

Delegation of the Russian Federation

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SUPPLEMENTARY HUMAN DIMENSION MEETING ON FREEDOM
OF MOVEMENT AND HUMAN CONTACTS**

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**Session 1: OSCE commitments on freedom of movement and
challenges to their implementation**

Mr. Chairperson,
Distinguished participants,

I cannot but express deep satisfaction at the fact that today's meeting is devoted to an exchange of views on a topic of utmost importance, and one that unites all of us, concerning the implementation of OSCE participating States' commitments on freedom of movement and human contacts. Does it not seem to you that we have somewhat neglected this topic, and have largely failed to implement one of the basic principles of the Helsinki dialogue? From time to time, of course, we have recalled this commitment at our forums in Madrid (1983), Vienna (1989), Copenhagen (1990), Paris (1990), Moscow (1991), Budapest (1994), Ljubljana (2005), and most recently in Warsaw in 2011 at the 15th OSCE Human Dimension Implementation Meeting.

Nevertheless, things have not budged an inch: to this date, we have been unable to put into practice the most important commitment regarding freedom of movement. Furthermore, the fact that we recall this topic every now and then, and yet for the most part, the significance of this commitment is undeservedly minimized and occasionally drops out of our Organization's field of vision altogether, is completely abnormal. Such a situation is absolutely unacceptable. The question of freedom of movement, which is obviously cross-dimensional, should be actively discussed and promoted by us. It undoubtedly requires constant attention and, ultimately, the adoption of a separate document at the next ministerial meeting. Strange to say, some commitments stand out in every way and are sometimes unduly politicized, while others – particularly freedom of movement – appear to be in the shade. That is wrong. We will never build a common democratic space and a European security community without implementing the commitments on freedom of movement – that is self-evident.

Let us ask ourselves a simple question: what, and above all, who, is preventing us from making our citizens' lives easier, now that they have been granted freedom of

movement without barriers and formalities? How is that we succeeded in overcoming the Cold War era and toppling the Berlin Wall, yet at the same time we are unable to eliminate the new and old dividing lines blocking the implementation of a principle that, if it were put into practice, would serve as a powerful stimulus to human contacts and the development of co-operation in the most diverse fields – business, science, culture, education and tourism?

In the past, the Soviet Union and a number of Eastern European countries may have impeded this process. Let us openly admit that this took place. But today there is no Union of Soviet Socialist Republics. There are no Warsaw Pact countries. Today, in fact, it is the new, democratic Russia, and the other members of the Commonwealth of Independent States, that are taking the initiative in eliminating visa barriers and introducing visa-free regimes. I am calling for a responsible and objective analysis of today's realities. Let us call things by their names, and point out those States and integration associations that are in actual practice obstructing the implementation of the principle of freedom of movement in the OSCE area, and are in fact playing the role that was typical of the Soviet Union. Let us frankly acknowledge that, in place of the Berlin Wall, another one has arisen – the invisible Schengen wall, strong visa barriers, and, on the other side, the Euro-Atlantic area.

At the same time, naturally, we must take into account the sensitivity of visa issues, especially for countries that are experiencing rising migration pressure and an influx of criminal elements. Indeed, abolishing visa regimes is no simple matter; it is associated with known risks. Yet we have committed ourselves to move in that direction. Moreover, we are by no means calling for visas to be abolished precipitously and heedlessly; this process must be gradual, but must certainly go forward. The widespread practices in the OSCE area today of simplifying visa issuance procedures, liberalizing visa regimes, exempting certain categories of citizens from visa requirements and introducing a less onerous regime for local border traffic are perfectly justified. All of this, along with readmission mechanisms and the establishment of law-enforcement, judicial, migration and legal co-operation between OSCE participating States, will undoubtedly help to create the conditions necessary for achieving the final goal: the introduction of a visa-free regime and a common security area.

No less important are the internal restrictions on freedom of movement that exist in a number of OSCE countries and are applied to their citizens. This refers, for example, to the complex legal and regulatory issues connected with the travel abroad of citizens who have knowledge of information of special importance, as well as completely secret information constituting State secrets. The practical activities of States, and the legislation concerning the procedures for travel abroad by persons with knowledge of State secrets, must be more closely aligned with the norms of international law and the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms, of 1950, and the International Covenant on Civil and Political Rights, of 1966. Understandably, in these matters it is necessary to have a reasonable and balanced legal mechanism for the application of measures restricting citizens' exercise of the right to travel abroad. Clearly, in the long run, certain OSCE States will have to adopt a more flexible approach to the practice of instituting temporary restrictions on the foreign travel of persons with knowledge of State secrets of special importance, based on the relevant recommendations of the Council of Europe in particular.

Another set of problems existing in certain OSCE participating States is connected with the current laws and regulations governing the legal regime for visits, for example, to

closed administrative-territorial formations, military and border districts, ecological disaster zones and areas affected by infectious diseases.

Notwithstanding these clearly stated restrictions, in accordance with the constitution and international human rights instruments, citizens of States have the right to move freely and to choose their place of residence or temporary residence. The rights and freedoms of citizens may be limited by law only to such an extent as is necessary for the protection of the constitutional system and for ensuring the defence and security of the State. In accordance with the law, a special permit is required to visit sensitive facilities and military and environmental zones closed to foreign citizens. Consequently, special conditions and regulations for residence in such closed territories are being introduced. At the same time, statutes and regulations governing restrictions and access with regard to national and foreign citizens are publicly accessible.

In a number of countries, generally applicable regulations concerning the registration of citizens and the processing of residence permits also require improvement if the local laws are to be brought into line with the relevant Council of Europe conventions.

A notification procedure for registration at the place of residence or temporary residence that guarantees the right to move freely and to choose one's place of residence continues to apply in a number of OSCE countries. At the same time, citizens are required by law to register their place of residence or temporary residence. The laws also stipulate that registration or the lack thereof cannot serve as grounds for a restriction of, or a condition for, the exercise of the rights and freedoms of citizens.

As for the laws on the registration of foreign citizens, for example, the law in the Russian Federation has radically changed the previous system.

Provision is made for different models of registration for different categories of foreign citizens and stateless persons depending on their immigration status in the Russian Federation, namely, registration at their place of residence or registration at their place of temporary residence.

Registration at the place of residence is only for those foreign citizens and stateless persons who have officially registered for a temporary residence permit or a residence permit in accordance with the established procedure. In that connection, the right of a foreign citizen to use a dwelling serves as grounds for his or her registration at a place of residence.

Foreign citizens present in the Russian Federation on a temporary basis are subject only to registration at a place of temporary residence solely on the basis of notification. From the day of arrival at the place of temporary residence in the Russian Federation, the foreign citizen has by law seven working days to complete the procedure for registration as a foreign citizen at a place of temporary residence.

A new development with regard to registration is the exemption of foreign citizens from liability for the failure to provide notification of registration. Now there is a direct rule of law determining liability only for the host party, which is obliged to complete the procedures for the registration of foreign citizens, as well as liability for ensuring that the foreign citizens observe the established rules of residence.

Foreign citizens have the right to move freely for personal or business reasons within the borders of the Russian Federation on the basis of the documents processed or issued to them in accordance with the Federal Law on the Legal Status of Foreign Citizens in the Russian Federation, with the exception of visits to territories, organizations and facilities requiring a special permit for access in accordance with the relevant federal laws.

Russia plans to ease and abolish visa requirements in the long term. We now have agreements with virtually all the OSCE participating States on measures to simplify the issuance of visas. We have achieved considerable results to that end in conjunction with the European Union (EU). We are moving with confidence from agreements on the liberalization of the visa regime towards the abolition of visas altogether for short trips by Russian and EU citizens. (I am disseminating detailed information on the progress of the visa-free dialogue between Russia and the EU.)

In conclusion, I should like once again to underscore that the future lies in the construction of a common visa-free area and the gradual abolition of visa requirements between OSCE participating States. This would be a sign of genuine trust and mutual understanding and would serve as a powerful stimulus for the strengthening and expansion of human contacts above all.

Let us continue to move with confidence in precisely this direction – to put into practice the most important principle of freedom of movement as enshrined in the Helsinki Final Act.

I very much hope that our discussion today will be a starting point for the adoption by the participating States of effective practical measures for the simplification and abolition in the long term of visa regimes and requirements. On the basis of the discussions and exchange of views that have taken place, it is important now to continue in this direction and to begin to prepare a draft Kyiv Ministerial Council decision on this subject.

Thank you for your attention.