

Legislative guarantees of the realization of the citizens' right to choose a language of instruction in the Russian Federation (2005)

The Russian Federation is one of the most multinational states in the world. According to the All-Russian population census of 2002, more than 160 ethnic groups differing in language, culture, level of socio-economic and cultural-historic development live currently in the Russian Federation. Seven peoples (the Russians, Tatars, Ukrainians, Bashkirs, Chuvashes, Chechens and Armenians) have population size of more than a million. The Russians are the most numerous people (116 million people, 80 per cent of the country's population).

Every people has the right to maintain and develop its culture, traditions and language, including a people who does not have a state-territorial entity or a people whose representatives migrate from other states to the territory of the Russian Federation. At the same time, possibility to understand each other, presence of a common language of understanding allows to unite and secure cohabitation of numerous ethnic entities in frames of a single multinational state.

Taking this factor into account, issues of the use of languages, equality of the languages, attachment of a certain status to the language (e.g. international legal status of the UN languages, status of the language of international communication, language with constitutional status, national (native) language, language used in professional environment) are a subject of close attention in the Russian Federation. One of the fundamental principles of the state policy in the field of use of languages in the Russian Federation is the principle of equality of languages.

The legislative basis of the legal regulation of the use of the languages in the Russian Federation was formed primarily in the last decade. It rests on general principles and norms of international law and on the international agreements of Russia, reflected in the Constitution of the Russian Federation, with the principle of prohibition to discriminate on basis of sex, race, nationality, language, origin and other similar criteria being a priority.

In particular, the *International Covenant on Economic, Social and Cultural Rights* of 1966 states that the States Parties to the Covenant undertake to guarantee that the rights enunciated in the Covenant will be exercised without discrimination of any kind and, in particular, as to language. The adherence to this principle is confirmed also in the *International Covenant on Civil and Political Rights* of 1966, in which it is laid down that in the countries in which ethnic, religious and linguistic minorities exist, persons belonging to such minorities shall not be denied the right to enjoy their own culture or use their native language.

The principle of linguistic non-discrimination has been also proclaimed in the *Convention Against Discrimination in Education* of 1960, the *Declaration on the Right to Development* of 1986 and a number of other international acts.

The international agreements prescribe for the obligation of the states to protect and promote languages of the national minorities and indigenous peoples. In accordance with the *Document of the Copenhagen Meeting of the Conference on the Human Dimension* of 1990, persons belonging to national minorities have the right freely to express, preserve and develop their linguistic identity. In particular, they have the right to use freely their mother tongue in private as well in public; to establish and maintain their own educational institutions, organisations or associations.

The *Convention Against Discrimination in Education* of 1960 (entered into force for the USSR on 1 November 1962) states that it is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of

· It should be noted that in the Russian language words 'nationality', 'national', etc. relate generally to the ethnic origins of a person, not to citizenship. However, the specificity of terminology is preserved as 'ethnic' appears in the text in its own right.

schools and, depending on the educational policy of each State, the use or the teaching of their own language under certain non-discriminatory conditions.

On 1 March 1998 the *European Charter for Regional or Minority Languages*, which fixed a range of obligations of the states for the development of regional or minority languages, entered into force. Although the Russian Federation does not participate in the *European Charter for Regional or Minority Languages*, the majority of the latter's provisions are reflected in the legislation of the Russian Federation.

The Constitution of the Russian Federation identifies the right to use one's mother tongue, to choose a language of communication, upbringing, instruction and creative work as one of the basic rights and freedoms of a person and citizen in the Russian Federation.

The Constitution of the Russian Federation defines that the official language of the Russian Federation on the whole of its territory is the Russian language (Article 68 section 1). At the same time, the Constitution guarantees to all peoples of the Russian Federation the right to preserve their mother tongue, create the conditions for its learning and development (Article 68 section 3).

Taking into account the peculiarities of the constitutional legal status of the republics within the Russian Federation, the Constitution of the Russian Federation guarantees them the right to establish their own official languages and use them in the state bodies, municipal bodies, state institutions of the republics alongside with the official language of the Russian Federation (Article 68 section 2).

For the development of these provisions of the Constitution, a number of federal laws and other normative acts in this field have been adopted in the Russian Federation, e.g. the Law of the Russian Federation of 1991 on the Languages of the Peoples of the Russian Federation (25-10-1991 N 1807-01),¹ the Federal Law of 2005 on the Official Language of the Russian Federation (01-06-2005 N 53-FZ),² the Federal Law of 1996 on the National Cultural Autonomy (17-06-1996 N 74-FZ),³ the Federal Law of 1999 on the Guarantees of the Rights of the Small Indigenous Peoples of the Russian Federation (30-04-1999 N 82-FZ),⁴ the Law of the Russian Federation of 1992 on Education (10-07-1992 N 3266-1)⁵.

In accordance with the Constitution of the Russian Federation, the Law on the Languages of the Peoples of the Russian Federation, provides for the principle of state guarantees of equality of the languages: the Russian Federation guarantees for all its peoples, irrespective of their population, equal rights to safeguard and comprehensively develop the respective mother tongue, freely choose and use the language of communication.

The Law lays down the following rights of citizens to use the languages of the peoples of the Russian Federation: the right to choose a language of communication, upbringing and instruction, the right to favourable conditions for learning and teaching a mother tongue and other languages of the peoples of the Russian Federation, being secured by the state.

Article 6 of the Law of the Russian Federation on the Languages of the Peoples of the Russian Federation, which specifies Article 68 of the Constitution of the Russian Federation, states that the Russian Federation represented by its supreme state bodies carries out the establishment of the general principles of the legislation of the Russian Federation on the languages of the peoples of the Russian Federation; provides guarantees of functioning of the Russian language as the official language of the Russian Federation; promotes the development of the official languages of the republics; creates the conditions for preservation and development of the languages of small peoples and ethnic groups not having their national-state or national-territorial entities or living beyond their borders.

¹ «Vedomosti SND i VS RSFSR», 1991, N 50, Article 1740

² «Sobranie zakonodatel'stva RF», 2005, N 23, Article 2199

³ «Sobranie zakonodatel'stva RF», 1996, №25, Article 2965

⁴ «Sobranie zakonodatel'stva RF», 1999, № 18, Article 2208

⁵ «Sobranie zakonodatel'stva RF», 1996, № 3, Article 150

This provision has been confirmed by the Constitutional Court of the Russian Federation in its decision of 16 November 2004 N 16-P⁶ in the case of examining the constitutionality of Article 10 point 2 of the Law of the Republic of Tatarstan on the Languages of the Peoples of the Republic of Tatarstan, Article 9 section 2 of the Law of the Republic of Tatarstan on the Official Languages of the Republic of Tatarstan and other Languages in the Republic Tatarstan, Article 6 point 2 of the Law of the Republic of Tatarstan on Education, and Article 3 point 6 of the Law of the Russian Federation on the Languages of the Peoples of the Russian Federation. The decision concerned the complaint of citizen S.I.Khapugin and request of the State Council of the Republic Tatarstan and the Supreme Court of the Republic of Tatarstan: ‘... The Law of the Russian Federation on the Languages of the Peoples of the Russian Federation provides for its learning (*official language of the Russian Federation*) in institutions of general education and educational institutions of vocational education, what is governed, in the educational institutions having state accreditation with the exception of pre-primary educational institutions, by state educational standards (Article 10 point 2). At the same time, the teaching of official and other languages in the republics is carried out in accordance with the respective republics’ legislation (Article 10 point 3). According to the Law referred to, the right to choose an educational institution with one or another language of upbringing and instruction of children belongs to the parents or other persons, who replace them in accordance with the legislation of the Russian Federation (Article 9 point 3). The language(s) in which the upbringing and instruction is carried out in the educational institution, is determined by the founder(s) of the educational institution and/or the constituent documents of the educational institution in accordance with the legislation of the Russian Federation and the legislation of the subjects of the Russian Federation (Article 9 point 4).

Similar provisions are laid down in the Law of the Russian Federation on Education, which additionally states that, in accordance with their respective status and competence, the subjects of the Russian Federation are entitled to adopt laws and other normative legal acts in the field of education that do not contradict federal laws in the educational field (Article 3 point 3). This means that the laws and other normative legal acts of the subjects of the Russian Federation in the field of education may not restrain the rights of the citizens in the field of education, laid down in the Constitution of the Russian Federation and the federal laws, including the rights which are connected with the learning and teaching of the Russian language as an all-federal official language in the whole territory of the Russian Federation and on basis of the established federal state educational standards’.

In accordance with point 1 Article 6 of the Law of the Russian Federation on Education, ‘the general issues of language policy in the field of education are governed by the Law of the RSFSR on the Languages of the Peoples of the RSFSR’.⁷ The same Law stipulates that the citizens of the Russian Federation have the right to receive lower secondary education in their native language and to choose a language of education within the limits of options provided for by the system of education (Article 6).

Legislator, basing on the premise that the realization of these rights requires corresponding state guarantees, envisaged a number of corresponding norms.

According to the Law of the Russian Federation on the Languages of the Peoples of the Russian Federation, the right of citizens of the Russian Federation to receive education in their mother tongue is secured with establishment of a necessary number of corresponding educational institutions, classes, groups, and also with creation of conditions for their functioning.

The right to receive lower secondary education in a native language and to choose a language for upbringing and instruction is stated also in the Federal Law on National Cultural Autonomy. At the same time, it is stipulated that state bodies of the Russian Federation, state

⁶ «Sobranie zakonodatel'stva RF», 2004, № 47, Article 4691

⁷ The mentioned law is currently entitled the Law of the Russian Federation on the Languages of the Peoples of the Russian Federation.

bodies of the subjects of the Russian Federation secure carrying out state policy aimed at preservation and development of national (native) languages.

Article 11 of the mentioned Law states that, aiming at securing the right to receive lower secondary education in a national (native) language and to choose a language of upbringing and instruction, national cultural autonomies may form non-state (public) pre-primary institutions or groups in such institutions with upbringing in the national (native) language, and also to create non-state (public) educational institutions (of general education; of primary, secondary and higher professional education) with instruction in national (native) language; to establish other non-state (public) educational institutions with teaching in national (native) language and also to elaborate, with participation of interior educational institutions, curricula, publish textbooks, methodical manuals, other study literature necessary to secure the right to receive education in national (native) language; to undertake other measures for securing the right to education in national (native) language, choice of language of upbringing and instruction in accordance with law of the Russian Federation and law of the subjects of the Russian Federation.

In Article 69 the Constitution of the Russian Federation guarantees rights of small indigenous peoples in accordance with general principles and norms of international law and international agreements of the Russian Federation. The Federal Law on Guaranties of Rights of Small Indigenous Peoples of the Russian Federation states that persons belonging to small peoples, unions of small peoples are entitled, *inter alia*, to preserve and develop their native languages, receive and disseminate information in their native languages, establish mass media aiming at preservation and development of their original culture and in accordance with the legislation of the Russian Federation.

Basing on the federal law the subjects of the Federation are entitled to draft and adopt their legal acts governing different aspects of life-pursuing of specific small peoples who traditionally inhabit their territories.

There are norms in the current legislation of Russia which are substantially similar to many provisions of the *European Charter for Regional or Minorities Languages*, including, *inter alia*, provisions on questions of use of national (native) languages.

At the same time, the legislation of the Russian Federation does not provide for a definition of ‘national minority’. The Constitution mentions ‘national minorities’, ‘small indigenous peoples’, ‘small ethnic entities’. However, for the legislator, the notion of ‘ethnic minority’ is not identical with the notion of ‘small ethnic entities’ and is not equal to the notion of ‘small indigenous peoples’.

In realization of different requests of national minorities, two groups of entities are singled out in the ethnic composition of the Russian Federation. They are:

- peoples formed historically or living in the territory of Russia during the long period of time, i.e. indigenous peoples;
- ethnic groups of a later origin whose ‘mother’ ethnical groups live outside the Russian Federation (CIS and Baltic states, as well as Bulgaria, Hungary, Germany, Poland, Finland, etc.) and those not having statehood at all (Roma, Kurds, Assyrians and Karaims).

Disputable among the Russian academicians and politicians is the question of considering those groups of population representing the peoples of Russia who live outside their respective national-territorial entities in the Russian Federation (Tatars, Bashkirs, Mary, etc.) to be minorities.

Absence of a precise definition of national minority in the legislation of the Russian Federation results in elaboration of contradictory terminology at the level of the subjects of the Russian Federation and in the use of specific notions that cannot be found at the federal level, e.g. ‘ethnic minorities’ (the Republics of Tatarstan, Khakassia), ‘ethnic disperse minorities’ (the Tomsk region), ‘indigenous national minorities’ (Buryatia) and so on. This diversity creates

difficulties in carrying out the *Framework Convention for the Protection of National Minorities*, which entered into force for the Russian Federation on 1 December 1998⁸.

In accordance with the Constitution of the Russian Federation (points “b” and “e” section 1 Article 72) and the Law of the Russian Federation on the Languages of the Peoples of the Russian Federation, subjects of the Russian Federation are entitled to adopt laws and other legal acts on the rights of citizens to the free choice of language of communication, upbringing, instruction and creative work.

Laws on languages are adopted in all republics of the Russian Federation (e.g. in the Republics of Khakassia, Bashkortostan, Sakha (Yakutia), Tatarstan, Adygeya). The laws stipulate that in the territory of the republics language sovereignty of each people, irrespective of its population and legal status, and language sovereignty of a person, irrespective of origin, social or property status, race or national belonging, sex, educational background, attitude towards religion or place of residence, is guaranteed.

Laws on the languages of some subjects of the Russian Federation provide also for the institute of responsibility for violation of language legislation of the republics, often stating the basis for such responsibility and sanctions. In a number of subjects of the Russian Federation (republics) laws on languages do not formulate such *corpus delicti*.

Laws on the languages of the peoples of the corresponding republics stipulate the rights of citizens to use the languages of the peoples of the republics, in particular, the right of citizens of the republics to choose a language of communication, upbringing and instruction.

As a rule, in the laws of the subjects of the Federation there are provisions on establishment of a system of educational upbringing institutions and of other forms of upbringing and education in official languages of the republic, on creation of conditions for the realization of the rights of citizens bearing different nationality and residing in the republic to have their children brought up and taught in their mother tongue. The laws guarantee assistance to the population residing outside the republic in organizing different forms of upbringing and education in the mother tongue.

Taking this into account, it is necessary to notice that a special responsibility for securing the realization of linguistic rights in the sphere of education lies on the subjects of the Federation, that establish in their respective territories other official languages alongside with Russian and also the rules of their use, *inter alia*, in education.

Rules of the Law of the Russian Federation on Education, stipulating the right of citizens of the Russian Federation to receive lower secondary general education in a native language, and also the right to choose a language of education within the limits of options provided for by the existing system of education (point 2 Article 6 of the Law) are still to find an adequate reflection and development in the regional educational legislation.

At the same time, as a number of experts rightly notes, ‘it is important not only to declare a right, but to legally define its substance also, to point to the level of education, which every pupil can receive in a native language’.⁹

The stated approach allows filling with specific legal substance such principles of the Russian state policy as assistance to the development of national cultures and languages of the peoples of the Russian Federation, and also protection of the rights of the national minorities, including rights of small indigenous peoples of the Russian Federation.

However, in the laws on education of a number of subjects of the Federation that were adopted in the 90s, the right of citizens to receive education in the mother tongue was interpreted in a peculiar legal way.

⁸ Federal Law of 18-06-1998 N 84-FZ // «Sobranie zakonodatel'stva RF», 1998, № 25, Article 2833

⁹ Buslov E.V., Volokhova E.D., Ermoshin G.T., Kudryavtsev Yu.A., Syrykh V.M., Shkatulla V.I. (1999), ‘Analysis of tendencies in the development of the Russian Federation subjects’ legislation in the field of education’, in: *On realization of a right to education in Russia. Improving the legislative basis. Analytical herald of the Council of Federation, Federal Assembly of the Russian Federation*, 9(97), p. 40.

In a majority of them this right was understood as a possibility to receive education only in official languages. In the Moscow region and in the Magadan region and also in a majority of other regions the right to receive education in the Russian language was stated. In the Republic of Tuva, Republic of Khakassia, Chuvash Republic, Republic of Tatarstan, Kabardino-Balkarian Republic and others the citizens were entitled to receive education in official languages of the respective subjects of the Russian Federation, meaning the Russian language as an official language of the Russian Federation¹⁰ and other languages, recognized as official in this or that subject of the Federation.

In frames of the process of bringing the regional legislation in line with the federal one at the beginning of XXI century, the laws on education of many subjects of the Russian Federation were amended primarily in respect of issues of receiving education in the mother tongue. A norm that general issues of language policy in the field of education in a republic is governed by the Law of the Russian Federation on the Languages of the Peoples of the Russian Federation and a corresponding regional law was included in many republican laws. The provisions were introduced stating that citizens of the Russian Federation residing in the territory of the respective subjects are entitled to receive lower secondary general education in a native language and also choose the language of instruction within the limits of options provided for by the system of education. This right is secured with creation of a necessary number of corresponding educational institutions, classes, groups as well as conditions for their functioning. Introduction of the above mentioned amendments helped to reach a certain equalizing of the situation with the legislative securing of the right of different ethnic groups residing in the territory of the republics within the Russian Federation to education in a native language.

Thus, in the Republic of Tatarstan the official languages are the Russian and Tatarian languages, learning of which is prioritized in this region. In accordance with the Law on Education of the Republic of Tatarstan¹¹ currently in force, both these languages are studied in equal amounts 'in institutions of pre-primary, general, primary and secondary professional education' (Article 6 point 2).

Citizens of the Russian Federation residing in the territory of the Republic of Tuva are entitled by law to receive a pre-primary upbringing and general educational preparation in official languages of the Republic of Tuva and the Russian Federation. The graduates of secondary schools may pass the entrance examinations for being enrolled in the institutions of higher and secondary professional education in the Tuva or Russian languages (Article 6 of the Law of the Tuva Republic on Education¹²).

In the Kabardino-Balkarian Republic the law states that in the educational institutions (those of general education from the first year of studies, primary, secondary and higher educational institutions) where the instruction is given in the Russian language, the language of one of the indigenous peoples (Kabardinian or Balkarian on the wish of a pupil) as one of the official languages of the Kabardino-Balkarian Republic is introduced as an obligatory study discipline (Article 7 point 6 of the Law of the Kabardino-Balkarian Republic on Education¹³).

The Law of the Republic of Khakassia on Education¹⁴ provides for that the instruction and upbringing in state and municipal educational institutions of the Republic of Khakassia is carried out in the Russian language or in the Russian and Khakassian languages. In accordance with the statute of the educational institutions the conditions are created for pupils to learn a mother tongue. The state bodies of the Republic of Khakassia assist different ethnical cultural entities living in the Republic of Khakassia in learning their native language in the educational

¹⁰ Federal Law of 01-06-2005 N 53-FZ on the Official Language of the Russian Federation.

¹¹ Zakon Respubliki Tatarstan "On Education" (19-10-1993 N 1982-XII) // «Respublika Tatarstan», 1997, N 158

¹² Zakon Respubliki Tyva "On Education" (24-07-1995 N 336) // "Tyvinskaya pravda", 10-08-1995

¹³ Zakon Kabardino-Balkarskoy Respubliki "On Education" (22-07-1994 N 4-RZ) // "Kabardino-Balkarskaya pravda", № 137, 28-07-1994

¹⁴ Zakon Respubliki Khakassia "On education" (04-10-2004 N 53) // "Vestnik Khakasii", 2004, N 45

institutions, *inter alia* by means of securing conditions for establishing educational institutions with an ethnical cultural component (Article 6).

In the Republic of Mordovia, the right to receive pre-primary, lower secondary general education in the official languages of the Republic of Mordovia, i.e. in Russian, Mordovian (Mokshan, Erzyan), and also to choose a language of instruction within the limits of options provided for by the system of education is guaranteed.¹⁵

In the Republic of Bashkortostan the citizens have the right to choose a language of instruction within the limits of options provided for by the republican system of education and to receive (complete) secondary education in a native language (languages of the peoples residing densely in the territory of the Republic of Bashkortostan). The Law of the Republic of Bashkortostan on Education¹⁶ provides graduates of the institutions of general education who has been studying and received education of this level in one of the national languages of the Republic of Bashkortostan with the right to pass the entrance examinations for being enrolled into the educational institutions of professional education in this national language (Article 6 point 2).

A number of subjects of the Federation secure on the legislative level the right of small peoples densely residing in their territories to receive education in a native language. In particular, the Republic of Karelia establishes conditions for the representatives of indigenous and small peoples (Karels, Vepses) to receive education in a native language, it also (within the limits of options of the system of education) provides for a free choice of the language of instruction for representatives of other national groups (Article 6 point 2 Law of the Republic of Karelia on Education¹⁷).

The Republic of Sakha (Yakutia) ‘provides assistance in preparing specialists for carrying out educational process in the languages of indigenous peoples of the Republic of Sakha (Yakutia) who do not have statehood in the Russian Federation (Article 6 point 5 Law of the Republic of Sakha (Yakutia) on Education¹⁸).

Majority of the republics of the Russian Federation work for securing the right of citizens to receive education in the native language outside their territories as well. Thus, according to Article 6 point 3 Law of the Republic of Sakha (Yakutia) on Education ‘the Government of the Republic, acting in accordance with international treaties and agreements, provides assistance to the representatives of peoples of the Republic of Sakha (Yakutia) residing outside its territory in receiving lower (complete) secondary general education in the native languages’.

The Republic of Kalmykia also ‘provides assistance in preparing specialists for carrying out educational process in the languages of the peoples of the Republic of Kalmykia in the places of their compact residence (Article 8 Law of the Republic of Kalmykia on Education¹⁹). Similar provisions could be met in the laws on Education of other republics, including the Republics of Khakassia, Bashkortostan, Kabardino-Balkarian Republic and others.

As it follows from the analysis of the practice, the legislation in the sphere of use of languages, which was formed in the 90s, on the one hand, contributed to the development of the languages and cultures, firstly, of ‘status’ peoples, those who did not have such possibilities in the preceding years. In fact, the new opportunities of teaching the mother tongue from first to ninth years of school, provided for by the legislation, could only be made use of by the big ethnic groups having developed native languages. Other ethnic entities had their native language recovered mainly as a discipline or an optional course (45 native languages).

¹⁵ Zakon Respubliki Mordovia “On education v Respublike Mordovia” (30-11-1998 N 48-Z) // "Izvestiya Mordovii", № 222, 03-12-1998

¹⁶ Zakon Respubliki Bashkortostan “On education” (29-10-92 N VS-13/32) // "Izvestia Bashkortostana", N 142 (1516), 23-07-1997

¹⁷ Zakon Respubliki Karelia “On education” (29-04-2005 N 874-ZRK) // SZ RK N 4, 2005

¹⁸ Zakon Respubliki Sakha (Yakutia) “On Education” (23-05-1995 3 N 59-I) // "Yakutskie vedomosti", N 19, 23-06-1995

¹⁹ Zakon Respubliki Kalmykia “On education” (07-07-1997 N 74-I-Z) // «Izvestia Kalmykii”, N 169, N 174, 19-08-1997

While evaluating the situation we should take into account the fact that the languages of the peoples of the Russian Federation differ both in the cultural civilization parameters (that reflect certain level of the historic development of the peoples) and in the degree of the demand for them in practical life. This is the reason determining the variety of curricula of schools functioning in specific ethnical cultural conditions. Depending on these conditions a native language can be used in completely dissimilar capacities: as a language of instruction for all courses of general education (1-11 years), in levels of education (primary or lower secondary school), as a discipline of teaching at the levels of education, as an elective course, etc.

Currently, in the institutions of general education 31 written languages are used as languages of instruction, out of this number 12 are used in frames of (complete) secondary school, 6 languages are used in lower secondary general school, 13 languages are used in primary school.

The most spread languages (after Russian) are the Tatarian language (it is used for instruction in 2166 schools and for teaching in 2464 schools), the Bashkir language (911 and 1425 schools, correspondingly), the Chuvashian language (571 and 460). Thus, 76 native languages of the peoples of the Russian Federation are learned in the system of education of the Russian Federation.²⁰

Numerically, circa 20 per cent of the Russian educational institutions teach the mono-ethnic contingent in a native (not Russian) language today.

In the structure of the Russian educational system these schools, traditionally referred to as 'national', act as a specific and independent type of educational institutions. Taking as a criterion the character of structuring the academic process on the bilingual basis five variants of schools can be singled out today.

Model 1. 'National school' with instruction in the native language from the 1st to 11th year, the Russian language being learned as a discipline (Tatarstan, Bashkiria, Sakha (Yakutia)).

Model 2. 'National school' with instruction in the native language up to the seventh or ninth year, the Russian language being learned as a discipline, with further instruction in the Russian language in senior school (rural school of Tuva, Buryatia, Chuvashia, Kalmykia, school of a number of territories of the Northern Caucasus, town school of Tataria, Bashkiria).

Model 3. 'National school' with instruction in the native language up to the fourth year, the Russian languages being learned as a discipline, with further switch to the Russian language (town school of Tuva, Kalmykia, Adygeya, Northern Asssetia-Alania, Kabardino-Balkaria, Karachaevo-Circassia, Marii El, Mordovia, etc.).

Model 4. 'National school' with instruction from the 1st to 11th year in the Russian language with advanced learning of the native language and culture (Karelia, Mordovia, Marii El, Udmurtia, Komi, Komi-Permyak Autonomous Area, schools where the children of small indigenous peoples of the Extreme North, Siberia and Far East study).

Model 5. 'National school' with instruction in the first-second years in the native language that prepares for the further change to the Russian language of instruction (nomadic school of Trans-polar region, family nomadic schools of the Yamalo-Nents Autonomous Area and other separate territories).²¹

In defining curricula, one of the aspects of this problem is the question of the amount of learning the official Russian, official republican and other native languages for the different categories of pupils:

the Russians studying at schools with the Russian language of instruction and learning official language of the 'title' (non-Russian) people;

the non-Russians of the title people studying at schools with a native language of instruction;

²⁰ *Materials of the Collegium of the Ministry for education and science of the Russian federation*, 1 December 2004.

²¹ *Materials of the Collegium of the Ministry for education and science of the Russian federation*, 1 December 2004.

The so called 'title' entities are ethnic groups (peoples) whom the subject of the Federation where they primarily reside owes its name, e.g. Tatars in Tatarstan, Kalmyk in Kalmykia, etc.

the non-Russians of the non-title people studying at schools of the republics of the Russian Federation with learning of the language of the title people and the native language;

the non-Russians of the non-title people studying at schools with the Russian language of instruction in the republics with different official language.

In accordance with the Law of the Russian Federation on Education, learning the Russian language in all educational institutions, except for pre-primary ones, having state accreditation is governed by the state educational standards. State standards which include federal and regional components as well as a component of the educational institution are established in the Russian Federation.

Federal components of the state educational standards are determined by federal authorities and define the obligatory minimum of the substance of the main educational programmes, maximal amount of pupils' academic load, requirements for the level of graduates' preparation. National-regional components of state educational standards are established by the subjects of the Russian Federation in the person of their state bodies. The liability between state bodies of different levels is allocated in the same way.

The matter of correlation between different languages of instruction came into public notice in 2007 in view of the introduction of the single state examination in the Russian Federation. The latter is a form of the final examinations [attestation] after a completion of study of federal component of the state educational standard of complete secondary school and is carried out in Russian. At the same time a number of republics offered to conduct this state examination also in official languages of respective subjects. The proposal is up to debate and a way to resolve it is currently being sought.

In practice, the question is often raised in the republics within the Russian Federation on how to form schools' curriculum so that to secure the right to learn a native language and, at the same time, to abide by the norms of pupils' academic load. For example, a representative of the Bashkir people residing in Tatarstan is obliged to study three languages as a minimum – the Russian, Tatarian, foreign – besides his/her own native language.

The experience shows that serious academic overload always takes place when it is necessary to learn two or three languages (not to count an obligatory foreign language introduced, in accordance with the state educational standard of general education, starting from the second year of school). Effort to secure the fluent knowledge of all these languages results in usurpation of academic time allotted for other disciplines of the regional and, sometimes, of the federal components of the educational standard.

The Constitutional Court of the Russian Federation examined the complaint by S.I.Khapugin, lodged on behalf of his juvenile son, where S.I.Khapugin challenged the constitutionality of the Republic of Tatarstan's legislative provisions obliging the pupils of the institutions of general education with the Russian language of instruction to learn the Tatarian language in vast amount, thus, in the opinion of the claimant, limiting the opportunities of advanced studying other disciplines of the curriculum and acquiring elective disciplines. Thus, the claimant alleged, the citizens of the Russian Federation residing in the Republic of Tatarstan are put into unequal position in realization of their right to education in comparison with others, residing in other subjects of the Russian Federation, with the situation leading to the violation of the guarantees of this right, stipulated in Article 43 of the Constitution of the Russian Federation taken in conjunction with its Articles 6 (section 2), 17 (section 3), 19 (section 2) and 55 (sections 2 and 3).

In the Decision of the Constitutional Court of the Russian Federation No. 16-P, 16 November 2004,²² on this complaint it was noted that 'the legal provision of point 2 Article 10 of the Law of the Republic of Tatarstan on the Languages of the Peoples of the Republic of Tatarstan (as amended by section 2 Article 9 of the Law of the Republic of Tatarstan on Official Languages of the Republic of Tatarstan and Other Languages in the Republic of Tatarstan) and

²² «Sobranie zakonodatel'stva RF», 2004, № 47, Article 4691

point 2 Article 6 of the Law of the Republic of Tatarstan on Education, which provides that the Tatarian and Russian languages, being official languages of the Republic of Tatarstan, are studied in equal amounts in the educational institutions of general, primary and secondary professional education, is not in contradiction with the Constitution of the Russian Federation, as this provision, its constitutional-legal sense in the functioning system of legal rules, presupposes that learning the Tatarian language must be carried out in accordance with the federal state educational standards, established by the legislation of the Russian Federation, and must not impede passing the final examinations [attestation], issuing the document on the lower secondary general education received and receiving education of a higher level’.

Thus, it can be stated that the federal legislation in the sphere of rights of citizens to free choice of language of instruction within the options provided for by the system of education, meets in general the international obligations of the Russian Federation and establishes a proper legal basis for the realization of this right. From the point of improving the legal regulation in this sphere, as it was noted, it is necessary to elaborate the definition of ‘national minority’ taking into account linguistic, cultural and religious specificities of the peoples residing in the territory of the Russian Federation and this definition’s introduction into the legislative acts.

At the same time, it should be recognized that the imperative sounding of corresponding norms is constrained by the real possibilities to put them into practice. At present, the right of citizens, in the first place representatives of non-title peoples, to receive education in the native language is secured and realized at the different level in the territories of the subjects of the Russian Federation. This is connected, first of all, with the level of development of the native language, financial capacities of the state, presence of the qualified teaching staff.

Taking this into account the task of ensuring for the realization of legal guarantees to choose language of instruction in the Russian Federation is of high priority. The Conception of national educational policy of the Russian Federation and the Plan of realization its preferred trends in general education system till 2010 adopted in 2006²³ are directed to resolve it. The important provision of its successful realization is the goal-directed and matched activity of federal and regional state bodies, municipalities and national non-governmental organizations for the creation of conditions for equal access of the representatives of various ethnic groups to educational sphere facilities and fulfillment of ethno-cultural educational needs of citizens of the Russian Federation within the framework of integrated federal cultural and educational space.

²³ The Order of the Ministry of education and science of the Russian Federation “Conception of national educational policy of the Russian Federation” (of 3 August 2006 № 201)