

Ref. CommDH 023(2015)

Council of Europe Commissioner for Human Rights reiterates his call to bring Russian NGO legislation in line with European standards

<http://bit.ly/1HhstGP>

Strasbourg, 9 July 2015 - " Russian NGO legislation falls short and must be revised to allow human rights defenders and NGOs in Russia to work in an environment conducive to performing their essential role in the Council of Europe Commissioner for Human Rights **Updated Opinion** on the legislation of the Russian Federation on non-commercial organisations. The opinion analyses the legislative amendments introduced since July 2013, the implementation of the so-called Law on Foreign Agents since its adoption and the practical consequences for Russian NGOs. The Commissioner also formulates recommendations to the Russian authorities. This update builds on the previous Opinion published by the Commissioner in 2013 after the entry into force of legal provisions introducing the term 'foreign agents' and the possibility of applying criminal charges against civil society activists.

As of 29 June 2015, the Ministry of Justice maintained a list of at least 70 NGOs labeled as 'foreign agents' for performing civic and receiving foreign funding. The majority have been added to the register during the last six months. There have been at least 189 cases brought before domestic courts to challenge the foreign agent label. Of those, at least 121 judicial decisions found that the law had been applied correctly, while only some 28 judicial decisions were delivered in favour of the NGOs. As a result, at least 20 NGOs have already ceased their activity either in full or in part, including through 'self-censorship' trend, and the pace with which 'foreign agents' are being added is alarming and can have adverse effects on Russian civil society organisations which perform an essential role.

The Commissioner notes with regret that the practice of applying the Law on Foreign Agents has largely confirmed his initial concerns about possible abuse. Moreover, the legislative amendments introduced since July 2013 have amplified the already serious problems related to the lack of legal certainty, arbitrariness and disproportionate sanctions as well as the wide discretionary powers granted to the authorities. The absence of prior judicial review of decisions seriously infringing on the rights is another key procedural flaw that leaves the affected civil society organisations without effective safeguards. The new provisions have also widened the legal grounds for unplanned or extraordinary inspections of NGOs and introduced further restrictions on conducting many activities of vital public interest. The possibility of misuse as a repressive tool against human rights defenders. Stringent sanctions, including the possibility for NGO managers to face criminal charges, can have a chilling effect on the work of civil society institutions and cultivate self-censorship.

The Commissioner for Human Rights calls on the authorities to listen to the concerns about the broad and vague character of definitions used in the law expressed by the Russian national human rights structures, and to urgently call on the authorities to suspend any further application of the Law on Foreign Agents and to refrain from imposing any further restrictions on the work of civil society organisations in the Russian Federation. "

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The Commissioner for Human Rights is an independent, non-judicial institution within the Council of Europe, mandated to promote awareness of, and respect for, human rights in the 47 member states of the Organisation. Elected by the Parliamentary Assembly of the Council of Europe, the present Commissioner, Mr Nils Muižnieks, took up his function on 1 April 2012