

8 March 2022

To Permanent Representatives of Member States of the United Nations in Geneva and New York

Excellencies,

Russian Federation: UN General Assembly should suspend Russia's rights of membership of the UN Human Rights Council

We, the undersigned civil society organisations, call on Member States of the United Nations to take and support action at the UN General Assembly to suspend the rights of the Russian Federation as a member of the UN Human Rights Council.

Pursuant to OP 9 of GA Resolution 60/251, members of the Council 'shall uphold the highest standards in the promotion and protection of human rights'.

Operative paragraph 8 of GA Resolution 60/251 provides that 'the General Assembly, by a two-thirds majority of the members present and voting, may suspend the rights of membership in the Council of a member of the Council that commits gross and systematic violations of human rights'.

In its Resolution on the Aggression against Ukraine adopted on 2 March 2022, the General Assembly unequivocally condemned the Russian invasion of Ukraine commencing 24 February 2022 and expressed 'grave concern at reports of attacks on civilian facilities such as residences, schools and hospitals, and of civilian casualties, including women, older persons, persons with disabilities, and children'.

Likewise, in its Resolution 49/1 adopted on 4 March 2022, the Human Rights Council 'condemned in the strongest possible terms the human rights violations and abuses and violations of international humanitarian law resulting from the Russian Federation's aggression against Ukraine'. The Council expressed 'grave concern at the documented harm to the enjoyment of many human rights, including the rights to life, education, and the highest attainable standard of physical and mental health, caused by Russian shelling and bombing in populated areas'. Further, Council resolution 49/1 expressed grave concern at reports of 'gross and systematic violations and abuses of human rights', thereby invoking the explicit language of GA Resolution 60/251 in so far as concerns the threshold for suspension.

In her 3 March 2022 statement to the UN Human Rights Council's 'urgent debate on the situation of human rights in Ukraine stemming from the Russian aggression', UN High Commissioner for Human Rights Michelle Bachelet stated that the Russian attack has already resulted in a 'massive impact on the human rights of millions of people across Ukraine'. This massive impact includes:

- Forcing over 1.2 million people to seek refuge in neighbouring countries and the internal displacement of over 1 million other people, with UNHCR warning that up to 4 million people may be forced to seek refuge in coming weeks.
- At least 1207 confirmed civilian casualties, including 406 civilians killed (as at 6 March 2022). In reality, this number is likely to be much, much higher given lack of access to areas where conflict has been the most intense and given the use of heavy artillery, multi-launch rocket systems and cluster munitions in densely populated civilian areas.
- The targeting or indiscriminate bombardment of significant civilian infrastructure, including hospitals, schools, kindergartens, apartment buildings and homes, and critical electricity, water, sanitation and healthcare supplies and facilities. As of 7 March 2022, the World Health Organisation had verified 16 attacks on health care facilities in Ukraine between 24 February and 3 March, with numerous further reported incidents awaiting verification.

On 28 February 2022, the Prosecutor of the International Criminal Court announced the opening of an investigation into the situation in Ukraine, in light of prima facie evidence of possible war crimes and crimes against humanity. On 2 March 2022, he confirmed the receipt of 39 state party referrals of the situation in Ukraine, which will help expedite the investigation. It is very clear that the invasion itself constitutes the crime of aggression.

On 3 March 2022, it was reported that Russia has drawn up plans for public executions in captured Ukrainian cities to deter any further resistance, while on 4 March Russian forces fired heavy artillery at Europe's largest nuclear reactor.

In Russia itself, authorities have arbitrarily arrested and detained over 12,700 peaceful anti-war protesters, with reports of excessive use of force by Russian authorities. Authorities have also sought to censor reporting of the war in Ukraine and to silence those media outlets and individuals who speak out against Russia's invasion of Ukraine, including through blocking media websites, threats of criminal prosecution under 'fake news' and 'high treason' charges and other means. Two new laws, adopted and brought into force on 4 March, criminalise independent war reporting and protesting the war, with penalties of up to 15 years in prison. The laws make it illegal to spread 'fake news' about the Russian armed forces, to call for an end to their deployment and to support sanctions against Russian targets.

Taken together, it is indisputable that the Russian Federation is committing widespread and systematic violations of international human rights law, which continues to apply throughout the territory of Ukraine during the armed conflict, both in Ukraine and in Russia. This includes violations of the rights to life, self-determination, liberty and security of person, freedom of movement, expression, association and assembly, freedom from arbitrary interference with privacy and the home, protection of the family, and the rights to health, housing, education, sanitation and water. All this in a context in which the Russian aggression constitutes a flagrant violation of the purposes and principles of the UN Charter, including as set out in the Preamble and articles 2(3), 2(4) and 33(1).

The Russian Federation's continued membership of the UN Human Rights Council is likely to bring the Council into disrepute. Indeed, it is difficult to conceive of circumstances to which the suspension procedure set out in OP 8 of GA Resolution 60/251 were more intended to apply than the case of one Member State launching an illegal war of aggression in violation of the territorial integrity and sovereignty of another Member State with the result of massive loss of life and other gross and systematic human rights violations.

We urge you to uphold the UN Charter, the authority of the General Assembly and the integrity of the Human Rights Council by taking and supporting action to suspend the rights of membership of the Russian Federation of the Human Rights Council.

Yours sincerely

1. African Centre for Democracy and Human Rights Studies
2. Albanian Helsinki Committee
3. ARTICLE 19
4. Asian Forum for Human Rights and Development (FORUM-ASIA)
5. Belarusian Helsinki Committee
6. Bulgarian Helsinki Committee
7. Cairo Institute for Human Rights Studies
8. Centre for Civil Liberties (Ukraine)
9. Centre for Civil and Political Rights (CCPR Centre)
10. Centro de Estudios Legales y Sociales (CELS) (Argentina)
11. Child Rights Connect
12. CIVICUS: World Alliance for Citizen Participation

13. Commonwealth Human Rights Initiative (India)
14. Conectas Direitos Humanos (Brazil)
15. Coordination des Associations et des Particuliers pour la Liberté de Conscience
16. Crude Accountability
17. DefendDefenders (East and Horn of Africa Human Rights Defenders Project)
18. Global Centre for the Responsibility to Protect (GCR2P)
19. Helsinki Citizens' Assembly - Vanadzor (Armenia)
20. Human Rights Center (Georgia)
21. Human Rights Center Viasna (Belarus)
22. Human Rights Center ZMINA (Ukraine)
23. Human Rights House Foundation
24. Human Rights House Zagreb (Croatia)
25. Human Rights Law Centre (Australia)
26. Human Rights in Mental Health - FGIP
27. Human Rights Monitoring Institute (Lithuania)
28. Human Rights Movement 'Bir Duino-Kyrgyzstan' (Kazakhstan)
29. Human Rights Without Frontiers
30. International Commission of Jurists (ICJ)
31. International Federation for Human Rights (FIDH)
32. International Service for Human Rights (ISHR)
33. Justice and Peace Netherlands
34. Kazakhstan International Bureau for Human Rights and Rule of Law
35. KontraS (Commission for the Disappeared and Victims of Violence, Indonesia)
36. La Strada International
37. Libereco
38. Macedonian Helsinki Committee (Northern Macedonia)
39. Netherlands Helsinki Committee
40. Nobel Women's Initiative
41. Open Society Foundations
42. People in Need (Czech Republic)
43. Protection International
44. Public Association Dignity (Kazakhstan)
45. Scholars at Risk
46. Universal Rights Group
47. Women's International League for Peace and Freedom
48. World Organisation against Torture (OMCT)
49. World Uyghur Congress