

**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  
RUS 4/2016:

14 April 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 information we have received to the attention of your Excellency's Government concerning the alleged forced eviction of a human rights organization for the exercise of the rights to freedom of association and freedom of expression of its members, as well as for their legitimate human rights work.

The **Civic Assistance Committee** is a human rights organization that aims to assisting refugees and migrants in the Russian Federation. The Committee provides migrants with humanitarian aid, assists migrants with receiving social benefits and defending their rights. It also offers professional legal advice and represents them in courts. The Adaption and Education Centre for Refugee Children, also known as the Learning Centre, is a project of the Civic Assistance Committee.

The adoption and application of the Law on Introducing Amendments to Legislative Acts of the Russian Federation in Part Regulating Activities of Non-commercial Organizations, which Carry Functions of Foreign Agents was the subject of previous communications sent on 11 July 2012, see A/HRC/22/67 (case no. RUS 5/2012); 13 June 2013, see A/HRC/25/74 (case no. RUS 3/2013); 18 December 2013, see A/HRC/16/21 (case no. RUS 13/2013); 20 June 2014, see A/HRC/28/85 (case no. RUS 5/2014); 14 November 2014, see A/HRC/28/85 (case no. RUS 9/2014); 7 August 2015, see A/HRC/31/79 (case no. RUS 4/2015); and 25 February 2016 (case no. RUS 2/2016). We acknowledge the replies from your Excellency's Government dated 23 July 2012, 19 February 2014 and 16 November 2015, however we remain concerned given the allegations below.

According to the information received:

The Civic Assistance Committee office is located in Moscow and is leased from the Department of Municipal Property of Moscow. The lease may only be terminated unilaterally, through the decision of a court.

On 13 April 2015, the Civic Assistance Committee received a letter from the Department of Municipal Property with notice of lease termination on 13 July 2015, after which the Civic Assistance Committee would have two weeks to vacate the property. No judgement was provided for the termination of the lease. Additionally, on 20 April 2015, the Civic Assistance Committee was enlisted by the Ministry of Justice as a “foreign agent”. The employees of the Civic Assistance Committee continued to work in the offices, complying with the terms of the lease, and contacted various Government departments about the notice received.

On 18 February 2016, five individuals, including a representative of the Department of Municipal Property, forcibly entered the Civic Assistance Committee’s office. The five individuals installed a new lock and alarm system in the office, preventing the Civic Assistance Committee’s employees from accessing the office. The Civic Assistance Committee’s employees have not been permitted access to the office and its contents since 18 February 2016, except one employee who was permitted to collect her personal laptop from the premises.

The Civic Assistance Committee’s employees have filed a case before the Tver District Court regarding the legality of the forced eviction and requesting the return of their belongings.

Serious concern is expressed about the alleged reason for the forced eviction of the Civic Assistance Committee from their office, which appears to be directly linked to the peaceful and legitimate human rights work of the organization, especially protecting the rights of refugees and migrants in the country, as well as to restrain the legitimate exercise of the rights to freedom of association and freedom of expression of its members.

Additional concern is reiterated about the broader effect of the above allegations, as well as the negative consequences of the implementation of the Law on Introducing Amendments to Legislative Acts of the Russian Federation in Part Regulating Activities of Non-commercial Organizations which Carry Functions of Foreign Agents. In particular, the highly detrimental impact on civil society in what appears to be a crackdown on human rights defenders and organisations, particularly those with dissenting opinions, exercising their rights to freedom of association and freedom of expression in the country, as seems to be the case of the Civic Assistance Committee.

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.

As 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 comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the legal basis for the forced eviction of the Civic Assistance Committee and explain how this is compatible with international human rights law, in particular relevant provisions enshrined in the International Covenant on Civil and Political Rights and the Universal Declaration on Human Rights.
3. Please provide information on measures taken to ensure that the case brought by the Civic Assistance Committee to challenge the eviction is guaranteed due process and a fair hearing, as guaranteed by international human rights norms and standards.
4. Please provide information on measures taken or to be taken to ensure the return of the office contents and personal belongings of the Civic Assistance Committee and its employees, independent of the result of the court proceedings.
5. Please provide detailed information on the considerations and justifications involved in deeming the Civic Assistance Committee a “Foreign Agent”, covered by the Law on Introducing Amendments to Legislative Acts of the Russian Federation in Part Regulating Activities of Non-commercial Organizations which Carry Functions of Foreign Agents.
6. Please indicate the measures adopted to ensure that human rights defenders and associations are able to carry out their legitimate work in the Russian Federation in a safe and enabling environment without fear of persecution, violence or harassment of any sort.

We would appreciate receiving a response within 60 days. Your Excellency’s Government’s response will be made available in a report to be presented to the Human Rights Council for its consideration.

While awaiting a reply, we urge that the lease of the Civic Assistance Committee be reinstated and its employees be granted access to its premises, as long as all necessary measures have been taken to ensure that process and reasoning for the eviction of the organization comply with international human rights law, in particular with the relevant

provisions enshrined in the International Covenant on Civil and Political Rights and the Universal Declaration on Human Rights.

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 remind your Excellency's Government of Articles 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Russian Federation in 1973, which guarantees the right to freedom of expression and freedom of association, respectively.

We also wish 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, also known as the UN Declaration on Human Rights Defenders. In particular, articles 1 and 2 of 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. Furthermore, we would like to bring to the attention of your Excellency's Government such provisions of the Declaration as article 5 (b) reiterating the right to form, join and participate in non-governmental organizations, associations or groups); article 6 (b) and (c) stating the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights; and article 13(b) and (c) reiterating the right to solicit, receive, and utilize resources for the purpose of peacefully promoting and protecting human rights and fundamental freedom.

We would also like to refer your Excellency's Government to Human Rights Council resolution 24/5 (operative paragraph 2), 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."

We would also like to further refer to the reports of the Special Rapporteur on the right to freedom of peaceful assembly and of association, which recognize, inter alia, refugees and children as groups most at risk of discrimination, unequal treatment and harassment in this regard (A/HRC/26/29, para. 10), as well as the negative obligation of States not to unduly obstruct the exercise of the right to freedom of association and the positive obligation to establish and maintain an enabling environment in this context (A/HRC/20/27, paras. 63, 64 and 65).

We also wish to refer to Human Rights Council resolution 22/6, which reiterates that domestic law should create a safe and enabling environment for the work of human rights defenders (PPs 10-13).

Furthermore, in the context of the Law on Introducing Amendments to Legislative Acts of the Russian Federation in Part Regulating Activities of Non-commercial Organizations, which Carry Functions of Foreign Agents, we would also like to recall the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, which calls on Member States to “ensure that associations... can seek, receive and use funding and other resources from natural and legal persons, whether domestic, foreign or international, without prior authorization or other undue impediments, including from individuals; associations, foundations or other civil society organizations; foreign Governments and aid agencies; the private sector; the United Nations and other entities” (A/HRC/23/39, para. 82(b)).

We would further like to remind you of the recommendations accepted under the second UPR cycle of the Russian Federation to promote and protect the a safe and enabling environment for civils society, including human rights defenders’ right to freedom of association in accordance with the Declaration on Human Rights Defenders, as well as to ensure laws governing NGOs are compliant with international human rights and do not create undue obstacles; including recommendations 140.156, 140.157, 140.159, 140.166, 140.167, 140.170, 140.173, 140.175 and 140.177 (see A/HRC/24/14/Add.1).