states: 'The universally-recognized norms of international law and international treaties and agreements of the Russian Federation shall be a component part of its legal system. If an international treaty or agreement of the Russian Federation establishes other rules than those envisaged by law, the *rules of the international agreement shall be applied.*' [italics added]
- 13 Law 'On the Judicial System of the Russian Federation', No. 1-FKZ of 31 December 1996.
- 14 Law 'On the Ratification of the Convention on the Protection of Human Rights and Fundamental Freedoms' No. 54-FZ of 30 March 1998. It is important to note, however, that the Russian Constitutional Court has at times argued that its judgements remained *above* those of the European Court of Human Rights, in those (albeit rare) cases in which the law of the European Court contradicted Russian Law. See for example, Golubkova, M. 'KS postavil svoi resheniya vyshe mezhdunarodnykh' [the Constitutional Court placed its judgements above international ones], *Rossiiskaya Gazeta*, 7 December 2013.
- 15 Resolution of the Plenum of the Supreme Court of the Russian Federation No. 5, 'On the Application by Courts of General Jurisdiction of the Commonly Recognized Principles and Norms of International Law and International Treaties of the Russian Federation', 10 October 2003.
- 16 The European Commission against Racism and Intolerance (ECRI) judged anti-discrimination provisions in the Russian Labour Code as 'detailed and progressive' – although it noted it had received little information on the implementation of the provisions. ECRI, *ECRI Report on the Russian Federation (Fourth Monitoring Cycle)*, ECRI (2013)40, 20 June 2013, §64.
- 17 Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC), *Third Opinion on the Russian Federation*, ACFC/OP/III (2011)010, 24 November 2011, §13, 41-2.
- 18 ACFC, *op. cit.*, §43.
- 19 The interviewee was an internal migrant from the North Caucasus, with a non-Russian-sounding name.
- 20 Interview with representatives of a human rights NGO defending the rights of migrants, Moscow, January 2014.
- 21 ADC Memorial, 'Roma, migrants, activists: Victims of police abuse', 2012.
- 22 Interview with a human rights defender, Moscow, January 2014.
- 23 Interviews with human rights defenders, Moscow, January 2014.
- 24 ADC Memorial, 'Discrimination in the enjoyment of social and economic rights by ethnic minorities and migrants in Russia', 2010.
- 25 ADC Memorial 'Discrimination and violation of Roma children's rights in schools of the Russian Federation', 2011. See also ACFC, *op. cit.*, §59; 176.
- 26 Private communication with a representative of Memorial, February 2014.
- 27 ADC Memorial and SOVA, *Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination by the Russian Federation: Alternative Report*, 2013, p.59.
- 28 Letter of 6 June 2013, No. 1714-06-06, sent by the director of the Department of Science and Education of the Ministry of Culture to Ms M.V. Seslavinskaya.

- 29 Law 'On Freedom of Conscience and on Religious Associations', No 125-FZ, 26 September 1997.
- 30 ECRI, *op. cit.*, §106-7.
- 31 SOVA, 'The ultra-right shrugged: xenophobia and radical nationalism in Russia, and efforts to counteract them in 2013', 31 March 2014.
- 32 *Ibid.*
- 33 It decreased continuously until 2012. In 2013 there was again a slight increase in ethnically-motivated murder. One should further note that the criminal prosecution of ethnically-motivated violence has decreased from 2010 (91 convictions) to 2013 (32 convictions), while the number of conviction for 'propaganda' has increased between 2010 (72) and 2013 (132), according to SOVA data. The fact that criminal prosecution has had a greater focus on hate speech than on ethnically-motivated violence might explain the increase in the latter in 2013. See SOVA, 2014, *op. cit.*
- 34 Moscow Helsinki Group, 'Polozhenie Turok-meskhetintsev (akhyska) na iuge Rossii-2014' [The Situation of Meskhetian Turks in the South of Russia in 2014']. Moscow, 2014.
- 35 Levada Centre, 'Rossiyane o migratsii i mezhnatsional'noi napryazhennosti' [Russians about migrations and inter-ethnic tensions], 5 November 2013.
- 36 Baczynska, G. and Belyatski, I., 'Over 1,600 migrants rounded up after ethnic riots in Moscow', *Reuters*, 14 October 2013.
- 37 Interviews with human rights defenders, Moscow, January 2014.
- 38 SOVA, *op. cit.*, 2014.
- 39 Two of the three main television channels are owned by the state (51 per cent for *Pervyi Kanal*, and 100 per cent of *Russiya*). The third main channel, NTV, is private, but it is owned by Gazprom, the state gas company (over half of Gazprom is, in turn, owned by the Russian state).
- 40 Hutchings, S. and Miazhevich, G., 'Television, Nation Building and the Everyday in Contemporary Russia', *Russian Journal of Communication*, 3(3/4), 2010, 178-9.
- 41 *Ibid.*
- 42 UN Human Rights Council (UNHRC), 'Report by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène', 20 May 2007, UN Doc. A/HRC/4/19/Add.3, §46.
- 43 ACFC, *op. cit.*, §99-102.
- 44 Council of Europe, Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on his visits to the Russian Federation, CommDH (2005)2, 20 April 2005, §446.
- 45 Following the Commissioner's complaints, the television channels rebroadcast the statements, this time in full. *Ibid.*
- 46 See the website of the media project Natsional'nyi Aktsent, <http://nazaccent.ru/about/>. See also ECRI, *op. cit.*, 2013, §99.
- 47 ADC Memorial, 2012, *op. cit.*
- 48 Interview with a human rights defender, St Petersburg, January 2014.
- 49 Open Society Institute, 'Ethnic Profiling in the Moscow Metro', 2006.
- 50 Interview with a human rights defender, St Petersburg, January 2014.
- 51 Some of the Roma in Russia are originally from Central Asia or Ukraine.
- 52 ADC Memorial and SOVA, *op. cit.*, p.19. On police abuse of migrants, see also Human Rights Watch (HRW), "'Are You Happy to Cheat Us?': Exploitation of Migrant Construction Workers in Russia', 2009; and ADC Memorial, 2012, *op. cit.*
- 53 SOVA, *op. cit.*, 2014.
- 54 Police officials are further required to show respect for cultural and religious practices of various ethnic and social groups (Article 7.1-3).
- 55 Interviews with human rights defenders, Moscow and St Petersburg, January 2014.
- 56 UN-DESA, '232 million international migrants living abroad worldwide—new UN global migration statistics reveal', 11 September 2003.
- 57 The Russian population declined from 148.7 million in 1991 to 145.1 million (2002 census), and then to 142.9 million (2010 census).
- 58 Interview with persons defending the rights of migrant workers, Moscow, January 2014.
- 59 Interview with an academic and former public official working in the area of inter-ethnic relations, St Petersburg, January 2014.
- 60 Article 27 of the Constitution.
- 61 ACFC, *op. cit.*, §51.
- 62 Law 'On the Amendment of Various Legislative Acts of the Russian Federation', 376-FZ of 21 December 2013.
- 63 See also *Rossiiskaya Gazeta*, 'Putin podpisal zakon o "resinovykh kvartirax"' [Putin signed the law on "rubber flats"], 23 December 2013.
- 64 Law 'On Amending Article 26 of the Federal Law "On the Procedure for Exiting and Entering the Russian Federation"', No. 321-FZ of 30 December 2012.
- 65 Gannushkina, S., 'Playing with the Law', Rights in Russia, 24 October 2013.
- 66 *Ibid.*
- 67 Interview in Moscow, January 2014.
- 68 ADC Memorial and SOVA, *op. cit.*, p.18.
- 69 *Ibid.* The difficult conditions of Chechens in Russian prisons has also been documented by the 'Migration and Law' Network, in the report 'O polozhenii zHITELEY Chechni v Rossiiskoi Federatsii 2007-2009' [On the situation of the residents of Chechnya in the Russian Federation], Moscow, 2009.
- 70 ADC Memorial and SOVA, *op. cit.*, p.19.
- 71 UNHCR, '2009 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons', June 2010, p.25, <http://www.unhcr.org/4c11f0be9.html>. The same source also cites 79,950 internally displaced persons (primarily resulting from the conflicts in the North Caucasus) and 4,880 refugees.
- 72 See for example Council of Europe, 'The Situation of the Deported Meskhetian Population', PACE Resolution 1428, 2005.
- 73 In 1944, at Stalin's orders, Meskhetian Turks were forcibly displaced from the area they inhabited in Southwest Georgia to Central Asia. In 1989, a series of riots and violence against them in the Ferghana Valley (Central Asia) prompted them to leave. Of the 50-70,000 Meskhetian Turks who moved to Russia, 16-18,000 settled in Krasnodar Krai, whose authorities denied them residence registration on the grounds that their stay was 'temporary'. As a result many Meskhetian Turks in Krasnodar Krai remained stateless.
- 74 Figures cited in ECRI, *op. cit.*, 2013, §134.
- 75 Moscow Helsinki Group, *op. cit.*
- 76 ACFC, *op. cit.*, §54.
- 77 Moscow Helsinki Group, *op. cit.*
- 78 Interview in Moscow, January 2014. See also Ria Novosti, 'Citing Mistreatment, Turkic Group in Russia Seeks US Help – Activists', 13 September 2013, <http://en.ria.ru/world/20130914/183425523.html>.
- 79 Data of the Federal Migration Service, cited in ECRI, *op. cit.*, §171.
- 80 ECRI, *op. cit.*, §170-72.
- 81 Government of Russia, *Third Report submitted by the Russian Federation Pursuant to Article 25, Paragraph 2 of the Framework Convention for the Protection of Minorities*, ACFC/SR/III(2010)005, Appendix 6, Table No.1, 9 April 2010.
- 82 *Ibid.*, 2010, Appendix 6, Table No. 1.
- 83 *Ibid.*, p.101.
- 84 ACFC *op. cit.*, §192 (fn. 50).
- 85 *Ibid.*; Zamyatin, K., 'From Language revival to language removal? The teaching of titular languages in the national

- republics of Post-Soviet Russia', *Journal on Ethnopolitics and Minority Issues in Europe*, Vol. 11, No. 2, 2012, pp. 75-102. <http://www.ecmi.de/publications/detail/issue-22012-vol-11-254/>.
- 86 Council of Europe, 2010, *op. cit.*, Appendix 6, Table No.1.
- 87 With regard to Tatarstan and Tatar schools, see Simonova, I. 3-2-2007. 'Kuda Ildi Sel'skoy Shkole' [What to do with the village school], *Respublika Tatarstan*, 2 February 2007.
- 88 Sokolova, V. 'Serye Kardinaly Obrazovaniya' [The Eminences Grises of Education], *Sovershenno Sekretno*, 1 April 2011. See also Musina, R *lazyki v sisteme obrazovaniia Respubliki Tatarstan: po materialam etnosotsiologicheskogo issledovaniia* [Languages in the System of Education of the Republic of Tatarstan: Following the Data of an Ethno-sociological Research], Kazan, Tatar Book Publishing House, 2011.
- 89 See also ACFC, *op. cit.*, §192.
- 90 In some cases, students can be bussed to other schools. Even in the presence of such alternative solutions, the closure of minority-language schools is likely to have an adverse impact on the use of minority languages generally. *Ibid.*, §192.
- 91 *Ibid.*
- 92 Law 'On the Amendment of Legal Acts of the Russian Federation Modifying the Concept and Structure of State Educational Standards', No. 309-FZ of 1 December 2007. The law should have entered into force on 5 December 2007, but the date was postponed to 1 September 2009, and then for a further year.
- 93 *Ibid.*, Article 7(3)(1).
- 94 Before the amendments introduced by Law 309, the Law 'On Education' included three 'components': the federal level, the regional level and the individual school - each contributing to the curriculum. In addition to the federal and regional components, the school component (approximately 10 per cent) could be used at the school's discretion (including to further develop the teaching of minority languages and cultures). The amended Law 'On Education' makes no reference to such components.
- 95 The other 70 per cent is the federal programme, common for all regions and established at the federal level.
- 96 Government of Russia, 2010, *op. cit.*, p. 45. More details are in the Federal State Educational Standards, adopted through the Decree of the Ministry of Education and Science of the Russian Federation, 17 December 2010, §25-27.
- 97 Interview with an education specialist from Tatarstan, Moscow, January 2014.
- 98 Interview with an education specialist from Tatarstan, Moscow, January 2014; ACFC, *op. cit.*, §196. Reportedly, even parents who wished to enrol their children in schools providing minority-language education in some instances have not been accommodated. ACFC, *op. cit.*, §197.
- 99 ACFC, *op. cit.*, §196.
- 100 Interview with a Roma rights activist, St. Petersburg, January 2014.
- 101 When Russia joined the Council of Europe in 1996, it made a commitment to ratify the Charter by 28 February 1998. Russia only signed the document in May 2001, without ratifying. See ACFC, *op. cit.*, §28.
- 102 Government of Russia, 'Comments of the Government of the Russian Federation on the Second Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities by the Russian Federation', 11 October 2006, p.12.
- 103 Article 9(3) of Law 'On Political Parties', No. 95-FZ of 11 July 2001.
- 104 Law 'On National Cultural Autonomy', No. 74-FZ of 17 June 1996 .
- 105 The full definition is: '[A] form of national and cultural self-determination constituting a public association of citizens of the Russian Federation, identifying with a particular ethnic community, finding themselves in a situation of national minority in a particular territory, based on their voluntary chosen identity for the purpose of independently regulating the issues of their identity preservation and their linguistic, educational and national cultural development' (Article 1, NCA Law).
- 106 Osipov, A., *Natsionalno-Kulturnaya Avtonomiya. Idei, Resheniya, Instituty* [National Cultural Autonomy. Ideas, Decisions, Institutions], St. Petersburg: Centre for Independent Sociological Research, 2004.
- 107 Only a few minority groups have managed to register a federal NCA, given that the process is complex and labour-intensive.
- 108 The federal Public Chamber was established by Law No. 32-FZ of 4 April 2005 'On the Public Chamber of the Russian Federation', to facilitate state consultation with civil society. Public Chambers, with similar responsibilities and procedures, were also established at the regional level, including in the republics.
- 109 Institutions affiliated to regional or local government. Their role is the coordination of local activities and events, providing fora for discussions, as well as venues for events and activities organized by minority organizations.
- 110 Interviews with human rights defenders, Moscow and St Petersburg.
- 111 Interview with a public official working in the area of inter-ethnic relations, Moscow, January 2014. The Concept is available at <http://eng.kremlin.ru/news/4011>.
- 112 Interview with an education specialist from Tatarstan, Moscow, January 2014
- 113 ACFC, *op. cit.*, §25; 211-3.
- 114 *Ibid.*, §7.
- 115 International Helsinki Federation for Human Rights and Moscow Helsinki Group, 'Russian Federation: The Human Rights Situation of the Mari Minority of the Republic of Mari El', 2006, p. 49.
- 116 It led to PACE, 'Recommendation 1775 (2006). Situation of Finno-Ugric and Samoyed Peoples', 17 November 2006. PACE acknowledged 'anti-minority sentiment and actions' in Mari El under the Markelov presidency.
- 117 Private communication with a human rights activist from Voronezh, January 2014.
- 118 Interviews with two human rights defenders, Moscow, January 2014.
- 119 Interviews with persons working on minority rights and the promotion of minority cultures, Moscow and St Petersburg, January 2014. On this, see also ACFC, *op. cit.*, §20; 67-70. The ACFC called for minority representatives' greater involvement in decision-making on funding, greater transparency of criteria of financing, and for more opportunities for minority representatives to directly manage the earmarked funds.
- 120 This was noted by nearly all respondents working in NGOs.
- 121 PACE, 'Situation of Finno-Ugric and Samoyed Peoples. Report', 26 October 2006.
- 122 Interview in St Petersburg, January 2014.
- 123 Interviews with NGO workers and a public official, Moscow, January 2014.
- 124 List of Numerically Small Indigenous Peoples of Russia, No. 255 of 2000, and No. 760 of 2008.
- 125 Such as Aleuty (482 people recorded in the 2010 census), Izhortsy (266), Vod' (64) and Kereki (with only 4 persons identifying themselves as Kereki in the 2010 census – 3 men and 1 woman).
- 126 Article 69 states: 'The Russian Federation shall guarantee the rights of the indigenous numerically small peoples according to the universally recognized principles and norms of international law and international treaties and agreements of the Russian Federation.' On legislation on indigenous peoples see also Kryazhkov, V.A., *Korennye Malochislennye*

- Narody v Rossiiskom Prave*, Norma Publishing, Moscow, 2010.
- 127 Law No. 82-FZ of 30 April 1999.
- 128 Law No. 49-FZ of 7 May 2001.
- 129 Law No. 104-FZ of 20 July 2000.
- 130 Other provisions are included in other laws, such as the Land Code (2001) and the Forestry Code (1997).
- 131 By Ordinance of the Government of the Russian Federation No. 132-r of 4 February 2009. October 2012 saw the adoption of another Ordinance (No. 1906-r) on activities for the implementation of the Concept during the period 2012-2015.
- 132 UNHRC, 'Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people', James Anaya. Situation of indigenous peoples in the Russian Federation, 23 June 2010, §21.
- 133 *Ibid.*, §59.
- 134 *Ibid.*, §24.
- 135 ACFC, *op. cit.*, §78.
- 136 UNHRC, 2010, *op. cit.*, §66.
- 137 Interview with an expert on indigenous peoples from a Russian research institute, Moscow, January 2014.
- 138 UNHRC, 2010, *op. cit.*, §68.
- 139 See the UNESCO Atlas of the World's Language in Danger, retrieved 15 May 2014, <http://www.unesco.org/culture/languages-atlas>.
- 140 Interview with the representative of an organization defending the rights of indigenous peoples, Moscow, January 2014. There have been some initiatives with 'nomadic schools'. See Government of Russia, 2010, *op. cit.*, p.50.
- 141 UNHRC, 2010, *op. cit.*, §53.
- 142 *Ibid.*, §54.
- 143 ACFC, *op. cit.*, §207. Despite this, there are some concerns in the region of Khanti Mansi – such as a conflict between the company 'Lukoil – Western Siberia' and the Khanty community, about oil exploration in regions traditionally used for reindeer herding. ADC, 'ADC Memorial takes part in UN Forum on "Business and Human Rights"', 6 December 2013.
- 144 For some such assessments, see <http://www.ethnoconsulting.ru/>.
- 145 Persons interviewed who work towards the promotion of indigenous peoples' rights argued that similar legislation ought to be adopted in all regions where indigenous peoples reside. Interviews in Moscow, January 2014.
- 146 Interview with the representative of an organization defending the rights of indigenous peoples, and with an expert on indigenous peoples from a Russian research institute, Moscow, January 2014.
- 147 RCC, Judgement of 16 November 2004, No. 16-P "On the Constitutionality of Article 10(2) of the Law of the Republic of Tatarstan 'On the Languages of the Peoples of the Republic of Tatarstan' [...] in Connection with the Complaint by S.I. Khapugin and of the State Council of the Republic of Tatarstan and Supreme Court of the Republic of Tatarstan". RSC, Appeals Chamber, Judgement of 2 July 2009 No. KAS09-295 'On the Claim by A.A. Kamalova [and Others] on the Forms and Order of the Undertaking of the State Examination [...], per Decree of the Ministry of Education and Science of the Russian Federation of 28 November 2008 No. 362 [...]'. See also the similar judgements of the Russian Supreme Court on cases on the teaching of state languages of the republics in Karachay Cherkessia (RSC, Judgement of 15 April 2009, No. 30-G 9-3) and Dagestan (RSC, Judgement of 29 April 2009, No. 20-GO9-6).
- 148 Government of Russia, 2010, *op. cit.*, pp. 103-4. It is particularly surprising that the Russian authorities presented their refusal to allow this form of pre-school education in minority languages as an example of an effort towards equality in education and employment. Despite this position, some cases in which minorities do need assistance to improve their knowledge of Russian in school and pre-school education are neglected. An example is that of Roma living in settlements in rural areas, who do not tend to start school with the same knowledge of Russian as children of other ethnic backgrounds.
- 149 Council of Europe, *FCNM*, 1995, Article 5.
- 150 *Ibid.*, Article 4(2) and Council of Europe, European Charter for Regional or Minority Languages, 1992, Article 7(2).
- 151 ACFC, *op. cit.*, §9. The Russian government has expressed a different opinion, stating that 'the Russian Federation consistently and systematically takes into account in its legal practices both the accepted obligations and the recommendations received upon completion of the previous Convention monitoring cycles', Government of Russia, 2010, *op. cit.*, p.5.
- 152 In addition to the various resolutions issued by the Committee of Ministers of the Council of Europe on the basis of the Opinions of the ACFC, there have been several recommendations by Parliamentary Assembly of the Council of Europe, such as 'Recommendation 1775 (2006). Situation of Finno-Ugric and Samoyed Peoples', 26 October 2006, Doc. 11087.
- 153 Government of Russia, 2006, *op. cit.*
- 154 UNHRC, 2007, *op. cit.*
- 155 Referring to the report, the Permanent Representative of the Russian Federation at the UN, Valerii Loshchinin, complained that 'a range of problems [...] was extrapolated which for our country either don't exist or aren't really that serious or systematic [...] the report is inappropriate [...] unfortunately, there have been incidents of racist and ethnic intolerance. However, to make far-reaching conclusions [...] based on unproven data and falsifications [...] is absurd.' Statement by Ambassador Valerii Loshchinin, reported in SOVA, 'Open Letter to the UN High Commissioner for Human Rights Louise Arbour', 10 September 2007. The letter was signed by several Russian NGOs and argued against the interpretation of the report given by Ambassador Loshchinin.
- 156 See section 4.5 below, 'Obstacles to civil society participation in FCNM implementation'.
- 157 Law 'On Languages of the Peoples of the Russian Federation', No 1807-1 of 25 October 1991, as amended by Federal Law 126-3 of July 24 1998.
- 158 Law 'On Introducing Changes to Article 16 of the Federal Law "On National Cultural Autonomy"', No. 11-FZ of 9 February 2009.
- 159 Such as the 2009 Concept Paper On the Sustainable Development of Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation', discussed above in '2.1 Domestic legislation' and '3.9 Indigenous peoples of the North, Siberia and the Far East'.
- 160 See section 3.3 above, 'Abuse of power by law-enforcement officials'.
- 161 ADC Memorial and SOVA, *op. cit.*, p.19.
- 162 UNHRC, 'Preliminary observations on the official visit to the Russian Federation by the Special Rapporteur on the independence of judges and lawyers', 25 April 2013. See also UNHRC, 'The Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy. Mission to the Russian Federation', A/HRC/11/41/Add.2, §94, 23 March 2009.
- 163 *Ibid.*, §94.
- 164 Interviews with two former public officials, Moscow and St. Petersburg, January 2014.
- 165 ACFC, *op. cit.*, §9.
- 166 See 'Indigenous Peoples' above.
- 167 Private communication with a Roma rights activist from St Petersburg, May 2014.
- 168 See section 3.7 above, 'Linguistic and cultural rights in the Russian education system'.
- 169 Interview with an academic and former public official working in the area of inter-ethnic relations, St Petersburg, January 2014.

- 170 Interviews with persons working on the promotion of minority rights and minority cultures, Moscow and St Petersburg. January 2014.
- 171 Interview in Moscow, January 2014.
- 172 OSCE Lund Recommendations on the Effective Participation of National Minorities in Public Life, 1999.
- 173 ACFC, *op. cit.*, §7.
- 174 See above, '3.2 Xenophobia: Societal attitudes, public discourse and the media'.
- 175 In its Third Report to the ACFC, the Russian government stated that 'ethnic extremism and hate crimes [...] will be considered top priority in the work of governmental bodies of the Russian Federation.' Government of Russia, 2010, *op. cit.*, p.4.
- 176 ECRI, §42.
- 177 ACFC, *op. cit.*, §42.
- 178 It has a special consultative status in the UN Economic and Social Council and it is an observer in UNEP Governing Council/Global Ministerial Environment Forum. It is a member of the UN Permanent Forum on Indigenous Issues, the UN Expert Mechanism on indigenous rights, and the UN Working Group on the issue of human rights and transnational corporations and other business enterprises.
- 179 Interview with human rights defenders, Moscow and St Petersburg, January 2014.
- 180 Interviews with human rights defenders, Moscow and St Petersburg. January 2014.
- 181 The full name is Federal Law 'On Introducing Amendments to Certain Legislative Acts of the Russian Federation in the Regulation of Activities of Non-commercial Organizations Fulfilling the Functions of Foreign Agents' No. 121-FZ, 2012 of 20 June 2012.
- 182 Interview with the head of an NCA, Moscow, January 2014.
- 183 Human Rights Watch. Russia: 'Updated List of Nongovernmental Organizations Targeted under the "Foreign Agents" Law', 15 May 2014. See also Human Rights Watch, 'Laws of Attrition: Crackdown on Russia's Civil Society after Putin's Return to the Presidency', 2013; and Amnesty International, 'Russia: A year on, Putin's 'foreign agents law' choking freedom', 20 November 2013.
- 184 'Saamy – Inostrannye Agenty' [Sami – Foreign Agents], *Radio Svaboda*, 10 June 2013.
- 185 Ruling of the Leninsky District Court, 23 December 2013.
- 186 The report was entitled 'Roma, Migrants, Activists: Victims of Police Abuse'. The report was submitted to the UN before the 'Foreign Agents' Law came into force in November 2012. See 'The Court Recognised "Expression of Opinion" by Human Rights Defenders as Political Activity despite the Protests of the UN', 24 December 2013.
- 187 Statement by George Tugushi, the Committee against Torture's Rapporteur on Reprisals, reported in the UN Press Release 'Russian NGO Memorial: UN rights experts voice concern at court's 'foreign agent' ruling', 23 December 2013.
- 188 ADC, 'ADC "Memorial" received notice of its liquidation', 26 April 2014.
- 189 ADC Memorial, 'Pseudo-Roma denunciation of the "pseudo-scientific organization ADC "Memorial"', 2 May 2014.
- 190 On the repression of organizations and activists protecting Meskhetian Turks in Krasnodar Krai, see Moscow Helsinki Group, *op. cit.*
- 191 Interviews with human rights defenders, Moscow and St Petersburg, January 2014.
- 192 Interview in Moscow, January 2014.
- 193 Amendments to Russian law in 2006 increased the level of state scrutiny in these cases: Law No. 18-FZ of 10 January 2006 'On Introducing Amendments into Certain Legislative Acts of the Russian Federation'. Among others, it amended Law No. 82-FZ of 19 May 1995 'On Public Organizations'. High taxes are imposed for the inflow of foreign funds, unless foreign donors are on a list of accredited institutions.

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## **Protecting the Rights of Minorities and Indigenous Peoples in the Russian Federation: Challenges and Ways Forward**

This report provides an overview of the present situation of minority and indigenous peoples' rights in Russia. It examines the difficulties in the implementation of international mechanisms for minority and indigenous protection, with a focus on the Council of Europe's Framework Convention on the Protection of National Minorities, although other international standards (emanating from the OSCE and United Nations) are also taken into account. In particular, the report considers the complexities in the participation of civil society in

international monitoring mechanisms. Following an introduction and an overview of domestic and international legislation, the report provides: a) an overview of the main problems confronting minorities and indigenous peoples in Russia; and b) an outline of the factors affecting the implementation of international mechanisms on minority and indigenous protection. It ends with a series of recommendations to improve the participation, recognition and treatment of minorities and indigenous peoples in the country.

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