

PUTTING THE LID ON FREEDOM OF EXPRESSION IN RUSSIA

INTRODUCTION

Since Vladimir Putin returned to the Kremlin in May 2012 the human rights situation in Russia has worsened significantly. Independence of major Russian media was to a high degree already curtailed during Putin's first two terms as President 2000 – 2008. Since 2012 the Kremlin's focus has been on curtailing freedom of expression of human rights defenders, remaining independent media and other regime critics through defamation and legal means.

So far, the negative trend has been marked by a steady stream of repressive legislation and judicial harassment. New laws impose clearly impermissible restrictions on fundamental human rights. In parallel the state-controlled media have been running a 24/7 propaganda campaign calling anyone who dares to criticize policies or actions of the Russian authorities at home or abroad (Ukraine, Syria) traitors. Arguably, the right to freedom of expression is one of the most prominent casualties of the crackdown. By 2015 Russia dropped to 180th place (out of 199) in the Press Freedom ranking published by Freedom House¹.

This briefing paper gives an overview of the state of freedom of expression in Russia, in particular online freedom of expression. It describes how human rights defenders who rendered support to journalists, bloggers and other civil society actors have become the epicentre of the authorities' unabated crackdown on human rights. In order to protect and defend human rights, they face draconian legislation and its frivolous implementation that bear hallmarks of the Soviet era.

At this critical time human rights defenders experience that international actors are withdrawing support to human rights and independent media in Russia. Based on dozens of interviews with prominent human rights defenders, Civil Rights Defenders concludes that the international community needs to increase the support, to counteract the negative development.

Civil Rights Defenders in cooperation with Roemer Lemaitre.

NO FREEDOM OF EXPRESSION WITHOUT MEDIA FREEDOM

A free press is a vital guarantee for freedom of expression. The press acts as a public watchdog. It has the task of imparting information and ideas on matters of public interest and the public has a right to receive them.² Jour-

nalists promoting human rights become themselves human rights defenders, independent of their professional status and the type of media they use.³

THE MEDIA LANDSCAPE

In Russia, the state controls most of the TV, radio and print media market, either directly, or through companies with exclusive or majority state ownership. Using a variety of tactics, the authorities had effectively marginalized two of Russia's last remaining independent TV stations by January 2015. Tomsk's TV 2 failed to get a new broadcasting license. All major cable and satellite providers stopped transmission of Moscow based TV Dozhd (TV Rain).

The leading radio station critical of the authorities, Echo Moskv, is majority-owned by a subsidiary of Gazprom – the state gas giant. As a result, its editorial board is

inevitably careful about what to broadcast and how. Daily and weekly newspapers adhere to the Kremlin line with the exception of the daily Kommersant, business daily Vedomosti and bi-weekly Novaya Gazeta. Each of these have had run-ins with the law and five journalists of Novaya Gazeta have been killed since Putin first became President in 2000.

In contrast to traditional media, online media are more diverse and can count on an active and growing audience in Russia. In recent years the authorities have stepped up their efforts to control the internet.

1 < https://freedomhouse.org/sites/default/files/FreedomofthePress_2015_FINAL.pdf > (last accessed 10 January 2016) Sweden tops the ranking, together with Norway. Russia is on a par with Ethiopia and Saudi Arabia. Five other former Soviet Union countries are ranked below Russia: Kazakhstan, Azerbaijan, Belarus, Turkmenistan and Uzbekistan.

2 See practice of the European Court of Human Rights on Article 10 of the European Convention on Human Rights and the role of the press, for example *Observer and Guardian v. United Kingdom* [Plenary Court], judgment of 26 November 1991, §59.

3 OSCE Guidelines on the Protection of Human Rights Defenders, §54, < <http://www.osce.org/odihr/119633?download=true> > (last accessed 25 January 2016)

INCREASED STATE CONTROL OVER THE INTERNET

Online access has expanded rapidly in Russia. The Internet penetration rate increased from 2% in 2000 to 60% by 2014.⁴ In a recent book, Andrei Soldatov and Irina Borogan, who run agentura.ru, a website monitoring the intelligence services,⁵ described how the Internet developed as a pioneer of freedom in the early 1990s. Today, authorities are incrementally adding more restrictions on Internet freedom, increasingly reminiscent of how the Soviet KGB and its affiliates established control of phone lines and copying machines back in the Soviet days.⁶ In April 2014 Putin ominously stated that the internet had emerged as a CIA project.⁷

"I am not surprised by the downward trend in physical attacks or threats against us journalists because it is much easier for state officials to simply close the media outlet through pressure on its owners"

The authorities have used a mix of restrictive laws and their arbitrary implementation by various officials, and state propaganda, in the clampdown.⁸ The legal harassment encroach on internet freedom at different levels. Several

laws granted the power to the courts and increasingly to different state bodies, acting without prior judicial oversight, to block online content, for example because it contains child pornography, constitutes copyright violations, promotes suicide or drugs, is extremist or calls for unauthorized public activities (for example, a demonstration that has not been approved by the competent authority).⁹ Popular online media Grani.ru and [Ezhedelnyy Zhurnal](http://EzhedelnyyZhurnal)¹⁰ were blocked in March 2014.¹¹ One of the key control agencies is the Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications – commonly referred to as RosKomNadzor.¹² A group called RosKomSvoboda maintains a website of all blocked sites and offers step by step advice on how to fight against blocking.¹³ It argues

that many websites are blocked arbitrarily and even more websites are blocked accidentally by the authorities.

As technologies to circumvent blocking have become widely available, the authorities have increasingly turned to requesting the removal of content they view as illegal, including news critical of Russia's military intervention in Ukraine, LGBT-issues, cartoons from Charlie Hebdo and coverage of the trial of opposition activists. In December 2014 MediaZona, an online news portal specializing in political trials, was one of four media outlets to get an official warning for publishing statements of opposition leader and anti-corruption activist Aleksey Navalny, that allegedly undermined the constitutional order of the Russian Federation.¹⁴ "A second warning within one year gives RosKomNadzor the power to request a court to shut us down. So we are still appealing the decision and if needed will go all the way to the European Court of Human Rights," said Sergey Smirnov, the editor in chief of MediaZona.

In recent years several new provisions were added to the Criminal Code, imposing prison sentences for online justification of terrorism, inciting hatred or calling for extremism or separatism.¹⁵ For example in December 2015, a court in Krasnodar sentenced left-wing activist Darya Polyudova to 2 years' imprisonment for allegedly making extremist and separatist statements, including "No war in Ukraine but a revolution in Russia."¹⁶ Polyudova appealed against the verdict. In 2012 Putin re-criminalized defamation less than two years after his predecessor had decriminalized it.¹⁷

Threats of prosecution also lead to an increase in self-censorship. In March 2014 the popular news portal Lenta.ru's editor-in-chief was dismissed by its owner.¹⁸ A journalist with a popular Russian newspaper told Civil Rights Defenders: "I am not surprised by the downward trend

4 < <http://www.internetlivestats.com/internet-users/russia/> > (last accessed 10 January 2016) Internet penetration rates in most EU countries lies between 80% and 90%.

5 <http://agentura.ru/> > (last accessed on 10 January 2016)

6 Andrei Soldatov and Irina Borogan, *The Red Web. The Struggle between Russia's digital dictators and the new online revolutionaries*, Public Affairs, New York, 2015.

7 < <http://en.kremlin.ru/events/president/transcripts/20858> > (last accessed 10 January 2016)

8 According to Freedom House Russia's status worsened from "partly free" in 2014 to "not free" in 2015, see < <https://freedomhouse.org/sites/default/files/FOTN%202015%20Full%20Report.pdf> > (last accessed on 10 January 2016)

9 An overview of the legal grounds can be found at < <http://digitalrights.center/pages/reasons> > (last accessed on 10 January 2016)

10 Daily Journal (< ej.ru >)

11 < <http://rkn.gov.ru/news/rsoc/news24447.htm> > (last accessed on 3 March 2016)

12 < <http://rkn.gov.ru/> >

13 < <http://reestr.rublacklist.net/> >

14 < <http://rkn.gov.ru/docs/mzona30122014.pdf> > (last accessed on 10 January 2016)

15 RF Criminal Code Articles 205.2, 280(2), 280.1(2) & 282

16 < <https://www.hrw.org/news/2015/12/22/dispatches-crime-speaking-russia> > (last accessed on 10 January 2016)

17 RF Criminal Code Article 128.1

18 Lenta.ru's journalists quit in protest at the dismissal. In October 2014 they joint newly established news site Meduza (< Meduza.io >) which was registered in Riga, Latvia.

in physical attacks or threats against us journalists because it is much easier for state officials to simply close the media outlet through pressure on its owners.”

Social media platforms like Facebook and Twitter are highly popular in Russia. “More than 50% of our readers follow MediaZona on social media. Actually Twitter is the primary source for independent news in Russia. Therefore a ban on Twitter would undoubtedly constitute the biggest threat to internet freedom in this country,” said Sergey Smirnov.

Since 1 September 2015 internet companies are required to store Russian citizens’ personal data on servers in Russia, thereby increasing the risk of government surveillance. On 1 January 2016, the law on “the right to be forgotten” entered into force in Russia. Ostensibly drafted to adopt the case law of the Court of Justice of the European Union, Russian lawmakers failed to include crucial safeguards for the protection of the freedom of expression.¹⁹ There are concerns that Russian officials will use it to request the removal of unpleasant allegations of corruption and other misdoing.

The new legislation and its arbitrary application by various authorities violate universally recognized human rights enshrined in the Russian Constitution and in international human rights treaties that are legally binding on Russia.²⁰

Parallel to the legal harassment the state propaganda machine can deploy an “army of trolls” that are paid to spread false information or launch smear campaigns online.²¹ Human rights defenders have become a prominent target of this phenomenon. They are routinely denounced and vilified as traitors and foreign spies. There are strong indications that the influence of state propaganda have undermined the Russian people’s trust in human rights defenders and independent media. It has alienated those fighting for freedom of expression and other rights from the people whose rights they are working to protect.

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HUMAN RIGHTS DEFENDERS DEFENDING FREEDOM OF EXPRESSION

The existence of a professional troll army largely went unnoticed until the summer of 2015 when a former disgruntled employee of one of the secretive “factories of trolls” successfully sued her employer for, among other things, not having paid her wages.²² The troll factory employee turned against her former employer’s tactics and was represented in court by Ivan Pavlov, a respected human rights lawyer and the director of the Freedom of Information Foundation in Saint-Petersburg. The case illustrates how Russian human rights defenders and organizations have come to the assistance of journalists, regime critics and political activists, whose right to freedom of expression has been trampled by the authorities.

Human rights organizations like the Glasnost Defense Foundation in Moscow and the Mass Media Defense Centre in Voronezh (see Box 1) have been closely monitoring the crackdown on freedom of expression. They have provided legal assistance to journalists, bloggers and activists and organized training seminars to better understand the legal environment and the risks involved.

BOX 1: MASS MEDIA DEFENSE CENTER (MMDC)

The Mass Media Defense Centre (MMDC) was founded in 1996 and is located in Voronezh. MMDC focuses on media law. It specializes in:

1. Free legal advice on media law and the right of freedom of expression. In 2015 MMDC gave more than 4300 consultations by phone, email, social media and through its own website (< <http://www.mmdc.ru/> >)
2. Litigation: MMDC provides trial representation in approximately 50 cases per year before courts in Russia and 4–5 cases per year at the European Court of Human Rights
3. Legal analysis of legislation in the field of media
4. Legal education: training on topics related to freedom of expression and media law to different target groups, including state officials
5. Online databases of Russian legislation in the field of media, relevant case law of Russian courts and the European Court of Human Rights.

MMDC also monitors press freedom violations in central Russia, in cooperation with the Glasnost Defense Foundation. MMDC’s director, Galina Arapova, is an internationally recognized expert on Russian media law and on Article 10 of the European Convention on Human Rights.

19 Article 19, Russia: The “Right to be Forgotten” Bill, see < <https://www.article19.org/data/files/medialibrary/38099/Full-Analysis---Russia---RTBF-Final-EHH.pdf> > (last accessed 25 January 2016)

20 Freedom of expression is enshrined in Article 29 of the Constitution of the Russian Federation, in Article 10 of the European Convention on Human Rights and Article 19 of the International Covenant on Civil and Political Rights.

21 “The Agency”, New York Times, 2 June 2015, available at < http://www.nytimes.com/2015/06/07/magazine/the-agency.html?_r=0 > (last accessed 10 January 2016) See also, The Red Web, footnote above, p 281-285.

22 < <http://www.bbc.com/news/world-europe-33972122> > (last accessed on 10 January 2016)

Aleksandr Sokolov, a journalist with independent news agency RBK, was accused of masterminding an extremist organisation after investigating corruption in connection to a space project several times over budget. Sokolov has been in pre-trial detention since July 2015 awaiting trial and is represented by Damir Gaynutdinov, a lawyer cooperating with Agora, a human rights organization specializing in legal assistance that was formally liquidated in February 2016.²³ The Sova Information Center, Russia's leading hate crime watchdog, has called the accusations against Sokolov completely unfounded.²⁴ Despite the lack of evidence against his client, Gaynutdinov is uncertain about the outcome of the case. "In today's Russia the best result in a criminal case is requalification to less serious offences or a conviction other than imprisonment. Acquittals are extremely rare."

LABELLED "FOREIGN AGENTS"

Human rights defenders and civil society organisations who rose in defence of the right of freedom of expression were soon targeted themselves. The authorities reacted with more repressive laws and judicial harassment.

The 2012 Foreign Agents Law has been a centrepiece of the muzzle on civil society, requiring NGOs that receive foreign funding and engage in so called political activity to register with the Ministry of Justice and publicly

"Finding reliable public or private donors within Russia is searching for a needle in a haystack"

identify themselves as "foreign agents" – a term that is widely interpreted in Russia to mean spy or traitor. The director of the Glasnost Defense Foundation in Moscow, Aleksey Simenov,

likened it "to a yellow star that we have to put on ourselves. If you don't wear it, you get fined." The fines range from 300 000 to 500 000 Russian Rubles (approximately 3750 to 6250 Euro) for legal entities and from 100 000 to 300 000 Russian Rubles (1250 to 3750 Euro) for the organization's director.²⁶ Besides the pernicious foreign agent label, the law places additional obligations, including frequent inspections by various officials, on organizations designated foreign agents.

In some instances the crackdown on human rights worked as a catalyst for the creation of new freedom of expression initiatives. After mass arrests of demonstrators who took to the streets of Moscow in protest against widely reported fraud in the parliamentary elections in December 2011, a local journalist, Grigory Okhotin, started using his Facebook account to document who had been detained at which police station (also known under its Russian acronym – OVD) so relatives and friends could find out what happened to their loved ones. After a few days he set up OVD Info, a website run by a group of volunteers. OVD Info has developed into one of the most comprehensive and accurate independent monitoring mechanisms of politically motivated arrests and repression in Russia.²⁵

Russian human rights NGOs focusing on civil and political rights like the right of freedom of expression typically rely on foreign funding for their survival. "Finding reliable public or private donors within Russia is searching for a needle in a haystack," one interviewee told Civil Rights Defenders.

The same logic applies to independent media outlets providing in-depth coverage of human rights issues. These media outlets are likely relying on outside funding unless they have a wealthy owner who is less susceptible to pressure from the authorities. "Surviving through contributions from subscribers and advertisement constitutes mission impossible, especially if you are a media outlet in one of the regions of Russia," stated one interlocutor to Civil Rights Defenders. "For example, the local director of a multinational company wanted to place advertisement but had to backtrack after the company's internal security department vetoed the deal."

Human rights defenders have the right to access funding, including foreign funding.²⁷ Although the Foreign Agents Law does not outlaw foreign funding per se it stigmatizes the recipient in ways that clearly risks undermining their

23 < <http://www.kommersant.ru/doc/2872546> > (last accessed on 10 January 2016)

24 < <http://www.sova-center.ru/misuse/news/persecution/2015/12/d33405/> > (last accessed on 10 January 2016)

25 < <https://ovdinfo.org/> >

26 Article 19.34 of the RF Code of Administrative Violations.

27 Article 13 of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (hereinafter UN Declaration on Human Rights Defenders) < <http://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf> > (accessed 25 January 2016), Commentary

work and credibility. This is contrary to Russia's international obligations.

A 2014 amendment to the Foreign Agents Law empowered the Ministry of Justice to enter an organization to the register without its consent and without prior court decision. Despite widespread condemnation from the international community²⁸, Russian officials categorise any criticism of the public policy in areas ranging from human rights and ecology to housing as political activity. Even a critical view of Russian history during Soviet times has been labelled as political. At the end of 2015 the register of foreign agents contained more than 100 organizations, including at least 11 focusing on the protection freedom of expression.²⁹ (see Box 2)

**BOX 2: MEDIA AND MEDIA SUPPORT ORGANIZATIONS
(with date of entry in the foreign agents register)**

Glasnost Defense Foundation (19 November 2015)
Foundation "Sreda" (28 July 2015)
Information Center "Freeinform" (22 June 2015)
Foundation 19/29 (24 April 2015)
Mass Media Defense Centre (26 February 2015)
Press Development Institute – Siberia (30 January 2015)
Free Press Support Foundation (30 December 2014)
News Agency MEMO.RU (Caucasian Knot) (20 November 2014)
Regional Press Institute (20 November 2014)
Freedom of Information Foundation (28 August 2014)
Agora (21 July 2014)

UNFAIR LEGAL BATTLE

The affected organizations have attempted to fight back in different ways. Many have challenged the authorities' actions through the courts, but seldom won as Russia's judiciary is notoriously biased in favour of the state. Lawyers from the Public Verdict Foundation in Moscow are representing 14 organizations designated as foreign agents before Russian courts, besides conducting three sets of legal proceedings concerning their own organization's status. "Besides providing legal assistance to victims of unlawful detention and torture we are also fighting for our own and our colleagues' reputation and survival. We are not foreign agents!" said Natalia Taubina, the director of Public Verdict.

In December 2015 the Regional Press Institute (RPI) in Saint-Petersburg scored a Pyrrhic victory when, after a lengthy legal battle, the Russian Supreme Court set aside a 400 000 Russian Rubles fine on procedural grounds, but upheld the inscription in the register of foreign agents. "As a result we are forced to put a note on our website stating that according to the Ministry of Justice we are a foreign agent. Of course, we don't think we are one but at the same time we cannot afford another fine," said RPI's director, Anna Sharogradskaya. She further told Civil Rights Defenders how in June 2014 the FSB had prevented her from boarding her flight to the USA and

had confiscated all her electronic hardware. After her colleagues – Russian and foreign – raised public attention she was allowed to fly the next day but without her confiscated belongings.

With little trust in the Russian court system, more than a dozen organizations have lodged applications to the European Court of Human Rights (ECtHR) with the assistance of international experts. A binding ruling by Europe's top human rights court is unlikely for many years to come as the Court struggles with an enormous backlog of cases, including cases from Russia. The long delay is likely to diminish the practical impact of any victory for civil society in Russia.

In the mean time, organisations are developing new ways of navigating the

confines. Finding new ways of operating have put a lot of stress on the organisations and their members, and taken substantial resources from core activities. Some undertake activities as an unregistered group without legal structure. For example, Agora from Kazan and the Free-

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28 An excellent analysis of the Foreign Agents Law in light of European and international human rights standards is found in two opinions of the Commissioner for Human Rights of the Council of Europe, see < <https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=2779816&SecMode=1&DocId=2287368&Usage=2> and < <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2855911&SecMode=1&DocId=2338240&Usage=2> > (last accessed on 10 January 2016)

29 See < <http://unro.minjust.ru/NKOForeignAgent.aspx> > (last accessed on 10 January 2016) A detailed overview of the application of the Foreign Agents Law can be found at < <https://www.hrw.org/russia-government-against-rights-groups-battle-chronicle> > (last accessed on 10 January 2016)

dom of Information Foundation from Saint-Petersburg, who had been designated foreign agents in 2014, decided to continue as informal groups, now called International Agora³⁰ and Team 29 respectively.³¹

Closing down an organization and opening a new one is not an easy process in Russia. It is expensive and time-consuming, and beyond the material aspects of the process, it takes an emotional toll on individual human rights defenders.

Addressing the impact of growing restrictions imposed on civil society organizations in Russia will require close cooperation between Russian human rights defenders and the international community, including the foreign governmental and private entities providing financial support to Russian civil society organizations. To keep human rights defenders and journalist struggling in this hostile environment, the international community must

reiterate a strong commitment, including a promise to continue financial support, to human rights and maintain a high degree of flexibility. Human rights defenders interviewed for this report singled out several European governmental donors as being among the least flexible.

At the same time the international community should improve the security of Russian human rights defenders. European governments should adopt measures to guarantee that sensitive data, including financial information, is not shared with Russian law enforcement agencies, even when the latter are allegedly requesting this information in the name of fighting corruption or other organized crime. Civil Rights Defenders recalls the case of Ales Bialiatski, a leading human rights defender from Belarus. He was convicted to 4,5 years imprisonment for tax evasion in November 2011, and information that the Belarus authorities had legally obtained from Lithuania and Poland was used as evidence.³²

UNDESIRABLE FOREIGNERS

Three years after the Kremlin essentially told human rights defenders to stop taking foreign grants or be stigmatized as traitors, Putin signed into legislation the vaguely worded law which empowers the General Prosecutor to ban as “undesirable,” any foreign or international organization deemed to undermine national security, giving ample room for arbitrary enforcement. The law also forbids Russian citizens to maintain contact with undesirable organizations, including receiving any funding.” The maximum penalty for consorting with “undesirables” is 6 years in prison.³³

According to Pavel Chikov, head of Agora, “Today, a conscious acceptance of criminal proceedings and imprison-

ment forms part of the decision to continue one’s engagement in human rights activities in Russia.”³⁴

The General Prosecutor declared undesirable two American foundations, the National Endowment for Democracy and the Open Society Foundations, on 29 July and 1 December 2015 respectively.³⁵ Two other American foundations, the MacArthur Foundation and the Charles Stewart Mott Foundation, announced in the summer of 2015 that they were leaving Russia voluntarily after their names appeared on a shortlist of the Upper Chamber of the Russian parliament.³⁶ These four organizations made substantial financial contributions to many of the Russian NGOs interviewed for this briefing paper.

30 < <https://zona.media/agenda/agora-international/> > (last accessed on 10 January 2016)

31 < <http://team29.org/en/about/> > (last accessed on 10 January 2016)

32 < <http://www.civilrightsdefenders.org/news/ales-bialiatski-sentenced-to-prison/> > (last accessed on 10 January 2016)

33 Article 284.1 of the RF Criminal Code.

34 < <https://zona.media/agenda/agora-international/> > (last accessed on 10 January 2016)

35 < <http://minjust.ru/ru/activity/nko/unwanted> > (last accessed on 10 January 2016)

36 < <http://www.kommersant.ru/Doc/2763526> > (last accessed on 10 January 2016) The shortlist has in fact no legal consequences because only the General Prosecutor of Russia is competent to declare an international or foreign organisation “undesirable.”

WEST WITHDRAWS SUPPORT

“When you have several big US donors suddenly being forced to leave the country, European donors should lead by example and increase their support to civil society organizations”, said Galina Arapova of the Mass Media Defense Centre. However, it appears the opposite is happening in Russia. Independently of the departure of US donors, a number of other foreign donors have reduced their funding of Russian civil society organizations in recent years citing cuts in international aid budgets or reallocation of funds to respond to crisis elsewhere in the world, often with the motivation that Russia does not qualify for development aid since it is a relatively rich country.

Several Russian human rights defenders explained to Civil Rights Defenders that they are not afraid of the penalties under the Undesirable Organizations Law, but that they are distressed by signals received from some donors who have indicated that they would comply if the

authorities in Russia were to impose a ban on them. “You abandon us at a time when things are dramatically deteriorating. Why? Foreign donors with no local office and/or staff in Russia – and this applies to almost all foreign

“You abandon us at a time when things are dramatically deteriorating. Why?”

donors – incur no criminal or other liability under the law. We – your longtime Russian partners and friends – bear the risks. We are not afraid of anyone, but we need your support to continue the struggle for human rights,” stated one human rights defender interviewed by Civil Rights Defenders. Several others expressed similar views.

The fact that Russia is breaking its international commitments by restricting foreign funding to NGOs, is a strong argument for the international donor community to continue cooperation with their Russian partners and for EU governments to support this in any possible way.

The airwaves in Russia are dominated by news of Russia’s humanitarian interventions in Ukraine and Syria, but

the crackdown on human rights inside Russia is absent in state-controlled media. If human rights defenders, journalists and other civil society activists are to reverse that trend, they will require the international community to put the internal clampdown on human rights on the top of its agenda in its dealings with Russia.

Civil Rights Defenders spoke with several human rights defenders who stated that European governments should do more to fully implement the EU guidelines on Human Rights Defenders.³⁷ The guidelines “set out the EU’s role and aspirations for cooperation with human rights defenders”, but critics say the practical implementation is lacking.

“Live up to your commitments to visit us, to attend trials against us, to issue us Schengen visas so we can quickly travel in case of threats,” said one interlocutor. “Especially in the regions away from Moscow we hardly ever see a EU diplomat attend the trial of a human rights defender,” she added.

“Live up to your commitments to visit us, to attend trials against us, to issue us Schengen visas so we can quickly travel in case of threats”

Grigoriy Pasko of Foundation 19/29 in support of investigative journalism stated “it is difficult to find a suitable venue to hold our seminars because the authorities put pressure on the landlord not to rent to us. Why can’t we organize events together with a foreign embassy or even conduct the event on embassy premises?”

The many legal restrictions imposed by the authorities during recent years may seem small taken alone but they are incremental and their impact is usually not fully felt right away. “If you throw a frog in a pot of boiling water it will jump out but if you place a frog in a pot of cold water and put the pot on a fire the frog will slowly fall asleep and boil to death,” warned Ivan Pavlov of Team 29.

37 < <http://www.consilium.europa.eu/uedocs/cmsUpload/16332-re01.en08.pdf> > (last accessed on 25 January 2016)

RECOMMENDATIONS

CIVIL RIGHTS DEFENDERS CALLS ON EU GOVERNMENTS TO:

- Continuously call on Russia to repeal or amend all laws and regulations that is incompatible with international human rights standards, including provisions that restrict peaceful exercise of the right to freedom of expression, assembly and association;
- Continuously call on Russia to unconditionally release all human rights defenders, journalists, regime critics and other persons detained solely for peaceful exercise of their right to freedom of expression, assembly and association, and end all forms of harassment and intimidation against them, and make sure that such violations are not repeated by implementing fair trial standards guaranteed by European Convention on Human Rights and relevant judgements of the European Court;
- Continuously call on Russia to effectively investigate all attacks on and intimidation of human rights defenders, journalists and other activists, and bring suspected perpetrators to justice (ending widespread impunity for such events). According to the practice of the ECtHR Russia is breaching Article 3 of the European Convention when not investigating attacks;
- Provide effective and timely support and protection to human rights defenders, journalists and other activists, hereby actively implementing the EU's guidelines on human rights defenders. Embassies of EU states have a key role to play in cooperating closely with human rights defenders;
- Constantly monitor and report on the human rights situation in Russia, including, but not limited to, the right to freedom of expression, assembly and association;
- Mainstream human rights into and across all sectors of bilateral or multilateral relations with Russia.
- Bring up human rights concerns in all contacts with Russian officials and help raise the status of human rights defenders and journalists by meeting them in person.

CIVIL RIGHTS DEFENDERS CALLS ON FOREIGN AND MULTINATIONAL COMPANIES OPERATING IN RUSSIA TO:

- Comply with the UN Guiding Principles on Business and Human Rights, the Global Network Initiative Principles on Freedom of Expression and Privacy, and other international instruments on freedom of expression and privacy standards with a view to respect all human rights in their operations;
- Raise concerns with Russian officials about the implementation of all laws and regulations that are inconsistent with Russia's international human rights obligations;
- Conduct regular consultations with human rights defenders on the companies policies, especially concerning the protection of freedom of expression and privacy;
- Be transparent and regularly publish information about official requests for blocking, content removal or access to user data and the companies' responses to these requests.

CIVIL RIGHTS DEFENDERS CALLS ON FOREIGN STATE AND PRIVATE DONOR INSTITUTIONS TO:

- Continue to strengthen the capacity of human rights defenders and civil society organizations in Russia;
- Provide long-term support to local and international organisations that are defending freedom of expression and other basic rights in Russia;
- Have a flexible approach when providing funding;
- Consult their Russian partners on how to minimize the impact of recent Russian legislation that is inconsistent with international human rights, before taking major decisions that concern funding to Russian organisations.



WE EMPOWER PEOPLE

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