



International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on the seventh periodic report of the Russian Federation

Addendum

Information received from the Russian Federation on follow-up to the concluding observations*

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Information from the Russian Federation on the implementation of the recommendations contained in the concluding observations of the Human Rights Committee following its consideration of the seventh periodic report of the Russian Federation on its implementation of the International Covenant on Civil and Political Rights

1. Article 2 of the Constitution of the Russian Federation states that the individual and individual rights and freedoms are supreme values. The State is required to recognize, uphold and protect human and civil rights and freedoms.
2. Article 17 (1) of the Constitution states that human and civil rights are recognized and guaranteed in the Russian Federation in accordance with the generally recognized principles and rules of international law and in conformity with the Constitution of the Russian Federation.
3. In the Russian Federation, everyone is equal before the law and the courts. Under article 19 of the Constitution, the State guarantees equal human and civil rights and freedoms regardless of a person's sex, race, ethnicity, language, origin, financial situation, official status, place of residence, attitude to religion, convictions, membership of voluntary associations or other circumstances. Any form of restriction of civil rights on social, racial, ethnic, linguistic or religious grounds is prohibited.

* The present document is being issued without formal editing.



4. The Constitution guarantees the right to life (art. 20), the right to freedom and personal inviolability (art. 22), the right to the inviolability of one's private life (art. 23) and of the home (art. 25), the right to freedom of conscience and religion (art. 28), freedom of thought and expression and freedom of the press (art. 29), the right of association (art. 30), the right of Russian citizens to assemble peacefully, without arms, and to hold meetings, rallies, demonstrations, marches and protests (art. 31), the right to private property (art. 35) and the right to housing (art. 40).
5. At the same time, the exercise of human and civil rights and freedoms must not infringe the rights and freedoms of others (Constitution, art. 17).
6. Article 55 of the Constitution states that human and civil rights and freedoms may be restricted by federal law only to the extent required for the purposes of protecting the foundations of the constitutional order, public morals and the health, rights and legitimate interests of others and ensuring national defence and State security.
7. Human and civil rights and freedoms are directly enforceable. They determine the purpose, content and application of laws and the activities of the legislature, the executive and local government bodies and are assured by the justice system (Constitution, art. 18).
8. The judiciary is assigned a special role within the Russian human rights system, as it is a fundamental element of the constitutional system to protect human rights.
9. Thus, under article 46 of the Constitution, everyone is guaranteed the judicial protection of his or her rights and freedoms.
10. Decisions and actions, or inaction, by government bodies, local authorities, voluntary associations or officials are subject to appeal before the courts.
11. Furthermore, anyone is entitled, pursuant to the international agreements entered into by the Russian Federation, to apply to international human rights bodies if all available domestic legal remedies have been exhausted.
12. The Russian procuratorial authorities play an important role in the protection of human rights and freedoms; they ensure the protection of constitutional human and civil rights and freedoms, including protection against unlawful acts or omissions by government officials, by acting on behalf of the State to supervise observance of the Constitution and compliance with legislation in force in the Russian Federation.
13. The right of everyone to seek redress from the State for harm suffered as a result of the unlawful actions, or inaction, of State bodies or officials is guaranteed under article 53 of the Constitution.
14. Article 30 of the Constitution states that everyone has the right to freedom of association. The freedom of voluntary organizations to pursue their activities is guaranteed.
15. Voluntary associations are equal before the law (Constitution, art 13 (4)).
16. The Russian Federation recognizes ideological and political diversity and has a multiparty system. No ideology may establish itself as the ideology of the State or as a compulsory ideology (Constitution, art. 13).
17. Everyone is guaranteed freedom of conscience and religion, including the right to practise any religion individually or with others or not to profess any faith, and to freely choose, hold and disseminate religious and other beliefs and to act in conformity with them (Constitution, art. 28).
18. In addition, in order to implement the provisions of article 17 (3) and article 55 (3) of the Constitution, article 29 (2) of the Constitution prohibits propaganda and agitation that

foment social, racial, ethnic or religious hatred or enmity. The advocacy of social, racial, ethnic, religious or linguistic superiority is also prohibited.

19. Article 13 (5) of the Constitution prohibits the establishment and operation of voluntary associations whose aims or activities are directed at changing the constitutional order by force and violating the integrity of the Russian Federation, undermining the security of the State, forming armed groups or inciting social, racial, ethnic or religious strife.

Paragraph 7 of the concluding observations

20. The investigation of criminal cases involving the death or abduction of residents of the Chechen Republic in the course of counter-terrorism operations is one of the priorities of the Investigative Committee of the Russian Federation.

21. The investigation department for the Chechen Republic, a unit of the Investigative Committee, is adopting comprehensive measures to investigate such cases effectively and to prevent and eliminate any shortcomings.

22. For each criminal investigation, joint plans for the implementation of investigative and other procedural measures are drawn up in cooperation with the bodies conducting the inquiries.

23. It is required procedure to consider the possible involvement of military or law-enforcement personnel in an offence and to conduct the corresponding checks. To that end, requests are sent to the central State archives for information relating to units stationed in the Chechen Republic and individuals serving in those units, whose possible involvement in the offence is subsequently investigated.

24. The investigators in charge of such cases take measures to establish and expand the pool of witnesses, which can include not only close relatives, neighbours, acquaintances and co-workers of those involved in the offence, but also representatives of municipal bodies, heads of district and local administrations, military commanders and the staff of local law-enforcement units. These people are questioned about such circumstances of the offence as are relevant to the investigation. If it is not possible to question an individual, owing to his or her death, unknown whereabouts or location outside the Russian Federation, the investigators proceed to question that person's relatives and co-workers and establish what they know about the offence and whether they discussed the specific circumstances of the offence with the individual in question.

25. In order to clarify all the substantive factors that could affect the course of the investigation, the victims of the offence and key witnesses are questioned further about the specific circumstances and asked to describe the abductors, the armoured vehicles used by them and any other details that may arise. Their statements are checked thoroughly and sketches are attached to the record of proceedings for the investigation.

26. In cases where criminal proceedings have been suspended, the investigators conduct inquiries and take other procedural action aimed at tracing the abducted persons and the perpetrators of the offence by issuing instructions and requests to the bodies that carried out the original inquiry.

27. For each criminal case, blood samples are taken from the relatives of the abducted and missing persons and forensic DNA analysis is carried out to determine their genotypes, with subsequent cross-checking against unidentified bodies found at various times in the territory of the Chechen Republic.

28. One of the priorities of the investigation department for the Chechen Republic is to take measures to protect the rights and legitimate interests of victims at the pretrial stage of the criminal proceedings and to improve cooperation between the investigative bodies and the victims.

29. To that end, victims are supplied with all the necessary information relating to the main investigative actions carried out; provided with copies of procedural documents, as prescribed by criminal procedural legislation; and given the opportunity to familiarize themselves with the criminal case files.

30. In the course of their inquiries, the investigators are at pains to improve the quality of their work and ensure that the rights and freedoms of citizens are respected during the course of the preliminary investigation.

31. The operational units and the investigating agency work together on solving historical offences. Their cooperation takes the form of working meetings between the two sides and the subsequent processing by the operational staff of the agency's instructions. In criminal cases where the preliminary investigation is suspended, instructions are sent on a regular basis to the agency in accordance with article 209 (2) of the Code of Criminal Procedure to establish the identity of the perpetrators and to search for individuals who are evading the investigation. Information about the results of the investigation is requested on a monthly basis.

32. Any claim concerning procedural decisions relating to the killing or injury of a close relative during the period described above, as a result of artillery or air strikes or otherwise, is considered in the manner prescribed by law.

33. Cooperation agreements are concluded between the Ministry of Internal Affairs of the Chechen Republic and the Human Rights Commissioner of the Chechen Republic, the Social Forum, the Council of non-governmental organizations and associations for the monitoring of human rights and the development of civil society and the Muslim Spiritual Board (Muftiate) of the Chechen Republic.

34. In the Russian Federation and, accordingly, in the Chechen Republic, there is no collective punishment of the relatives and suspected supporters of alleged terrorists.

35. The State protection of individuals is ensured through a combination of security measures and investigative activities. Those measures are pre-emptive in nature, thus strengthening the protection provided.

36. In 2015, the Ministry of Internal Affairs of the Chechen Republic applied 119 security measures in respect of 66 individuals: 117 measures relating to 65 individuals in accordance with Federal Act No. 119-FZ of 20 August 2004 on State Protection of Victims, Witnesses and Other Participants in Criminal Proceedings and two measures relating to one individual in accordance with Federal Act No. 45-FZ of 20 April 1995 on State Protection of Judges and Officials of Law-Enforcement and Inspection Agencies.

37. In 58 cases, the measures were applied to ensure personal protection and the protection of personal property; in 27 cases, they related to temporary accommodation in a safe location; in 24 cases, they were taken to ensure the non-disclosure of information relating to the protected person; in 6 cases, they were special measures to provide individual protection, communication and warnings of danger; and in 4 cases, they related to the alteration of physical appearance.

Criminal attacks against protected persons are not permitted

38. Under the powers granted to them by law, the law-enforcement and investigative bodies conduct internal monitoring of compliance with the law by operational staff and

investigators during the detection and investigation of crimes committed in the North Caucasus Federal Area.

Paragraph 19 (a) of the concluding observations

39. Pursuant to Federal Act No. 420-FZ of 7 December 2011 on Amendments to the Criminal Code and to Certain Laws of the Russian Federation, article 129 of the Criminal Code was deemed to have become invalid, since, based on the level of the threat to society, it corresponded more closely to the offences provided for under the Code of Administrative Offences. The Code of Administrative Offences was therefore simultaneously supplemented with article 5.60 (Defamation).

40. In addition, pursuant to Federal Act No. 141-FZ of 28 July 2012, the Criminal Code was supplemented with article 128.1 (Defamation), of which paragraph 1 criminalizes the dissemination of information known to be false that besmirches the honour or dignity of another person or damages his or her reputation, paragraph 2 criminalizes defamation in a public statement or publicly staged production or in the media and paragraph 3 criminalizes defamation committed through the abuse of a person's official position.

41. Furthermore, article 128.1 (4) of the Criminal Code criminalizes defamation based on claims that a person is suffering from an illness that poses a risk to others or has committed a sexual offence, while paragraph 5 of the article criminalizes defamation based on an accusation that a person has committed a serious offence.

42. It should be noted that, under article 19 of the International Covenant on Civil and Political Rights, the right to freedom of expression is not absolute and is subject to legal restrictions. The right to freedom of expression includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of a person's choice. Furthermore, the exercise of the rights provided for in paragraph 2 of that article of the Covenant carries with it special duties and responsibilities, as set out in paragraph 3 of the article. It may therefore be subject to certain restrictions, but these may only be such as are provided by law and are necessary in order to respect the rights or reputations of others or to protect national security, public order or public health or morals.

43. Therefore, the Russian legislature is entitled to choose for itself how it wishes to combat unlawful acts such as defamation, which may include criminalizing it. In this case, the legislative decision to supplement the Criminal Code with article 128.1 fully complies with the rules of international law and the obligations of the Russian Federation under the International Covenant on Civil and Political Rights. Furthermore, defamation is a punishable offence in a number of European countries, including Austria, Denmark, Sweden and Germany.

44. It should be noted that, according to data from the Legal Division of the Supreme Court, persons convicted under article 128.1 of the Criminal Code between 2013 and the middle of 2015 received an administrative penalty in the form of a fine. Custodial sentences were not imposed during that period.

45. The provision described above cannot, therefore, be deemed to restrict freedom of expression or run counter to the International Covenant on Civil and Political Rights.

Paragraph 19 (b) of the concluding observations

46. Pursuant to Federal Act No. 190-FZ of 12 November 2012, the wording of article 275 of the Criminal Code was clarified. The amended text, which took account of the work

of the Federal Security Service of the Russian Federation to detect, contend with and investigate offences criminalized under articles 275, 276 and 283 of the Criminal Code, aims to improve criminal legislation relating to the protection of State secrets from criminal attacks and ensure the security of the Russian Federation more effectively.

47. The definition of one form of treason as “the provision of assistance to a foreign entity in carrying out hostile activities to the detriment of the external security of the Russian Federation” needed to be amended. The vagueness of that definition, which gave rise to its inconsistent and arbitrary interpretation by the courts, was noted by judges of the Constitutional Court (dissenting opinions of N.V. Vitruk and A.L. Kononov in Decision No. 17-P of the Constitutional Court of 20 December 1995).

48. Article 275 of the Criminal Code currently criminalizes high treason, namely the commission by citizens of the Russian Federation of espionage; divulgence to a foreign State or an international or foreign organization or representatives thereof of State secrets or information entrusted to or known to them through their service, employment or research positions, or in any other way provided for under the law; or the provision of financial, material, technical, consultative or other assistance to a foreign State or an international or foreign organization or representatives thereof in carrying out activities that pose a threat to the security of the Russian Federation.

49. It should be noted that the footnote to article 275 of the Criminal Code sets out specific grounds for excluding criminal responsibility for certain offences against the constitutional order and State security. Accordingly, a person who has committed high treason is relieved of criminal responsibility if he or she facilitates the prevention of further damage to the interests of the Russian Federation by informing the authorities of the offence, voluntarily and in a timely manner, or in any other way, and if he or she has not committed any other crime.

Paragraph 19 (c) of the concluding observations

50. Under article 28 of the Constitution, everyone is guaranteed freedom of conscience and religion, including the right to practise any religion individually or with others or not to profess any faith, and to freely choose, hold and disseminate religious and other beliefs and act in conformity with them.

51. In order to protect the constitutional right to freedom of conscience and religion, article 148 of the Criminal Code criminalizes the violation of that right.

52. To address legal gaps relating to the liability of persons who insult the religious beliefs of Russian citizens practising Christianity, Islam, Buddhism, Judaism or other religions constituting an integral part of the historical heritage of the Russian people, and/or defile sites or objects of religious veneration or pilgrimage or places intended for worship and other religious rites and ceremonies of religious associations, Federal Act No. 136-FZ of 29 June 2013 on Amendments to Article 148 of the Criminal Code and Other Legislative Acts for the Purpose of Countering Insults to Citizens’ Religious Beliefs and Feelings was adopted and entered into force on 1 July 2013. Such offences pose a threat to society, since they violate traditional and religious norms developed by society over the course of many centuries and its moral values and, moreover, are contrary to morality, entail serious consequences and have a clearly antisocial intention.

53. The Act establishes criminal and administrative liability for violation of the right to freedom of conscience and religion.

54. The updated version of article 148 of the Criminal Code seeks to protect social relations arising out of the lawful activities of religious organizations, the performance of

religious rites and freedom of conscience and worship. Therefore, article 148 (1) criminalizes public actions that express a clear disrespect for society and aim to insult the religious feelings of believers, while paragraph 2 of the article criminalizes the commission of the offences provided for under paragraph 1 in places specially designated for worship or other religious rites and ceremonies. Paragraph 3 criminalizes the unlawful obstruction of the activities of religious organizations or the performance of worship or other religious rites and ceremonies, while paragraph 4 criminalizes the commission of the offences provided for under paragraph 3 through the abuse of official position or through the use of force or the threat of force.

55. The offence consists of a public action that expresses clear disrespect for society and is intended to insult the religious feelings of believers, or the unlawful obstruction of the activities of religious organizations or the performance of religious rites.

56. The public nature of an act is determined by the fact that it is committed openly and in plain sight and can be witnessed by others. An offence is usually deemed public when the act concerned is committed in a public place and/or is visible to a greater or lesser extent to a large number of people. However, the presence of a limited number of people does not mean that the act is not public. At the same time, while the number of people who are witness to the act is not crucial in determining whether it is public, it is a factor that should be taken into account along with the other circumstances of the offence.

57. Clear disrespect for society is expressed through the deliberate violation of universally recognized norms and rules of behaviour, motivated by the desire of the perpetrator to stand out from the crowd and show disdain for other people.

58. It should be noted that most foreign countries apply a similar legal instrument to ensure their citizens' right to freedom of religion and to protect religious faiths.

59. The Federal Act referred to above also amends article 5.26 of the Code of Administrative Offences, which provides for the administrative liability not only of citizens, as was previously the case, but also of officials for the violation of laws relating to the freedom of conscience, freedom of religion and religious associations.

60. Article 28.3 of the Code of Administrative Offences states that records of the administrative offences provided for under article 5.26 can be drawn up by officials of bodies authorized to engage in the monitoring or oversight of the activities of non-commercial organizations, including the offices of international organizations and foreign non-commercial, non-governmental organizations (NGOs), voluntary associations, political parties and religious organizations.

61. In accordance with the regulations governing the Ministry of Justice established by Presidential Decree No. 1313 of 13 October 2004, it is the Ministry of Justice that monitors or oversees the activities of non-commercial organizations, including religious organizations. It is thus authorized to draw up records of the administrative offences provided for under article 5.26 (1) and (2) of the Code of Administrative Offences, but only in relation to officials from non-commercial organizations.

62. Since the entry into force of the Federal Act referred to above, no administrative proceedings have been initiated against officials from non-commercial organizations under article 5.26 of the Code of Administrative Offences by the Ministry of Justice or its regional offices.

Paragraph 19 (e) of the concluding observations

63. Federal Act No. 80-FZ of 19 May 1995 on the Commemoration of the Victory of the Soviet People in the Great Patriotic War of 1941-1945 (hereinafter referred to as Act No.

80-FZ) is in force. That Act states that the most important aspect of the Russian State policy to commemorate the victory of the Soviet people in the Great Patriotic War is the resolute struggle against manifestations of Nazism and fascism. The Russian Federation is committed to taking all measures necessary to prevent the formation and operation of fascist organizations and movements in its territory.

64. The Russian Federation prohibits the use of any form of Nazi symbol, inasmuch as it is insulting to the multi-ethnic nature of the Russian people and the memory of the victims of the Great Patriotic War. It also prohibits the promotion or public display of the paraphernalia or symbols of organizations that cooperate with groups, organizations, movements or individuals recognized as being criminal in nature or guilty of crimes established by the judgment of the International Military Tribunal for the prosecution and punishment of the major war criminals of the European Axis (Nuremberg Tribunal) or the judgments of national, military or occupation tribunals that were based on the judgment of the Nuremberg Tribunal or were rendered during the Great Patriotic War or the Second World War, and organizations (including foreign or international organizations) that deny the facts and conclusions established by the judgment of the Nuremberg Tribunal or the judgments of national, military or occupation tribunals that were based on the judgment of the Nuremberg Tribunal or were rendered during the Great Patriotic War or the Second World War.

65. Those prohibitions were introduced into Act No. 80-FZ in November 2014 by means of Federal Act No. 574-FZ of 4 November 2014 on Amendments to Article 6 of the Federal Act on the Commemoration of the Victory of the Soviet People in the Great Patriotic War of 1941-1945.

66. As well as introducing the prohibition of the promotion or public display of the paraphernalia or symbols of the organizations mentioned above, Act No. 332-FZ establishes administrative liability for the promotion or public display, manufacture, marketing for the purposes of propaganda or acquisition for the purposes of sale or propaganda of the paraphernalia or symbols of such organizations (Code of Administrative Offences, art. 20.3).

67. Furthermore, under Federal Act No. 128-FZ of 5 May 2014 the Criminal Code was supplemented with article 354.1 (Rehabilitation of Nazism). The adoption of the Act was dictated by the need to protect society and the State from criminal acts aimed at rehabilitating Nazism that could pose a new threat to peace and public security. Accordingly, article 354.1 (1) of the Criminal Code criminalizes the denial of the facts established by the judgment of the Nuremberg Tribunal, approval of the offences established by that judgment and the dissemination of deliberately false statements concerning the actions of the Union of Soviet Socialist Republics during the Second World War.

68. Article 354.1 (2) of the Criminal Code punishes offences committed by an individual using his or her official position, using the media or fabricating evidence of guilt.

69. It should be noted that reassessment of the decisions of the Nuremberg Tribunal in the form of approval for the aggressive policy of Nazism, denial of the facts of Nazi crimes in the occupied territories or description of the actions of the anti-Hitler coalition to resist the aggressor as criminal is an international crime. That follows from article 107 of the Charter of the United Nations, which attests to the particular social threat posed by the crimes committed during the Second World War and by attempts to rehabilitate, misrepresent or justify those crimes.

70. Given the fact that international instruments, including the Potsdam Agreement of 2 August 1945 on the defeat of Germany and the Charter of the Nuremberg Tribunal, clearly identify both the countries of the anti-Hitler coalition and those allied with the aggressor,

and acknowledge the protection by the countries of the anti-Hitler coalition of the principles of supporting international peace and security, the validity of the actions of the coalition during the Second World War is completely incontrovertible. Furthermore, in our view, countries that consider the actions of the anti-Hitler coalition during the Second World War to be hostile towards them can effectively be held to be allies of Nazism.

71. Pursuant to article 6 of Act No. 80-FZ, the Government adopted Decision No. 574 of 11 June 2015 approving the rules for determining the list of organizations, and the paraphernalia and symbols of those organizations, to be specified in article 6 (3) and (4) of the Federal Act on the Commemoration of the Victory of the Soviet People in the Great Patriotic War of 1941-1945.

72. The Decision establishes the procedure for identifying organizations that cooperate with groups, organizations, movements or individuals that are recognized as being criminal in nature or guilty of crimes established by the judgment of the Nuremberg Tribunal or the judgments of national, military or occupation tribunals that were based on the judgment of the Nuremberg Tribunal or were rendered during the Great Patriotic War or the Second World War, or organizations that deny the facts and conclusions established by the judgment of the Nuremberg Tribunal or the judgments of national, military or occupation tribunals that are based on the judgment of the Nuremberg Tribunal or were rendered during the Great Patriotic War or the Second World War, and also the paraphernalia and symbols of those organizations.

73. Accordingly, Russian legislation establishes appropriate penalties for socially dangerous acts that deny the criminal nature of the Nazi regime or the commission by that regime of war crimes, crimes against peace and human security and genocide and for acts that seek to exonerate individuals convicted by the Nuremberg Tribunal and pose a threat to society because they constitute international crimes.

74. With regard to the recommendation to clarify the “vague, broad and open-ended definition of key terms”, definitions of that nature are not permitted in the legislation of the Russian Federation.

75. Indeed, the Constitutional Court has stated on a number of occasions that legal regulations issued by the federal legislature must meet the requirements of clarity, precision and consistency (rulings No. 2427-0 of 6 November 2014 and No. 452-0-0 of 17 June 2008). In addition, Government Decision No. 96 of 26 February 2010 establishes the methodology for assessing how far current and draft legislation is able to prevent and combat corruption. In accordance with paragraph 4 (c) of the methodology, one factor that facilitates corruption — by imposing on individuals and organizations vague or onerous requirements that may be difficult to fulfil — is the use of imprecise, ambiguous terms and assessment categories, leading to legal and linguistic uncertainty.

76. Therefore, the inference in paragraph 19 of the concluding observations that the provisions of Russian criminal legislation do not comply with the State’s obligations under the Covenant is not an accurate reflection of the situation.

Paragraph 22 of the concluding observations

77. Pursuant to Federal Act No. 121-FZ of 20 July 2012 on Amendments to Certain Legislative Acts of the Russian Federation Regulating the Activities of Non-Commercial Organizations Performing the Functions of Foreign Agents, a Russian non-commercial organization is understood to be performing the functions of a foreign agent when it receives funding and other resources from foreign governments or their agencies, international or foreign organizations, foreign nationals, stateless persons or their authorized representatives and/or Russian legal entities that receive funding and other

resources from such sources (with the exception of open joint-stock companies with State participation and their subsidiaries) and is politically active in the territory of the Russian Federation, including in the interests of foreign sources.

78. It should be noted that the amendments introduced by the Act do not prohibit the foreign financing of non-commercial organizations in Russia or restrict or prohibit their activities. The addition of such organizations to the register of non-commercial organizations performing the functions of foreign agents (hereinafter referred to as “the register”) aims to render the work of those entities more open and transparent. Broad sections of society have access to the information provided on the website of the Ministry of Justice relating to the list of such NGOs. The experience of other countries, including the terminology that they use, was drawn on during the drafting of the legislation.

79. The grounds on which voluntary associations and other non-commercial organizations are removed from the register in the event that they cease their operations as foreign agents, and the procedure for doing so, are set out in the Federal Act on Voluntary Associations and the Federal Act on Non-Commercial Organizations, which entered into force on 20 March 2015.

80. In order to be removed from the register, a non-commercial organization must submit an application to the Ministry of Justice according to the established procedure. Following the application, the regional offices of the Ministry of Justice conduct random checks in accordance with the law. On the basis of those checks, a decision is made to remove the organization from the register in cases where:

- (1) The organization has ceased its operations as a result of its liquidation or reorganization or, having ceased its operations as a legal entity, has been removed from the State register of legal entities;
- (2) The organization has not received any funding or other assets from foreign sources and/or has not participated in any political activity for a year prior to the submission of the application;
- (3) The organization, having previously been removed from the register, has not received any funding or other assets from foreign sources and/or has not taken part in any political activity for three years prior to the submission of the application.
- (4) The organization has rejected funding or other assets from a foreign source and returned them to the foreign source from which they came no later than three months after its addition to the register.

81. The random checks are conducted by the regional offices of the Ministry of Justice within the legally established time frames.

82. As of 26 January 2016, 20 non-commercial organizations performing the functions of foreign agents had submitted applications for removal from the register.

83. As a result of the checks conducted on the organizations that had submitted applications for removal, the Ministry of Justice decided to remove seven organizations from the register but to reject the applications of seven others. Checks will be conducted on the remaining organizations, following which the Ministry of Justice will adopt the requisite decisions.

84. It should be noted that, during the random checks on non-commercial organizations carried out by the competent authorities, instances of misreporting were identified by the regional offices.

85. A decision not to remove a non-commercial organization performing the functions of a foreign agent from the register is issued by the Ministry of Justice where the organization continues to perform the functions of a foreign agent.
86. If it does not agree with the decision of the Ministry of Justice relating to its removal from the register, the organization may contest that decision in court.
87. To date, one non-commercial organization, the Golos Association to protect voters' rights, has contested the decision of the Ministry of Justice not to remove it from the register. Judicial proceedings are currently under way.
88. Furthermore, if an organization claims for a second time that it has stopped performing the functions of a foreign agent, it can reapply to be removed from the register. Two non-commercial organizations have submitted repeat applications: the All-Russia Public Movement for Human Rights and the Golos Association to protect voters' rights.
89. There are therefore no evidence that the current procedure for the removal of a non-commercial organization from the register is complex.
90. In order to clarify the concept of "political activity", the Ministry of Justice has prepared a draft federal act amending article 2 (6) of the Federal Act on Non-Commercial Organizations (hereinafter referred to as "the draft law").
91. The draft law clearly specifies the areas in which political activity takes place. Those areas include nation-building and the federal system; the sovereignty and territorial integrity of the Russian Federation; the rule of law, public order and security; national defence; foreign policy; the integrity and stability of the political system, the socioeconomic and national development of the Russian Federation and the operation of State authorities and local government bodies; and the regulation of civil and human rights and freedoms. The clarifications provided in the draft law will facilitate the elaboration of clear and comprehensive criteria for defining political activity and ensure the uniformity of legislative and regulatory compliance practices. Furthermore, the draft law will set out the possible forms that political activity may take.
92. With regard to the Committee's observation relating to the "ban on undesirable foreign companies, organizations or groups", the following should be noted.
93. Federal Act No. 129-FZ of 23 May 2015 on Amendments to Certain Legislative Acts of the Russian Federation entered into force on 3 June 2015. The Act amended the Federal Act on Enforcement Measures against Persons Involved in Violations of Fundamental Human Rights and Freedoms and the Rights and Freedoms of Russian Citizens and the Federal Act on the Procedure for Exit from and Entry into the Russian Federation and, in addition, the Criminal Code and the Code of Administrative Offences.
94. The main objective of Federal Act No. 129-FZ is to protect State security in relation to the activities of foreign and international organizations. It therefore contains an exhaustive list of grounds for the recognition of an organization as being undesirable within the Russian Federation, which are based on threats to the constitutional order, national defence or State security. That list fully complies with international law, in particular the provisions of the International Covenant on Civil and Political Rights, which allows for the restriction of certain rights enshrined therein, including for the purposes of protecting State security and public order.
95. The Act does not conflict with the exercise of other rights and freedoms guaranteed under the Constitution and the legislation of the Russian Federation in accordance with its international obligations, in particular the freedom of expression and the right to freedom of association.

96. The Act provides that decisions relating to the recognition of the activities of an organization as being undesirable within the territory of the Russian Federation are taken by the Procurator-General or his or her deputy on the basis of inter-agency coordination. Therefore, the decision-making process is a collective exercise and avoids any bias. Such decisions can be revoked by the same officials.

97. Information relating to the recognition of the activities of a foreign or international NGO as being undesirable within the Russian Federation is disclosed through the publication of the list on the official website of the Ministry of Justice and in a periodical with a national circulation. Under Government Order No. 1592-r of 18 August 2015, *Rossiyskaya Gazeta* was appointed the periodical officially responsible for publishing the list of foreign and international NGOs whose activities were recognized as being undesirable within the Russian Federation.

98. The procedure for maintaining the list and for adding or removing foreign and international NGOs is determined by the Ministry of Justice (Federal Act No. 272-FZ of 28 December 2012 on Enforcement Measures against Persons Involved in Violations of Fundamental Human Rights and Freedoms and the Rights and Freedoms of Russian Citizens, art. 3.1 (8)).

99. Pursuant to that provision, the Ministry of Justice issued Order No. 209 of 3 September 2015 (filed by the Ministry of Justice on 4 September 2015 under registration No. 38806) on the procedure for maintaining the list of foreign and international NGOs whose activities are recognized as being undesirable within the Russian Federation and the addition and removal of foreign and international NGOs.

100. The absence from the Act of an established procedure for appealing against the decisions of the Procurator-General or his or her deputy relating to the recognition of organizations as undesirable within the territory of the Russian Federation is due to the very nature of the Act: it does not aim at the self-regulation of a specific area of social relations but simply amends certain laws.

101. Decisions can, however, be contested according to the legally established procedure, which is set out in articles 11 and 13 of the Civil Code, chapter 25 and article 46 (1) of the Code of Civil Procedure, chapter 24 of the Code of Commercial Procedure and Act No. 4866-1 of 27 April 1993 on Actions and Decisions Infringing Civil Rights and Freedoms (Court Appeals).
