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OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of 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

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Excellency,

We have the honour to address you in our capacities as 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 15/21 and 16/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning increasing restrictions and obstacles being imposed on the space **for civil society organizations and activists, especially for those active in the field of human rights, to operate.**

According to the information received:

Since early March 2013, at least 30 organisations in Moscow, and many more in at least 13 other regions of Russia, including Krasnodar, Moscow, Orenburg, Penza, Perm and Altai territories, St. Petersburg, Primorsky, Saratov and Rostov provinces, have been subject to inspections. These inspections have reportedly been carried out by teams of officials originated from a variety of government agencies, including the Ministry of Justice, the Ministry of Internal Affairs, the Federal Security Service (FSB), the Ministry of Emergencies, the Federal Service for Supervision of Protection of Consumer Rights and Human Well-Being, the Tax Inspectorate or the Centre E, a unit specialised in anti-extremism.

It is reported that instructions were provided to local prosecutors' offices whereby they have to analyze sources of foreign funding of organisations as well as any evidence of "extremism." It is alleged that the inspections target groups that have allegedly received foreign funding or that have engaged in advocacy work, in particular in the field of human rights. In addition it is reported that the affected organizations, which have been operating for several years, include prominent human rights organisations such as Amnesty International, Human Rights Watch,

Memorial, one of Russia's oldest human rights groups, and Transparency International.

The office of the Russian prosecutor publicly stated that it intended to inspect the offices of about 30 and 100 nongovernmental organizations in each region of the country.

It is reported that officials have, on many occasions, failed to provide an advance notice for the inspection. In other cases, officials have refused to present documents authorizing the inspection. It is alleged that these inspections were carried out by the prosecutor office to bypass some of the legal protections that civil society organizations have under laws regulating NGOs.

Serious concern is expressed that these inspections contribute to delegitimize the work of the concerned associations, including human rights organizations, and form part of an ongoing campaign to intimidate and control civil society organizations. In addition it is of concern that these measures have reportedly been taken to implement the 2012 law which requires any non-commercial organisation engaged in "political activities" and willing to receive foreign funding to register as an association "performing the functions of foreign agents". This law was the subject of a previous communication sent to your Excellency's Government on 11 July 2012 by 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. We thank your Excellency's Government for his reply to this communication, but we deeply regret the concerns we expressed then remain valid.

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.

We would like to refer to article 22 of the International Covenant on Civil and Political Rights (ICCPR), which provides that "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests".

In this connection, we would like to refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that "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."

We would also like to refer your Excellency's Government to 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, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, 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, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 5 points b) and c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join and participate in non-governmental organizations, associations or groups, and to communicate with non-governmental or intergovernmental organizations.
- article 13 which stipulates that everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedom, through peaceful means, in accordance with article 3 of the declaration.

We would also like to refer to Council resolution 22/6 which calls upon States to ensure that no law criminalizes or delegitimizes activities in defence of human rights on account of the origin of their funding.

Since 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 cooperation and your observations on the following matters:

1. Are the facts alleged in the summary of the case accurate?
2. Has any complaint been lodged against these inspections?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries which may have been carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.

4. Please indicate what measures have been taken to ensure that the legitimate right to freedom of association is respected. In this connection, please indicate how the measures mentioned above are compatible with international human rights law and standards.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

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

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders