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**OPINION ON THE DRAFT FEDERAL LAW ON INTRODUCING
AMENDMENTS TO CERTAIN LEGISLATIVE ACTS OF THE RUSSIAN
FEDERATION #662902-6**

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OPINION ON THE DRAFT FEDERAL LAW ON INTRODUCING AMENDMENTS TO CERTAIN LEGISLATIVE ACTS OF THE RUSSIAN FEDERATION #662902-6

1. This proposed law envisages certain amendments to several pieces of legislation, the effect of which would be as follows:
 - bans on non-commercial organisation whose activities have been suspended from organising, holding and participating in mass street and public events, as well as on using bank accounts and deposits other than for the settlement of their liabilities, including taxes, duties and fines;
 - authorising the recognition as undesirable the activities of a foreign or international organisation on the basis solely of information provided by internal affairs, security and other federal executive agencies that they present a threat to defence capacity, national security, public order, public health, public morals and the rights and legitimate interests of other persons so that such an organisation (a) cannot establish or continue to operate structural subdivisions, (b) will be entered into the roster regarding involvement in extremist activities or terrorism and (c) cannot disseminate, produce or store their informational materials; and
 - making the organisation of and participation in the activities of any entity so recognised as undesirable subject to an administrative fine (if such organisation and participation is not already a criminal offence) and to imprisonment, disqualification from engaging in certain activities and restriction of liberty where this organisation and participation is committed multiple times.
2. These proposals give rise to the following problems of compliance with the requirements of the European Convention on Human Rights:
 - a. the ban on participation in mass street and public offences is unlimited and, as no relationship between its application and the existence of a genuine risk for which such restrictions may be imposed on the right to freedom of assembly is required, there will necessarily be a violation of Article 11 in respect of those who are so affected (see *Stankov and the United Macedonian Organisation Ilinden v. Bulgaria*, no. 29221/95, 2 October 2001);
 - b. the freezing of bank accounts and deposits regardless of whether their use is connected with the reason for the suspension of the activities of the organisation concerned is disproportionate in its effect and thus will be contrary to both Article 11 and Article 1 of Protocol No. 1 (see *Christian Democratic People's Party v. Moldova*, no. 28793/02, 14 February 2006 and *Raimondo v. Italy*, no. 12954/87, 22 February 1994);
 - c. the power of designation of the activities as undesirable for reasons that lack real specificity and on the basis solely of information that is untested by a court will mean that both the quality of law requirement for a restriction is not satisfied and any such designation must be regarded as arbitrary, thereby contrary to Article 11 (see *Tebieti Mühafize Cemiyeti and Israfilov v. Azerbaijan*, no. 37083/03, 8 October 2009);
 - d. the consequential entering of such organisations into the extremism and terrorism roster will not meet the standards for storage of data required by

Article 8 (see *Shimovolos v. Russia*, no. 30194/09, 21 June 2011);

- e. the consequential blanket ban on such organisations disseminating, producing and storing their information will, because this is regardless of its content, be an unjustified restriction on the freedom of expression of both the organisations and those wishing to read their publications (see *Ekin Association v. France*, no. 39288/98, 17 July 2001); and
 - f. the various offences imposed for organising and participating in the activities of an organisation designated on the above basis lack the precision in their definition that will enable anyone accused of committing them to foresee that conviction would be a necessary consequence of their conduct (see *Vyrentsov v. Ukraine*, no. 20372/11, 11 April 2013).
3. As all aspects of the proposed amendments are thus in conflict with the requirements of the European Convention on Human Rights, their adoption would be entirely inappropriate.