

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders.

REFERENCE: AL
EST 1/2016:

27 May 2016

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 25/2, 24/5 and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning stigmatization of a minority rights defender Ms. **Alisa Blintsova**.

Ms. Alisa Blintsova is a human rights defender, lawyer and member of the non-governmental organization Russian School of Estonia, which promotes the right to education for the Russian linguistic minority in Estonia. She has advocated for minority rights, including through her engagement with the United Nations Committee on the Elimination of Racial Discrimination and the High Commissioner on National Minorities of the Organization for Security and Co-operation in Europe.

According to the information received:

On 7 June 2015, Ms. Blintsova appeared on Russian television channel NTV, stating that since the 1990s, there has been a large number of stateless ethnic Russians in Estonia. One month later, on 26 July 2015, Ms. Blintsova gave an interview to the news programme "Vesti" of the Russian television station *Rossiya*, in which she stated that Russian children in Estonia face excessive barriers in the education system due to the lack of materials available in the Russian language.

On 12 April 2016, the Estonian Internal Security Service published its 2015 annual review, which had sections on the defence of the constitutional order, counter-intelligence, protection of State secrets, cyber security, prevention of international terrorism and the fight against corruption. It also mentioned various

individuals in the context of threats facing the Estonian state and public order. Ms. Blintsova's name was mentioned twice in the report's chapter entitled "Defence of the constitutional order": the first time referring to the above-mentioned interview of 26 July 2015, and the second time with photographic reference to Ms. Blintsova's membership of the Russian School in Estonia and her comments on EU refugee policy in the afore-mentioned appearance on 7 June 2015.

The report of the Estonian Internal Security Service is publicly available on the Internet through the following link:

https://www.kapo.ee/sites/default/files/public/content_page/Annual%20Review%202015.pdf

Serious concern is expressed at the alleged stigmatizing portrayal of Ms. Blintsova in the official governmental report, which appears to be in connection to her legitimate human rights advocacy for minority rights in Estonia and peaceful exercise of her rights to freedom of expression and association. We call on the Government to respect and guarantee the rights to freedom of expression and freedom of association, and ensure an enabling environment for human rights defenders to carry out their activities without fear of persecution, including in the sphere of promotion of minority rights.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

In connection with the above alleged facts and concerns, please refer to the **Reference to International Law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or any comment(s) you may have on the above-mentioned allegations.
2. Please provide information as to the reasons why the name and photograph of Ms. Blintsova's appeared in the annual report of the Estonian Internal Security Service in the context of threats to the constitutional order of the Estonian state. Please explain how such unfavourable portrayal of Ms. Blintsova is compatible with international human rights norms and standards.
3. Please kindly indicate what measures have been taken to ensure that human rights defenders in Estonia, including those advocating for minority

rights, are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation, stigmatization and harassment of any sort.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst
Special Rapporteur on the situation of human rights defenders

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the following human rights standards.

While we do not wish to prejudge the accuracy of these allegations, the above allegations appear to be in contravention with articles 19 and 22 of the ICCPR, ratified by Estonia on 21 October 1991, which guarantee the rights to freedom of expression and association respectively. In this context, we would like to refer your Excellency's Government to the General Comment No. 34 (2011) of the Human Rights Committee, which provides in paragraph 9 that "All forms of opinion are protected, including opinions of a political, scientific, historic, moral or religious nature... The harassment, intimidation or stigmatization of a person, including arrest, detention, trial or imprisonment for reasons of the opinions they may hold, constitutes a violation of article 19, paragraph 1."

We would like to reiterate the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, articles 1 and 2 the Declaration state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels, and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. Moreover, article 5 and 6 provide for the rights to form, join and participate in non-governmental organizations; and the right to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms. Article 8 provides for the right to submit to governmental bodies criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

We would also like to refer to Human Rights Council resolution 22/6, which urges States to acknowledge publicly the important and legitimate role of human rights defenders in the promotion of human rights, democracy and the rule of law (OP 5), and further indicates that domestic law should create a safe and enabling environment for the work of human rights defenders (PPs 10-13).

In addition, we would like to recall Human Rights Council resolution 24/5, in which the Council "reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of

peaceful assembly and of association are in accordance with their obligations under international human rights law” (operative paragraph 2).

Furthermore, we would like to reiterate the fundamental principles set forth in the International Convention Against the Elimination of All Forms of Racial Discrimination, ratified by Estonia on 21 October 1991. In particular articles 2, 5 and 7 require States to take effective measures to review governmental, national and local policies, which have the effect of creating or perpetuating racial discrimination; and to adopt immediate and effective measures, particularly in the field of education with a view to combating prejudices which lead to racial discrimination.

We would like to refer to your Excellency’s Government to the international standards in relation to the protection of the rights to persons belonging to linguistic minorities. Article 27 ICCPR establishes the right of linguistic minorities to use their own language, in community with other members of their group, in those States in which linguistic minorities exist.

Finally, Article 1 of the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Declaration on the Rights of Minorities) establishes the obligation of States to protect the existence and identity of linguistic minorities within their territories and to adopt the appropriate measures to achieve this end, and article 2 states that persons belonging to linguistic minorities have the right to use their own language, in private and in public, freely without discrimination. Furthermore, States are required to ensure that persons belonging to minorities, including linguistic minorities, may exercise their human rights without discrimination and in full equality before the law (article 4.1).