

**PERMANENT MISSION
OF THE RUSSIAN FEDERATION TO THE
UNITED NATIONS OFFICE AND OTHER
INTERNATIONAL ORGANIZATIONS
IN GENEVA**

No. 2781

The Permanent Mission of the Russian Federation to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to provide information from the Russian Federation in response to joint enquiry AL RUS 7/2022, of 12 May 2022, from special procedure mandate holders of the United Nations Human Rights Council.

The Permanent Mission takes this opportunity to renew to the Office the assurances of its highest consideration.

Encl.: The above-mentioned response, 3 pages.

Geneva, 1 July 2022

OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN
RIGHTS
Geneva.

Information from the Russian Federation in response to the joint enquiry from special procedure mandate holders of the United Nations Human Rights Council concerning “Sphere”, a charitable foundation providing social and legal support

Ref.: AL RUS 7/2022 of 12 May 2022

The Russian Federation, having studied the above-mentioned joint enquiry from special procedure mandate holders of the United Nations Human Rights Council, has the honour to provide the following information.

In accordance with the provisions concerning the Ministry of Justice approved by Presidential Decree No. 1313 of 13 October 2004, the local offices of the Ministry of Justice are responsible for the State registration, record keeping and control (supervision) of the activity of non-commercial organizations.

Routine and unscheduled inspections are one of possible means of exercising this function. They are carried out taking account of the provisions of articles 9 and 10 of Federal Act No. 294-FZ of 26 December 2008 concerning the protection of the legal entities and individual entrepreneurs during the implementation of State control (supervision) and municipal control (hereinafter referred to as “Federal Act No. 294-FZ”), of article 32 of Federal Act No. 7-FZ of 12 January 1996 on non-commercial organizations (hereinafter referred to as “Federal Act No. 7-FZ”) and of section 1 of the Administrative Regulations concerning the implementation of State control (supervision) by the Ministry of Justice of the conformity of the activity of non-commercial organizations with the aims and objectives of their charter, and of the branches and offices of international organizations and foreign non-commercial organizations with their declared aims and objectives and with their observance of the legislation of the Russian Federation, approved by Decree No. 274 of 30 December 2021 of the Ministry of Justice.

In addition, unscheduled inspections are carried out on bases the exhaustive list of which is provided by article 32 (4.2) of Act No. 7-FZ.

Between 22 January and 11 February 2016, the Central Department of the Ministry of Justice in Saint Petersburg (hereinafter referred to as the “Central Department”) conducted an unscheduled inspection of the activity of “Sphere”, a charitable foundation providing social and legal support. It had been occasioned by a citizen’s complaint containing information that the above-mentioned entity was functioning as a non-commercial organization acting as a foreign agent.

It was found that the Foundation, in breach of article 32 (7) of Act No. 7-FZ, received money from foreign sources and, at same time, engaged in political activity, without applying for inclusion in the register of non-commercial organizations. In particular, its activity sought to promote non-traditional sexual relations, inculcating in minors a positive perception of homosexuality in the family and popularizing non-traditional family values. Moreover, with regard to the regulation of public life, the Foundation’s work was of a political, oppositional nature directed at altering State policy and existing legislation. Furthermore, the legal entity being inspected had not provided the registration authority with supporting documents concerning the establishment and work of the board of trustees, including the auditing of expenditure.

Thereupon, on 1 March 2016 the Ministry of Justice entered the Foundation in the register of non-commercial organizations acting as a foreign agent under number [REDACTED]

Between 25 October and 26 November 2021, the Central Department, again on the basis of a citizen's complaint, carried out an unscheduled inspection of the Foundation's activity in accordance with article 32 (4.2) (2) of Act No. 7-FZ to ascertain whether it complied with the legislation of the Russian Federation on non-commercial organizations.

At the same time, as part of standard procedure under articles 10 (16) and 11 (4) of the above-mentioned Act, the Foundation was sent timely notification of the documents that it must prepare and present on the subject of the forthcoming inspection. As the Foundation failed to supply the full list of requested documents, it was repeatedly sent reasoned requests for additional material, in accordance with article 11 (4) of Act No. 294-FZ.

As a result, it was established that the Foundation was in fact carrying out activity, including expenditure and the use of other assets, that did not comply with the Constitution of the Russian Federation or its own charter and that involved multiple gross breaches of the law, most of which were of an irremediable nature, that justified its closing down in accordance with section 61 (3) (3) of the Civil Code and article 18 of Act No. 7-FZ.

Hence the Central Department filed an administrative application with the Kuibyshev District Court of Saint Petersburg seeking the closing down of the Foundation and its striking from the single State register of legal persons. On 21 April 2022 the court granted those requests. Thereupon on 24 May 2022, the Foundation filed an appeal, on which no action was taken owing to defects, for which a time limit expiring on 24 June 2022 was set for the remedying thereof. To date, there is no information that the Foundation has refiled an appeal.

The Office of the Procurator General has found no grounds to adopt any measures in response.
