

INTERNATIONAL INSTRUMENTS AND LEGISLATION OF THE RUSSIAN FEDERATION IN THE FIELD OF LANGUAGE POLICY

Elena Evgenyevna Gulyaeva¹

ABSTRACT. This article devoted to the analysis of the legal grounds of language policy in Russia and provisions of international instruments on language protection is presented in the article. The author pays attention that International law has not developed a legally binding definition of national minorities, and the criteria for their identification have not been established. Determining which groups are considered national minorities, whether to recognize their collective rights, and what specific measures to apply to protect the rights of persons constituting minorities are left to the domestic constitutional law of States. Russian historical experience and contemporary practice of preserving national minority languages, as well as the regulatory mechanism for protecting regional or minority languages stipulated by the Constitution of the Russian Federation and norms of international law.

KEYWORDS: Language Policy, Regional Languages, Minority Languages, European Charter For Regional Or Minority Languages Of 1992, The Convention For The Protection Of Human Rights And Fundamental Freedoms Of 1950, Human Rights, Prohibition Of Discrimination.

SUMMARY: 1. INTERNATIONAL INSTRUMENTS AND LEGISLATION OF THE RUSSIAN FEDERATION IN THE FIELD OF LANGUAGE POLICY; REFERENCES

1. INTERNATIONAL INSTRUMENTS AND LEGISLATION OF THE RUSSIAN FEDERATION IN THE FIELD OF LANGUAGE POLICY

In 2022, the President of the Russian Federation signed a Decree «On Approval of the Concept of the Humanitarian Policy of the Russian Federation Abroad». Vladimir Putin approves new foreign policy doctrine based on 'Russian World' as an instrument of public diplomacy. The tasks of the humanitarian policy of the Russian Federation abroad are strengthening the role, importance and competitiveness of the Russian language in the modern world; support and promotion of the Russian language as a language of international communication abroad.

Moreover, it is worthy to say that support and promotion of the Russian language are key elements of the humanitarian policy of Russia abroad and contribute to the formation of a positive attitude towards our country in the world, the acceleration of its scientific, technological and socio-economic development, the attraction of highly qualified specialists, the creation of conditions for ensuring interethnic harmony, and as well as opportunities for self-realization and disclosure of the talent of each person. In art. 106 of the Concept mentioned, «modern Russian

¹ PhD in Law, Associate Professor at the International Law Department, Diplomatic Academy of the Ministry of Foreign Affairs of Russia (119034, Moscow, Ostozhenka street, 53/2, building 1; gulyaeva@yandex.ru).

society is united by a single cultural (civilizational) code, which is based on the preservation and development of Russian culture and language, the historical and cultural heritage of the entire multinational people of the Russian Federation»².

Furthermore, on December 30, 2021, the President of the Russian Federation V.V. Putin signed the Decree establishing, in 2022, the “Year of Cultural Heritage of Peoples of Russia”. This document states that the Year of Cultural Heritage of the Peoples of Russia is being held “to promote folk art, preserve cultural traditions, historical and cultural monuments, ethnocultural diversity, and the cultural identity of all peoples and ethnic communities of the Russian Federation.”³

In 2020, changes and amendments to the 1993 Constitution of Russia⁴ related to history and the political system, concerning the Russian language and culture of the peoples of Russia, are a great achievement. Amendments to the text of the Constitution fix the status of the Russian language as the language of the state-forming people, recognize the culture of the Russian Federation as a unique heritage, and introduce a provision on the identity of the culture of peoples, securing the protection of the rights and support of compatriots abroad. In addition, the concept of a “multinational union of equal peoples of the Russian Federation” is introduced (previously there was only one “multinational people”).

While preparing in 2020 the Parliamentary Assembly of the Council of Europe (PACE) Monitoring Commission's regular report on the fulfillment by the Russian Federation of its obligations assumed upon joining the Council of Europe, the issue of Russia's ratification of the European Charter for Regional or Minority Languages (hereafter, the Charter) was brought back to the fore⁵.

Looking back to the history of the state policy of the Russia in relation to indigenous peoples, three main stages can be distinguished (Imperial, Soviet and

² Decree of the President of the Russian Federation "On Approval of the Concept of the Humanitarian Policy of the Russian Federation Abroad ", No. 745 of September 5, 2022

³ Decree of the President of the Russian Federation "On holding the Year of Cultural Heritage of the Peoples of Russia in the Russian Federation", No. 745 of December 30, 2021.

⁴ <http://www.constitution.ru/en/10003000-01.htm>

⁵ European Charter for Regional or Minority Languages: Adopted November 5, 1992 ETS No. 148 // URL: <http://www.coe.int/ru/web/conventions/full-list/-/conventions/rms/090000168007c098> The European Charter was opened for signature on 5 November 1992 and entered into force on 1 March 1998. To date, the following 25 states have ratified it: Armenia, Austria, Bosnia and Herzegovina, Croatia, Cyprus, Czech Republic, Denmark, Finland, Germany, Hungary, Liechtenstein, Luxembourg, Montenegro, Netherlands, Norway, Poland, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine and the United Kingdom. Eight states have signed the Charter. Six states have committed to ratification upon accession to the Council of Europe, but have not yet done so (Albania, Azerbaijan, Georgia, Republic of Moldova, Russian Federation, and Northern Macedonia (Former Yugoslav Republic of Macedonia)).

Modern). In the wake of international events of Imperial time, Great Russian reformer, Governor-General Count Mikhail Mikhailovich Speransky became the author of a legal act regarding the rights of the indigenous people of Siberia. Since 1822, the Charter on the management of non-residents was issued, developed by him. In accordance with the Charter, for the first time, the principle of non-interference in the internal life of the “natives” communities was enshrined in law⁶.

Russia signed the Charter on May 10, 2001, and has not ratified it to date. The European Charter for Regional or Minority Languages is regarded as the only legally binding international treaty providing protection and promoting traditionally used regional or minority languages.

The position of the Russian Federation on the issue of ratification of the Charter has remained unchanged since 2012, despite PACE Resolution 1896 (2012) "On the Implementation of the Obligations of the Russian Federation" to Ratify the European Charter for Regional or Minority Languages without delay.

At the same time, the Russian Federation is making efforts to improve state language policy and domestic law in this area, which greatly exceeds the Charter's requirements. The European Charter prescribes urgent measures to preserve and develop endangered languages. However, Russia already publishes an encyclopedic dictionary, The Red Book of Languages of the Peoples of Russia, which is an analogue of the UNESCO Red Book of Endangered Languages, in line with the Charter. Without a doubt, it is premature to speak of a periodic system of monitoring and analysis of the ethnic-Russian bilingualism balance in the entities of the Russian Federation; the data bank, however, containing insights into the dynamics of the performance of the Russian language, is also in the process of being formed.

The President of the Russian Federation has established the Foundation for the Preservation and Study of Mother tongues of the Peoples of the Russian Federation, with a view to devising the most optimal and effective model for language policy in the Russian Federation to preserve and develop minority and endangered languages. There are 136 endangered languages in Russia, according to UNESCO

⁶ See, the Charter on the management of non-residents of July 22, 1822 // V.A. Kryazhkov. The status of the small indigenous peoples of Russia. Legal acts (book two). M.: Mr. Tikhomirov M.Yu., 1999. S. 8-26; Shtyrov V.A. State policy in the field of ensuring the sustainable development of the indigenous peoples of the North, Siberia and the Far East of Russia / The current state and ways of development of the indigenous peoples of the North, Siberia and the Far East of the Russian Federation. Federation Council of the Federal Assembly of the Russian Federation. P.10.

data: 22 of them are critically endangered, 29 are seriously endangered, and 49 are threatened with extinction.⁷ Given the current rather complicated situation in Russia concerning the preservation and development of minority and endangered languages, Russia decided to hold the International Year of Indigenous Languages in 2019. These events were based on the decision of the United Nations to declare 2019 the International Year of Indigenous Languages for the support, promotion, and revitalization of indigenous languages.

The Fundamentals of Legislation of the Russian Federation on Culture considers the term "cultural values" to be a combination of a series of components, including: ethical and aesthetic ideals; behavioral norms and patterns; languages, dialects and spoken languages; national traditions and customs; arts and crafts; folklore; art and cultural works; scientific research results of cultural activities; areas, buildings and artifacts of historical and cultural value, and more⁸. Therefore, the state cultural policy's main goals are: building a well-developed personality, fostering civic identity, maintaining the unity of the Russian state and society, and protecting the integrity of the cultural and linguistic environment by prioritizing humanitarian growth.

The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, approved by General Assembly resolution of October 24, 1970, underscores that each state has the prerogative to establish its own national cultural policy independently, free from outside interference, to regulate its own cultural development. The Declaration states that "cultural cooperation is a right and a duty of all peoples and countries, and therefore they must all share the knowledge and experience of each other. States must realize that transnational cultural exchange, whether on a bilateral or a multilateral basis, inevitably promotes peace and the achievement of harmonious and amicable interstate relations.

To understand correctly the content of the articles of the UN Charter, it is essential to keep in mind that "friendly relations between nations" means "friendly relations between states. This is due to the fact that the polysemous word "nation" in the English version of the term "principle of equal rights and self-determination of

⁷ The number of Russian languages threatened with extinction has been named. URL: https://www.moya-planeta.ru/news/view/nazvano_chislo_yazykov_narodov_rossii_kotorym_grozit_ischeznovenie_34097/.

⁸ Osnovy zakonodatel'stva Rossiiskoi Federatsii o kul'ture // Rastopchin V.G. Kul'turnye tsennosti: spravochnoe posobie / V.G.Rastopchin, L.E.Ivanova. - M., 2013. Pp. 3- 17.

peoples" (para. 2 of Article 1 of the UN Charter was translated into Russian as "nation," while it would be more appropriate to say "state," since the UN is an international organization, whose members are states. Similarly, the literal translation of "United Nations" is "Organization of United States" or "United States".

This Charter was further elaborated in the 1960 "Declaration on the Granting of Independence to Colonial Countries and Peoples," which stated, "all peoples have the right of self-determination; by virtue of that right they freely determine their political status and pursue their economic, social and cultural development"⁹.

Under the basic documents of the UN ("to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples"), the subject of the right to self-determination is the people. The International Court of Justice points out the same in its Advisory Opinion on Western Sahara¹⁰. This statutory provision of Art. 1(2) (due to the mistranslation of the English word "nation" although in this case it is rather used in the sense of "State") should be understood as follows: one of the purposes of the UN is to develop friendly relations between states and peoples that have no independent statehood. The UN Charter and other documents, however, do not explain what is to be understood by the term "peoples"¹¹.

Turning back to nations, the rights of persons belonging to a particular nation are guaranteed by national minority protection norms, particularly Article 27 of the 1966 International Covenant on Civil and Political Rights: "In those countries inhabited by ethnic, religious, or linguistic minorities, persons belonging to such minorities shall not be denied the right to share their culture, to profess and practice their own religion, or to use their own language with the other members of their group"¹².

A national minority is defined as a distinct group of persons existing in a given state's population and sharing strong ethnic, religious, or linguistic characteristics that differ significantly from the rest of the population. Only citizens of a given state may be recognized as a national minority, and the subjective criterion of the group's desire to maintain its characteristics must be taken into account.

⁹ The International Law in Documents: Textbook / Compiled by N.T. Blatova, G.M. Melkov: N.T. Blatova, G.M. Melkov. M.: 2003. P. 17.

¹⁰ See: International Court of Justice. Reports, 1975. P. 31.

¹¹ Zhurek O.N. The right to self-determination of peoples in international law // Soviet State and Law. - 1990. - №10.

¹² International Law in Documents: Textbook / Comp: N.T. Blatova, G.M. Melkov. M.: 2003. P. 126.

The Chair of the Committee of Experts of the European Charter for Regional or Minority Languages of the Council of Europe, Vesna Crnjč-Gročić, said, "...the Charter is the only such instrument in the world that aims to protect and promote traditional regional languages and minority languages. In the Charter's text, the authors believed that the best way to support a regional or national minority language as a living language is to promote its everyday use in private and public life. The Charter goes further than the European Convention for the Protection of Human Rights and Fundamental Freedoms, whose Article 14 prohibits discrimination based on language or association with a national minority: the Charter creates an explicit obligation for states to promote the use of these languages in public life, especially in education, the media, culture and administration¹³.

International cooperation should discourage hostile attitudes and expressions, promote the presentation and dissemination of reliable information", "peace must be founded upon the intellectual and moral solidarity of mankind", that "in their rich variety, diversity and mutual influence, all cultures form part of the common heritage of mankind"¹⁴ should be noted.

Article 14 of the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms, which prohibits discrimination on the basis of, inter alia, race, color, language, religion, national origin, or membership in a national minority, provides the legal status of persons belonging to minorities. The general prohibition on discrimination is also contained in Protocol No. 12 to the Convention (not ratified by Russia).

The concept of minorities was developed with the adoption on October 1, 1990 of PACE Recommendation No. 1134 (1990) "Minority Rights", which states that minorities contribute significantly to the cultural diversity of the Council of Europe member-states¹⁵. The document enshrined "minimum principles of minority rights," including the right of minority representatives to access to court and to counsel, including the European Court of Human Rights (ECtHR), the prohibition of discrimination, and the right of minority representatives to freely associate with citizens of other states who have a common origin with them. It also established the

¹³ URL: <https://www.idelreal.org/a/30447128.html>

¹⁴ Declaration of Principles of International Cultural Cooperation. URL: https://www.un.org/ru/documents/decl_conv/declarations/culture.shtml

¹⁵ Rights of Minorities: Recommendation of the Parliamentary Assembly of Council of Europe № 1134 (1990) // URL: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=15168&lang=en>.

principle of "special procedures," consisting in the following: the unique situation of a minority justifies the application of so-called "positive discriminatory measures" aimed at supporting that minority (para. 10.3).

National minorities (p. 11) and linguistic minorities (p. 12) are subject to additional legal provisions. In particular, national minorities have the right to be acknowledged as such by the states where they live; they have the right to preserve and foster their culture, to maintain their educational, religious, and cultural institutions; and they shall have the right to participate effectively in decision-making and implementation on issues relevant to the survival and development of their identities.

Under Council of Europe law, the notion of "national and linguistic minorities" is interpreted. As defined in paragraph 11 of the Recommendation, national minorities are distinct or separate groups of people, well identifiable and constituted in the territory of a state, whose members are citizens of that state and who have certain religious, linguistic, cultural or other characteristics that distinguish them from the majority population of the country.

PACE Recommendation No. 1201 (1993)¹⁶ containing a draft Additional Protocol on Minority Rights to the European Convention on Human Rights (1950) clarified the definition of national minorities. Under this definition, a national minority is a group of people who:

- reside within the territory of a given state and are its citizens;
- maintain long-term, stable and continuing relations with the said State;
- exhibit distinctive ethnic, religious or linguistic characteristics;
- enough in number, albeit smaller than the rest of the population of the State or any region thereof;
- have a shared interest in preserving their unity with one another, which forms their common identity, including their culture, traditions, religion or language.

The Venice Commission noted that it is now generally accepted that the criteria listed encompass both objective (e.g., commonality of language, traditions,

¹⁶ Additional protocol on the rights of minorities to the European Convention on Human Rights: Recommendation of the Parliamentary Assembly of Council of Europe N 1201 (1993) // URL: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=15235&lang=en>.

cultural heritage, religion) and subjective (the desire to preserve the features of one's own identity)¹⁷.

The notion of "national minority" in the documents of the Council of Europe, as follows from the definition, embraces ethnic, linguistic and religious minorities (in PACE Recommendation No. 1177 (1992) we can also find a reference to "ethnic and cultural" minorities¹⁸) largely repeating the attributes of minorities suggested already in 1979 by F. Capotorti, the Italian professor, special rapporteur of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities¹⁹.

The term "national minority" in the documents of the Council of Europe is thus not identical in content to the similar term used in UN documents²⁰. Disparities also exist in the approaches to establishing the criteria for belonging to minorities. The PACE definition lacks such an attribute as a non-dominant position, thus the scope of the European instruments on minority autonomy is wider than that of the UN instruments. The Council of Europe, on the other hand, recognizes as legally significant the criterion of the duration of minority ties with the state (migrant communities are thus excluded from the concept of national minorities).

A significant contribution to the formation of European standards for national minorities was made by two international treaties: the European Charter for Regional or Minority Languages (1992)²¹ and the Framework Convention for the Protection of National Minorities (1995)²².

The Charter defines a "regional or minority language" as a language traditionally used within a state by residents of that state (but not by migrants) who constitute a group numerically smaller than the rest of the state's population. Charter Article 1 recognizes that a regional language may be associated with a geographical

¹⁷Report of the Venice Commission on Non-Citizens and Minority Rights. Adopted 15 - 16 December 2006. CDL-AD (2007) 001 // URL: [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-MIN\(2006\)002-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-MIN(2006)002-e).

¹⁸ Rights of Minorities: PACE Recommendation N 1177 (1992) // URL: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=15211&lang=en>.

¹⁹ See: STUDY ON THE RIGHTS OF PERSONS BELONGING TO ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES / by Francesco Capotorti. Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Geneva, 1979

²⁰ Sokolovsky S.V. National minorities in post-Soviet Russia: international legal aspects. P. 184

²¹ European Charter for Regional or Minority Languages: Adopted November 5, 1992 ETS No. 148 // URL: <http://www.coe.int/ru/web/conventions/full-list/-/conventions/rms/090000168007c098>

²² Framework Convention for the Protection of National Minorities: adopted February 1, 1995 ETS No. 157 // URL: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800cl316>

area where it is used as a means of communication by a certain percentage of the population, and this fact serves as “grounds for various measures of protection and development. Among other things, such measures are regulated by Articles 8-13 of the Charter. Pursuant to Article 10, if the number of inhabitants in a certain territory or administrative district with regional or minority languages merits special measures, States Parties must ensure that regional or local authorities use such languages, allow oral or written statements to be made and answered in such languages, and that official documents are published in the relevant languages; encourage the use of such languages in the deliberations of representative bodies of power; as well as the use of such languages in the debates of public bodies. Furthermore, the Charter's obligations include ensuring the availability of education in regional or minority languages “within the territory where such languages are used” “without prejudice to the teaching of the State language(s)” (Art. 8), ensuring the administration of justice in regional or minority languages in jurisdictions with significant numbers of residents who use such languages (Art. 9) and a number of others.

Article 1 of the Charter defines:

- “(a) “Regional or minority languages' means any languages which:
 - (i) are traditionally used in a given territory of a State by the inhabitants of that State, who constitute a group numerically smaller than the rest of the population of the State; and
 - (ii) Differ from the official language(s) of that State;
They include neither dialects of the official language(s) of that State nor the languages of migrants;
- (b) “Territory in a regional or minority language” means the geographical area in which the language in question is spoken by a part of the population, giving rise to the various protection and development measures provided for in this Charter;
- (c) “non-territorial languages” means languages used by the inhabitants of a State that are distinct from the language or languages of the rest of the population of the State, yet which, while traditionally used within a State, cannot be associated with any particular area thereof.”

The Charter provisions (as it follows from Article 2) do not apply to dialects, as the experts believe there is a very convincing rationale for this. While dialects are widespread both in the Russian Federation and in other states, there is still no sufficient definition of their relationship to languages among scholars of linguistics, which prevents us from talking about the consolidation of their legal status.

The Framework Convention's Article 3 proclaims that the status of a national minority is the result of the free will of a person, who “has the right to freely choose

whether or not to be regarded as such, and this choice or the exercise of the rights associated with this choice must not in any way infringe on this person. The Framework Convention requires ratifying States to take “appropriate measures to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and persons belonging to a majority population. Parties must therefore “take into account the special situation of persons belonging to national minorities” (Art. 4 para. 2); “encourage the creation of favorable conditions to enable persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, such as religion, language, traditions and cultural heritage” (Art. 5 para. 1).

PACE Resolution No. 1866 (2012)²³ articulated five principles – “minimum standards for national minorities and their members”:

- The right of everyone to freely express his or her membership in a national minority;
- Political rights (in particular freedom of association, the right to form political parties, to participate in elections, and to be represented in government at the national and regional levels)
- cultural rights, including the right to cultural autonomy and to preserve national identity
- the right to decision-making on various forms of autonomy in accordance with European practices and national or regional traditions;
- the right to freely use minority languages in private and public life, particularly in relations with administrative authorities and in the administration of justice in territories traditionally inhabited by national minorities, or where such minorities constitute a significant part of the regional or local population.

Importantly, the terms “indigenous peoples” (indigenous peoples, indigenous and tribal peoples, marginalized populations, *Spanish* - pueblos indígenas, pueblos originarios, pueblos tribales) and “local communities/populations” (indigenous, local communities, pueblos tribales, comunidades campesinas) require more elaboration by international law experts, since in the legal literature there are also the terms “ethnic minorities” (ethnic minorities; minority ethnic group, indigenous and other

²³ An additional protocol to the European Convention on Human Rights on national minorities: PACE Resolution 1866 (2012) // URL: <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=18074>.

marginalized populations, *Spanish* - minorías) and “first nations”, which adds to the confusion of the legal understanding²⁴.

Meanwhile, the line between “minorities” and “peoples” is very arbitrary and fluid, and those groups that yesterday were considered to be ethnic, linguistic or religious minorities, today may easily assert claims for the right of self-determination.

International law has not developed a legally binding definition of national minorities, and the criteria for their identification have not been established. Determining which groups are considered national minorities, whether to recognize their collective rights, and what specific measures to apply to protect the rights of persons constituting minorities are left to the domestic constitutional law of States.

The European Charter for Regional or Minority Languages is the only legally binding international treaty that guarantees protection and promotes regional and minority languages that are traditionally used. The maintenance of regional and minority languages requires that they be used in all spheres of private and public life. Based on the principle of “promotion through use”, the Charter legally obliges signatory states to guarantee and promote the effective use of regional and minority languages in education, justice, administrative and public services, as well as in the media, in cultural events and institutions, in business and public life and in cross-border cooperation. An independent Committee of experts monitored the implementation of the Charter.

The legal basis for state language policy in the Russian Federation consists of the Constitution of Russia, universally recognized principles and norms of international law, federal laws and the laws of the constituent entities of the Russian Federation.

Implementation of language rights is a topical issue for the vast majority of the world's countries. As a member of the UN and a number of regional international organizations and having ratified a package of international documents, the Russian Federation has international obligations in the sphere of human rights and protection

²⁴ Ben Saul, INDIGENOUS PEOPLES, LAWS AND CUSTOMS IN THE TEACHING OF PUBLIC AND PRIVATE INTERNATIONAL LAW. *Ngija: Talk the Law - Volume 4*. URL: <http://classic.austlii.edu.au/au/journals/NgijaTLaw/2002/13.pdf> ; DERECHOS DE LOS PUEBLOS INDÍGENAS Y TRIBALES SOBRE SUS TIERRAS ANCESTRALES Y RECURSOS NATURALES. Normas y jurisprudencia del Sistema Interamericano de Derechos Humanos. URL: <http://cidh.org/countryrep/tierrasindigenas2009/cap.iii-iv.htm> Abashidze A.Kh., Sheremet N.A. Special relationship of indigenous peoples with traditional lands (case of the Awá Guarani people against the Republic of Paraguay) // *International Legal Courier*. 2021. URL: <http://inter-legal.ru/osobaya-svyaz-korenyih-narodov-s-traditsionnymi-zemlyami-delo-naroda-ava-guarani-protiv-respubliki-paragvaj>.

of minority rights, including provision of language rights and observance of non-discrimination principles, also on language criterion.

The Russian Federation has ratified the following international treaties:

1. UN Charter (1945);
2. Universal Declaration of Human Rights (1948);
3. Convention for the Protection of Human Rights and Fundamental Freedoms (1950) (including its Protocols 1, 4 and 7);
4. UNESCO Convention against Discrimination in Education (1960);
5. International Covenant on Civil and Political Rights (1966);
6. International Covenant on Economic, Social and Cultural Rights (1966);
7. International Convention on the Elimination of All Forms of Racial Discrimination (1966);
8. Convention on the Rights of the Child (1989);
9. UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992);
10. Council of Europe Framework Convention for the Protection of National Minorities (1995);

European Social Charter (revised) (1996).

The following international treaties remain unratified by the Russian Federation:

1. The European Charter for Regional or Minority Languages (1992);
2. Convention on Ensuring the Rights of Persons Belonging to National Minorities (1994);
3. UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (2003);
4. UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005);
5. United Nations Declaration on the Rights of Indigenous Peoples (2007);

Regional international treaties (not all ratified by Russia) include:

1. The Hague Recommendations on the Education Rights of National Minorities (1996);
2. Oslo Recommendations on Linguistic Rights of National Minorities (1998);
3. Lund Recommendations on the Effective Participation of National Minorities in Public and Political Life (1999);
4. Recommendation of the Committee of Ministers of the Council of Europe “On teaching of neighboring state languages in border regions” (2005);
5. Model CIS Language Law (2004);

6. CIS Convention on Human Rights and Fundamental Freedoms (1995);
7. Policy Recommendations of the European Commission of the Council of Europe against Racism and Intolerance (2015).

In one way or another all of these documents regulate issues of language and language policy of the states. Even though there is an abundance of international legal treaties, including ratified ones, the primacy of law belongs to the national legislation of each member state. Declarative, recommendatory character of these documents, but failure to comply with their norms and requirements is directly connected with the Member state's reputation risks on the global arena.

The Russian Federation has not ratified the European Charter for Regional or Minority Languages. The Charter puts an emphasis not only on preserving and maintaining regional and minority languages, but also on their development, a particularly valuable feature in preserving linguistic and cultural diversity. The Charter regulates the use of regional or minority languages in such spheres as: administration, economy, culture, education, mass media and interstate cooperation.

Legal regulation of linguistic rights in the Russian Federation is based on a set of constitutional norms, as well as laws of the federal and regional levels, in particular:

1. Federal Law No. 1807-1 "On the Languages of the Peoples of the Russian Federation" dated October 25, 1991;
2. Federal Law No. 53-FZ of June 1, 2005 "On the State Language of the Russian Federation";
3. Federal Law No. 273-FZ of December 29, 2012 "On Education in the Russian Federation";
4. Fundamentals of Legislation of the Russian Federation on Culture of October 9, 1992, № 3612-1;
1. The Government Decree of the Russian Federation of November 23, 2006 № 714 " On the procedure for approval of standards of contemporary Russian literary language in its use as the official language of the Russian Federation, Russian spelling and punctuation rules" and others;
5. Constitutions (Charters) of the constituent entities of the Russian Federation, legislation of the constituent entities of the Russian Federation on languages and other regulatory legal acts of the constituent entities of the Russian Federation.

As noted by E. V. Golovko, S. V. Sokolovsky, and A. B. Shluinsky in their article "Language Policy in the Context of the Implementation of the 'Strategy of State

National Policy of the Russian Federation 2025²⁵” one of the drawbacks of the existing legal regulation system of linguistic relations in the Russian Federation is the terminological discrepancy in the wording of legal norms in federal and regional legislation, where the terms “state language”, “title language”, “official language”, “language of interethnic communication and official record keeping”, “majority language”, “regional language”, “languages of peoples of the Russian Federation”, are defined and interpreted differently in various legislative acts. There is no differentiation between the concepts of “state language” and “native language” in federal and republican legislation, and the concept of “native language” may imply both a native language proper and an ethnic language. State educational standards insufficiently define the procedure for studying the state languages of republics within the Russian Federation. Vague legal definitions create disagreements and errors in law enforcement.

The legislative bodies thus face the urgent task of clearly delineating the status of language communities, the jurisdiction of federal and regional governments, and also of clarifying terminology in the sphere of language policy.

The government must create an environment for the preservation, maintenance and development of minority languages. An elaborate system of legislation, giving a clear idea of the rules for the use of languages, is the main instrument for achieving an optimal balance among language groups from the point of view of linguistic security.

An important thing to understand is that Russian historical experience and contemporary practice of preserving national minority languages, as well as the regulatory mechanism for protecting regional or minority languages stipulated by the Constitution of the Russian Federation and other legislative acts, largely surpass most of the provisions contained in the Charter.

REFERENCES

ABASHIDZE A.H. Zashhita prav men'shinstv po mezhdunarodnomu i vnutrigosudarstvennomu pravu. - M.: Prava cheloveka, 1996.

ABASHIDZE A.H., Sheremet N.A. Osobaja svjaz' korennyh narodov s tradicionnymi zemljami (delo naroda ava guarani protiv Respubliki Paragvaj) // Mezhdunarodnyj

²⁵ URL: http://www.ethnopolitics.ru/wp-content/uploads/Language-Politics_Edition.pdf

pravovoj kur'er. 2021. // URL: <http://inter-legal.ru/osobaya-svyaz-korennyh-narodov-s-traditsionnymi-zemlyami-delo-naroda-ava-guarani-protiv-respubliki-paragvaj>
Avdokushin A.V., Majurov V.G. Pravo nacij na samoopredelenie sleduet konkretizirovat' // Moskovskij zhurnal mezhdunarodnogo prava. - 1999. - №3.

BARSEGOV Ju.G. Pravo narodov na samoopredelenie – osnova demokraticeskogo reshenija nacional'nyh problem. – Erevan: Ajastan, 1989.

BASKIN Ju.Ja., Fel'dman D.I. Istorija mezhdunarodnogo prava. – M.: 1990. S. 113.

BEN SAUL. Indigenous peoples, laws and customs in the teaching of public and private international law. Ngiya: Talk the Law - Volume 4. // URL: <http://classic.austlii.edu.au/au/journals/NgiyaTLaw/2002/13.pdf>

GOLOVKO E.V., Sokolovskij S. V., Shluinskij A. B. Jazykovaja politika v kontekste realizacii Strategii gosudarstvennoj nacional'noj politiki Rossijskoj Federacii na period do 2025 g. // M. A. Omarov (otv. red.). Jazykovaja politika v sovremennoj Rossii: problemy i perspektivy. M.: Izd-vo RGGU, 2018. C. 4—60.

OSNOVY zakonodatel'stva Rossijskoj Federacii o kul'ture // Rastopchin V.G. Kul'turnye cennosti: spravocnoe posobie / V.G. Rastopchin, L.E. Ivanova. - M., 2013. S. 3- 17.

SOKOLOVSKIJ S.V. Nacional'nye men'shinstva v postsovetskoj Rossii: mezhdunarodno-pravovye aspekty // Diaspory. 2011, dekabr', №2. S. 178-196.

SULEJMANOV, A. A. Jazykovaja politika v Rossijskoj Federacii / A. A. Sulejmanov. — Tekst : neposredstvennyj // Molodoj uchenyj. — 2019. — № 23 (261). — S. 551-553. // URL: <https://moluch.ru/archive/261/60149/>

ZHUREK O.N. Samoopredelenie narodov v mezhdunarodnom prave // Sovetskoe gosudarstvo i pravo. - 1990. - №10.