



HUMAN
RIGHTS
HOUSE
FOUNDATION

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CRISIS POINT IN RUSSIA

Russian Authorities' Assault on
Human Rights Defenders and Organisations and
How the International Community Should Respond

This report is only possible through the trust placed in us by human rights defenders across Russia. Their fearlessness and bravery in the face of serious threats is inspiring. We thank them for their willingness to share their experiences, perspectives, and recommendations, all of which we have sought to reflect in this report.

Human Rights House Foundation also offers our sincere thanks to our donors. Our work to protect, and promote human rights defenders and organisations would not be possible without their generous support.



CONTENTS

Foreword	4
Executive Summary	6
Key Findings	6
Recommendations to the International Community	8
Recommendations to the Russian authorities	9
Introduction	10
Legal & Legislative Attacks on HRDs and Organisations	12
"Foreign Agent" Designations	14
Human Rights Defenders as "Foreign Agents"	16
Human Rights Work as "Political Activity"	18
"Undesirable Organisation" Designations	20
Counter-Terrorism and Anti-Extremism Legislation	21
How HRDs & Organisations Respond	22
Adjusting Domestic Activities	22
Reducing engagement with UN institutions and mechanisms	24
What the International Community Must Do Now	26
Conclusion	33
Methodology	34
About HRHF	35

FOREWORD

“ This report is an urgent reminder to the international community of the growing human rights crisis in Russia and the need for further international analysis and scrutiny of the situation.

The last ten years have seen a number of positive developments around the world in relation to our thematic mandates. International standards protecting the rights to peaceful assembly and association have been strengthened and there has been a shift towards focusing on implementation of the UN Declaration on Human Rights Defenders. Some states are providing best practice in building stronger domestic protections in relation to all rights.

Despite overall progress globally, many challenges relating to the protection of human rights defenders and expanding civic space remain in all regions of the world including in the Russian Federation. In Russia, defenders are vilified and threatened, and civic space is much smaller today than it was a decade ago.

We have been concerned about the deteriorating situation in Russia for some time, and have communicated these concerns directly with the Russian Federation, particularly in the last year. We have raised, among other issues, the use of its “Foreign Agent” legislation to delegitimise and attack human rights defenders and their organisations, the persecution of human rights defenders in Crimea, and the widespread crackdown and detention of thousands of peaceful protesters in early 2021. Although Russia has provided responses to many of these communications, we have not seen any improvement in the situation of human rights defenders.

In addition, the mandate on the rights to peaceful assembly and association has also repeatedly requested to visit the Russian Federation over the last decade; unfortunately, Russia has so far declined to grant an invitation. The mandate on human rights defenders submitted a visit request in 2004, and sent reminders in 2011 and 2015, to no avail.

This report identifies some of the root causes of the most challenging human rights issues in Russia today, including the legislative environment, and increasing breadth and depth of legislation targeting human rights defenders and civil society space. It is an urgent reminder to the international community of the growing human rights crisis in Russia and the need for further international analysis and scrutiny of the situation.

This scrutiny is necessary because the work that human rights defenders do in Russia is too important to see it snuffed out. They expose corruption, promote the rule of law, oppose environmental degradation, protect women’s rights, and defend the rights of minorities. They remind the authorities of the previously agreed international human rights standards to which Russia has willingly signed up.



MARY LAWLOR

UN Special Rapporteur on the Situation of Human Rights Defenders



CLÉMENT VOULE

UN Special Rapporteur on Rights to Freedom of Peaceful Assembly and of Association

Russian and international human rights and civil society groups, including Human Rights Houses, play an important role in monitoring the situation related to human rights and civic space in Russia. Though our mandates have yet to visit Russia, we have recently heard directly from human rights defenders and representatives of civil society in consultations and online panels and received credible reports of the challenges they face. Their documentation and analysis are critical for us at an international level, and particularly in the absence of a country visit and the as yet meaningful dialogue with the Russian authorities.

However, this report makes it very clear that their human rights work in Russia is increasingly difficult to carry out, and at times impossible. Furthermore, what happens in Russia at this critical moment does not stop at its territorial borders either. Evidence suggests that other countries are watching Russia and are using similar tactics to tighten civil society space and pressure human rights defenders.

Our mandates will continue to monitor the developing situation in Russia, and to communicate concerns to Russia and the wider international community. This report by Human Rights House Foundation is important in maintaining attention on the deteriorating human rights and civic space situation in the Russian Federation. We hope that the recommendations of this report will be taken seriously and followed up to reverse the worrying trends in civic space. We stand in solidarity with all civil society actors inside and outside of the Russian Federation who are bravely and courageously working to protect and promote human rights in the country.



July 2020: Protesters in Khabarovsk, Russia.
Photo: Evgeniy Voytik / Shutterstock.

EXECUTIVE SUMMARY

This report outlines the impact of the sweeping crackdown and use of increasingly restrictive and repressive legislation in Russia on the work of Russian human rights defenders and organisations domestically and internationally. In so doing, it proposes steps which the international community can take to adapt to the current environment for human rights defenders and organisations and offer support to them. It is based on the findings from qualitative and quantitative surveys commissioned by Human Rights House Foundation (HRRF) and conducted in July and August 2021.

Key Findings

Overall, the environment for human rights defenders and organisations in Russia is increasingly dire. The work of human rights defenders and organisations is being criminalized by the State. Individuals and organisations are being arbitrarily prosecuted under so-called “foreign agent” and “undesirable organisation” laws as well as legislation to combat extremism and terrorism. These actions by the Russian authorities are having an additional chilling effect on the legitimate work of Russian human rights defenders and organisations, leading to self-censorship for fear of reprisal and overall self-isolation of individuals and organisations within the human rights community.

More specifically, HRRF has found that:

- Russia is actively working to undermine an enabling environment for human rights defenders and organisations and their work, one of its key obligations under international human rights law.
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- Over more than a decade, which saw the significant strengthening of a legal framework targeting Russian civil society, there has been a decline in engagement by Russian human rights defenders and organisations with United Nations (UN) human rights bodies and mechanisms. In particular:
 - Despite steadily increasing numbers of Russian non-governmental organisations (NGO) with UN ECOSOC status, there have been very few formal, on-the-record interventions of Russian NGOs at the UN Human Rights Council throughout its 15-year history, including less than 10 oral and written statements in total at the Human Rights Council that have a critical focus on Russia’s human rights policies.
 - Since 2016, there have been virtually no individual complaints made to Treaty Bodies, including the Human Rights Committee or the Committee Against Torture, despite regular complaints made in years prior to this.

- Significantly fewer Russian civil society organisations engaged with the most recent 3rd cycle of Russia’s review under the Universal Periodic Review than previous cycles. Of those who did engage, no organisation made an individual submission.
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- Legal and legislative attacks by the Russian authorities against Russian human rights defenders and organisations over more than a decade have significantly impacted their domestic and international work by:
 - Sullyng their reputation with the Russian public and affecting their ability to deliver services to or on behalf of key groups of beneficiaries;
 - Undermining the most important relationships that form the foundation of civil society: between NGOs and the State; between NGOs and Citizens; and, among NGOs themselves.
 - Weakening or destroying relationships with domestic human rights partners and mechanisms and reducing the likelihood of new connections being made;
 - Ending human rights-related cooperation with parts of the Russian State;
 - Reducing the likelihood of some domestic organisations engaging with international human rights mechanisms; and,
 - Shifting their work away from human rights, changing target groups with whom they work, and ending outreach efforts with domestic policymakers.
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- The use of legislation to criminalize human rights work by the Russian authorities is shrinking an already narrow civic space in which independent civil society and human rights organisations may operate and leading to a chilling effect on their legitimate work.
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- Russian authorities are arbitrarily defining core activities of human rights defenders and organisations as “political” thus risking a “foreign agent” designation for traditional work of human rights organisations.
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- In addition to using legal means to shut down human rights organisations, Russian authorities are actively working to undermine the reputation and perceived motivations of human rights defenders and organisations and de-legitimize their work.



St. Petersburg, April 2021: "My Russia Is In Prison".
Photo: Elena Vladykina (Radio Free Europe / Radio Liberty).

Recommendations to the International Community

- Bring Russia formally onto the agenda of international and regional human rights bodies and mechanisms to ensure regular, systematic scrutiny of its human rights record and relevant legislation and hold those responsible for human rights violations accountable.
- Push for country visits to Russia of relevant UN Special Procedures mandate holders and Organisation for Security and Co-operation in Europe (OSCE) and Council of Europe (CoE) experts and rapporteurs.
- Call for and support new and expanded sanctions regimes which target individuals responsible for serious human rights violations.
- Offer human rights defenders and their families, as well as human rights organisations, concrete protection and direct support with financial, practical, and legal aid including emergency visa programmes, capacity building, temporary relocation, and safe haven programmes.
- Seek risk assessments from civil society organisations on the ground in Russia and design support accordingly.
- Maintain relationships and safe communication with human rights organisations which may be particularly vulnerable in the new environment, even if those organisations no longer receive funding.
- Implement strict data security and communication protocols to protect Russian human rights partners.
- Work with Russian human rights defenders and organisations to weigh the risks and benefits of offering public support when they face threats.



Moscow, February 2021, Law enforcement officers attacked those protesting the sentencing of opposition leader Alexei Navalny with violence and arrests. Photo: Evgeny Feldman/Meduzia

Recommendations to the Russian authorities

- Immediately release those unlawfully detained, including human rights defenders and journalists.
- End persecution of all human rights defenders and organisations, including journalists and media outlets.
- Revert and repeal legislation - particularly the laws on “foreign agents” and “undesirable organisations” - which restricts the rights to freedom of expression, association, and peaceful assembly, and bring Russia’s legislation into full compliance with its international human rights obligations.
- Follow up the recommendations of the Venice Commission to ensure that remaining legislation is in line with international standards.
- Stop the misuse of counter-terrorism and anti-extremism legislation to target human rights defenders and organisations doing legitimate work.
- Stop reprisals against human rights defenders and organisations which engage with international human rights mechanisms.
- Invite relevant UN Special Procedures mandate holders, including the Special Rapporteur on human rights defenders and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, and experts and rapporteurs from the OSCE and CoE to Russia for country visits.

INTRODUCTION

“ I started working in human rights in 2007. Back then it seemed like nothing was easy and the space for human rights was shrinking. Now, 14 years later, that time doesn't look so bad. . .

“When the illiberal rulers stamp NGOs as ‘foreign agents’, they do not simply seek to diminish criticism. . . The illiberals want the citizens to see the government not just as temporary and partial representatives of the nation- they want the government to be identified with the nation, and squeeze out independent activism as alien and even hostile to the nation,” Miklós Haraszti, former UN Special Procedures mandate holder, in a foreword to HRHF's 2017 [Resisting Ill Democracies in Europe](#) report.

In the 1990s, the concept of “illiberal democracy” emerged in reference to what author Fareed Zakaria wrote were democratically elected governments which were “routinely ignoring constitutional limits on their power and depriving their citizens of basic rights and freedom”. A decade later, emerging strongmen of Europe, including Hungary's Viktor Orbán, embraced the term and sought to link the concept of liberal democracy with leftist policies.

In our 2017 report on Ill Democracy, we labelled the Russian government as authoritarian and highlighted the authorities' efforts to promote so-called “traditional values” as a cover for attacks against human rights. Today, the Russian authorities are responsible for a domestic human rights crisis and actively work to challenge or thwart international action on human rights. As of October 2021, more than [400 political prisoners are in jail, members of the political opposition are routinely attacked](#), counter-terrorism and anti-extremism legislation is regularly used to prosecute legitimate human rights work, and draconian laws to limit or stamp out fundamental rights are routinely adopted and/or strengthened. These are but a few examples of major negative human rights trends in Russia.

For more than a decade, the Russian authorities have engaged in a methodical and draconian campaign to stamp out independent civil society in the country. Human rights defenders and organisations seeking to address human rights violations committed in Russia have faced some of the harshest attacks in this campaign. In Russia, and across the region, human rights defenders and organisations campaigning for free and fair elections, women's rights, and the rights of religious, ethnic, sexual, and gender minorities, as well as those fighting corruption and environmental degradation, face the greatest threat from the authorities. Indeed, it has never been more difficult or dangerous for human rights defenders and organisations to operate in the Russian Federation.

"We used to have steamer boats full of dissidents leaving Russia, now we have planes full of journalists leaving."

IVAN PAVLOV

Human rights lawyer and head of former Team 29, at a [2021 HRHF-sponsored event](#) at the 48th session of the UN Human Rights Council.



At the same time, the international community can see Russian human rights trends spilling - or being exported by the authorities - beyond Russia's borders. In our 2021 [Protecting Defenders](#) report we highlighted Russian influence across the region which impedes democratic transitions and partly supports an anti-human rights and anti-civil society agenda through governments and non-State actors including the Orthodox Church and radical far-right groups. [At least 50 countries](#) now have legislation designed to crack down on independent civil society. Strategies employed by Polish and Hungarian authorities to delegitimize independent media and human rights defenders are drawn in part from the Russian playbook. Russia is also using Belarus's human rights and political crisis as a "[testing ground for authoritarian survival techniques](#)". Clearly, the Russian human rights crisis poses one of the most serious challenges to the international community.

Russian journalism under siege (L-R): HRHF's Ane Tusvik Bonde marks the 15th anniversary of the murder of Novaya Gazeta journalist Anna Politkovskaya with flowers outside the Russian embassy in Oslo on 7 October 2021.

Dmitry Muratov who was awarded the Nobel Peace Prize on 8 October 2021 described award as "retribution for Russian journalism which is being repressed now".

“ *Belarus is our future. We look at ourselves in five years, and everyone is in prison and nothing good is happening.* ”

This report outlines how the design and implementation of legislation in Russia has impacted Russian human rights defenders' and organisations' work domestically and internationally. In so doing, it proposes steps which the international community can take to adapt to the current environment for human rights defenders and organisations and offer support to them. It is based on the findings from qualitative and quantitative surveys commissioned by HRHF and conducted in July and August 2021. The reader is encouraged to consult the Methodology section of this report for more information. In many ways, the findings and recommendations in this report can be extrapolated and applied to Russian civil society at large; however, the datasets are limited in scope to human rights organisations and therefore the findings and recommendations are as well.

Throughout this report, the reader will see anonymous quotes. These are direct quotes of human rights defenders who participated in HRHF's qualitative survey. Those who have been quoted have been completely anonymized to protect them from reprisal, the threat of which is made very clear in this report.

LEGAL & LEGISLATIVE ATTACKS ON HRDs AND ORGANISATIONS

Today, the Russian government has at its disposal a legal framework to limit or shut-down any activity or organisation in the country which it deems a threat. Legislation in place has proven effective in stopping legitimate human rights work, drying up foreign funding sources, destroying many human rights organisations' relationships with the Russian State, and sullyng the public image of human rights defenders. At the same time, the fear of criminal prosecution has led to a chilling effect on the work of human rights defenders and organisations and on-going efforts to self-censor in order to avoid being targeted by the authorities.

In short, the authorities' use of legislation to attack the legitimate work of human rights defenders and organisations severely limits - or completely erodes - their autonomy and independence to fundraise, recruit and retain staff and volunteers, and independently decide upon their own work and focus.

The so-called "foreign agents" and "undesirable organisations" laws and their subsequent amendments, as well as counter-terrorism and anti-extremism legislation, and the implementation of these laws by the Russian authorities have been disastrous for human rights defenders and organisations. Through the use of legislation on the federal level, Russian authorities have created a framework which allows it to attack human rights defenders and organisations for performing what the CoE's Commissioner for Human Rights calls "the most commonly-practiced, basic and natural methods for civil society institutions to perform their work [which] ... constitute important elements of the democratic process".

Today, as Amnesty International has [reported](#), "hundreds of organisations have seen their funding shrink, their reputations tarnished, and their staff intimidated or prosecuted" following ten years of anti-NGO legislation.

Nevertheless, a thriving, professional civil society sector well-integrated into international structures, with strong relationships among international NGOs and foreign embassies, has emerged in Russia over the last 30 years. Many organisations have cooperated with State bodies responsible for law enforcement, prisons, the military, and judiciary as part of their activities. NGOs have defended the victims of human rights abuses and developed strong connections with the communities in which they work. However, these accomplishments - the very foundations of a healthy civil society - are in peril.

"It's never possible to know for sure [if we'll be targeted by the authorities for our human rights work] because the laws are selectively applied. What's possible for someone is not allowed for someone else for some reason. Some organisations might be closed. Others might keep operating, maybe with limited possibilities. We never know for sure."

“ *NGOs which are primarily affected by [Russian anti-NGO legislation] play an essential role in implementing the European Convention on Human Rights on a day-to-day basis... thereby ensuring that national authorities fulfil their responsibility to act as the primary safeguard of human rights and fundamental freedoms.*

Expert Council on NGO Law of
the Conference of INGOs of the
Council of Europe, [February 2021](#).

“Foreign Agent” Designations

“ The ‘foreign agents’ law is just a tool that’s being used in the way authorities want to use it. The law itself is quite vague. It is very flexible and can be used in a way that if your work is somehow trouble to the authorities, this law can be used to suppress you.”

Russian authorities first passed legislation in 2012 which required organisations to register as “foreign agents” if they received foreign funding. At the time, three UN Special Rapporteurs [referred](#) to the legislation as “obstructive, intimidating, and stigmatizing” for human rights defenders and organisations. The UN Special Rapporteur on human rights defenders [voiced](#) further concern that the law was being used to “target and intimidate human rights organisations which have engaged with the UN, its mechanisms and representatives in the field of human rights”.

Since 2012, Russian authorities have amended the law to allow them to extrajudicially label any individual or organisation, including human rights defenders and organisations, as “foreign agents”. They may do so not just for those receiving funding from abroad. Today, any human rights defender or organisation - including journalists and bloggers - receiving funding from abroad or voicing what the authorities consider a political opinion can be labelled a “foreign agent”.

Once registered as a “foreign agent” - either on their own or by the authorities extrajudicially - organisations or individuals must note on any online or offline publication that it is the work of a “foreign agent” and submit quarterly reporting to the Ministry of Justice. Any mistakes in that reporting can result in fines or imprisonment. So-called “foreign agents” are also prohibited from conducting certain activities, including election monitoring and participating as members in public oversight commissions.



The “Foreign Agent” designation harkens back to communist period rhetoric which has contributed to an overall “chilling effect” on the exercise of the freedom of expression and association.
Image: Nina Vatolina “Don’t Chatter - Gossiping Borders on Treason”, 1941.

“The way they show it on TV, ‘look at these agents, these fifth columnists meeting with their bosses.’ They show it as confirmation of our ties to western security services. It discredits human rights defenders.”



Moscow, 2012. On the night before the “foreign agents” law came into force, unknown individuals spray-painted “Foreign agent! ♥ USA” onto the building housing the offices of three prominent NGOs in Moscow, including Memorial. Photo via Yulia Klimova/Memorial.

So-called “foreign agents” can still legally operate - and many do. However, the stigma associated with the term challenges the legitimacy of such individuals and organisations in the eyes of many Russians. The use of the term “foreign agent” carries a negative historical connotation intended to discredit and stigmatize civil society organisations in the eyes of the Russian public. The Venice Commission has [criticized](#) the use of the term as bringing back “rhetoric used during the communist period” which has contributed to an overall “chilling effect” on the exercise of the freedom of expression and association. [According](#) to the CoE’s Commissioner for Human Rights, it has led to the “stigmatisation and harassment of civil society and human rights defenders”.

"Look, of course [the public] is afraid of cooperating with us. They are very afraid of anything they understand as politics. . . When you communicate well and explain that normal people do this work - people like them - it helps neutralise those fears. The problem is with these limitations on the media, that we have to be marked as ‘foreign agents’ in any of our references and articles which of course prevents us from reaching out to the general public. . . We can not knock on every door and explain that we are not enemies and we work for them. This is a problem."

Human Rights Defenders as “Foreign Agents”

“ *I think by having lists of staff members of NGOs that are ‘foreign agents’, the Ministry of Justice creates a list of the ‘enemies of the State’. Such lists are not new for the country. We have had them before, but they were created by non-State actors. Now we have these lists managed and published on the official State website.*

Under recent amendments to the “foreign agents” law, the Russian authorities can now designate individuals as “foreign agents”. This is deeply concerning to leaders of human rights organisations. They worry that they, as well as their staff, beneficiaries, and contributors will be easy for the authorities to track down and find once their names appear on lists submitted by NGOs designated as “foreign agents”. They fear that this change will discourage new human rights defenders from joining and contributing to the human rights movement or from those in need of support from seeking it. The change impacts their ability to fundraise and attract support through individual membership, and has a genuine long-term impact on the human rights movement in Russia, particularly as some groups have initiated crowdfunding campaigns.

For Russian human rights defenders, the threat of criminal prosecution weighs heavily. Many consider it their biggest worry about the future and the biggest threat to how they are currently operating.

“ *I have a number of worries. . . there are risks of criminal prosecution and if that starts and we face it at some point we will be in a situation where we will have to dissolve our organisation as an entity and work in different formats. This is my biggest worry about the ‘foreign agent’ law.*



ИНОСТРАННЫЙ АГЕНТ

FOREIGN AGENT

Radio Free Europe / Radio Liberty has compiled a full list of organisations and individuals designated by the Russian authorities as "Foreign Agents" see it here: bit.ly/ruFAlist.

Human Rights Work as “Political Activity”

“ *The legislation provides [the Russian authorities] with instruments to prosecute political work in the human rights field as well as journalism. They have so many instruments and basically, they can interpret anything - like my comments on a newly adopted law - as political activity.* ”

Recent amendments to the “foreign agents” law also decouples the “foreign agent” label and foreign funding and represents another front in the attack on human rights defenders and organisations. Today, the authorities can extrajudicially label individuals and organisations “foreign agents” for engaging in “political activities” which are “in the interest of a foreign State”. This is particularly troubling because of the Russian authorities’ efforts at promoting human rights as a Western value misaligned with Russian “traditional values”. “Political activities” can include advocacy, training, sharing of expertise, data collection, public awareness raising, and communications: the normal activities of human rights defenders and organisations.

Despite these threats, very few organisations plan to change their activities to accommodate the State’s amorphous and overbroad interpretation of “political activity”. They view it as impossible.

“ *Everything is politics, except planting potatoes, though even planting potatoes can be political because it shows people are missing something.*

“Undesirable Organisation” Designations

“ Quite repressive legislation has been passed which prohibits interaction with some organisations, such as training. This can lead to criminal prosecution and this is a harsh threat to us all. In the future, we may not be able to escape it. The scenarios we have in our head are quite bad.

For many Russian human rights defenders and organisations, Russia’s so-called “undesirable organisations” law and subsequent amendments are even more threatening than the “foreign agents” law.

In June 2021, HRHF and more than 40 international human rights organisations reiterated the alarm about both the reach of the law and its consequences for Russian civil society. The law, first introduced in 2015 and subsequently amended as recently as summer 2021, gives the authorities the extrajudicial power to designate any foreign or international organisation which it deems a threat as “undesirable”. Once designated as “undesirable”, an organisation is forced to shutdown and immediately cease any activities on the territory of Russia, which can include the internet.

The law goes even further and seeks to destroy any relationship between Russian civil society and the international community. Today, Russian organisations and individuals anywhere in the world run the risk of serious legal jeopardy, including criminal prosecution and imprisonment, for cooperating with an “undesirable organisation”. In effect, no partnership between an “undesirable organisation” and Russian organisations or individuals can persist and this includes correspondence, joint statements, payment of membership fees, or the transfer of projects from an “undesirable organisation” to an organisation without such status.

Clearly, the Russian authorities are actively seeking to isolate Russian human rights defenders and organisations from the international community.

“ I am worried that our organisation will be connected to ‘undesirable organisations’ and it will be closed. The staff will suffer. People can be imprisoned, lose jobs, and income.

“To be honest, the only legislation I am afraid of is the law on ‘undesirable organisations’ . . . For working with ‘undesirable organisations’, I can be imprisoned.”



Russian authorities fabricated charges under counter-terrorism and anti-extremism laws against Crimean Tatar human rights defenders Server Mustafayev (L) and Emir-Usein Kuku (R). In September 2020, Mustafayev was sentenced to 14 years in prison. In May 2021, the Russian Supreme Court upheld a 12-year sentence for Kuku. HRHF [works to maintain international focus](#) on their cases.

Counter-Terrorism and Anti-Extremism Legislation

The use of counter-terrorism and anti-extremism legislation to prosecute human rights work is another front in the Russian authorities' attack on human rights defenders and organisations. Russia adopted its anti-extremism legislation in 2002. The law and subsequent amendments broadly define "extremism", "extremist actions", "extremist organisations" and "extremist materials". As such, it gives the authorities "too wide discretion in its interpretation and application, thus leading to arbitrariness," [according](#) to the Venice Commission.

Counter-terrorism and anti-extremism laws give the authorities extrajudicial power to take preventative and corrective measures aimed at activities listed in the laws as extremist. However, the broad definition of such activities has created a "worrying phenomenon of misuse of counter-terrorism legislation to limit legitimate reporting or criticism of State authorities," [according](#) to the CoE's Commissioner for Human Rights. The international community has consistently [raised](#) alarm at how Russian authorities have "selectively enforced anti-extremism measures against nonviolent individuals who hold critical views of the government, conflating criticism of the government with violent extremism."

In practice, the Russian authorities are using anti-extremism and counter-terrorism legislation to, among other things, "suppress the activities of religious organisations and movements of foreign origin that they consider unconventional and undesirable in Russia," [according](#) to the Russian think Tank SOVA Center for Information and Analysis. The Russian authorities, employing the concept of Russian "traditional values", consistently label any legitimate human rights work as "Western" and "foreign" and have demonstrated a willingness to attack this work as "extremist."

Today, Russian authorities have used counter-terrorism and anti-extremist legislation to target Crimean Tatar human rights defenders, those who have criticised Russia's activities in Eastern Ukraine, journalists, and members of religious minority groups, among others. The intentionally vague definitions in these laws as well as their arbitrary use creates fear amongst human rights defenders and organisations that they will be targeted for their legitimate human rights work.

HOW HRDs & ORGANISATIONS RESPOND

The situation for Russian human rights organisations can differ today for a number of reasons although it is generally bad for all of them. Larger, more established human rights organisations operating in Moscow are more likely to have accepted “foreign agent” status and continued their work, while dealing with the legal and administrative challenges that accompany the designation. They likely maintain the same close ties with foreign organisations, receive foreign funding, and cooperate with international human rights institutions and mechanisms. Few report changing their mission or the orientation of their work.

However, smaller or newer organisations which may be located outside of major urban centres or in the regions, as well as those which may focus more on beneficiary services tell of a different experience. For these organisations, the financial costs of being named a “foreign agent” is a heavy burden. Those costs include audits, legal assistance, reporting requirements, and/or fines. Foregoing foreign funding may make sense. Yet, foregoing foreign funding does not guarantee that these organisations can escape a “foreign agent” designation. They still run the risk of the designation for so-called “political activity”. These organisations lack the cover provided by deep relationships with international organisations and intergovernmental bodies. Small organisations, particularly those which work on controversial or sensitive topics, are particularly vulnerable in this restrictive environment and many have already closed.

“[The legislation] has become a normal part of the rules for the functioning of society. The authorities and legislators can say to the public that it is normal and legally justifiable to pressure human rights defenders.”

Adjusting Domestic Activities

“ We no longer apply [for foreign funding]. We don’t try anymore. We no longer have any relationships. No way. Because any foreign funding will automatically designate us as a ‘foreign agent’. And this is something we do not want.

In the face of growing restrictions, human rights organisations report that legislation has succeeded in undermining the most important relationships that form the foundation of civil society: between NGOs and the State, between NGOs and citizens; and, among NGOs themselves.

Groups that once advanced a human rights agenda by cooperating with Russian State bodies - police, prisons and prison guards, the judiciary - saw these partnerships wither after 2012. A “foreign agent” designation means that State bodies cannot or will not work with an NGO, even if they had enjoyed a long history of productive cooperation. This is particularly troubling in the case of government institutions with a traditional role of promoting human rights as they are no longer seen as a channel for human rights defenders.

“

It's almost impossible for us to work with [government agencies]. Officially we cannot have a cooperation agreement because we are a 'foreign agent'. It used to be possible before.

There were NGOs that provided trainings for judges or prisoner officers or for similar bodies. Before they could organise the trainings and they could take part. Now it is not an option. Authorities used to be open to some informal communications. Now it's more and more difficult and we have almost no relations with government officials. This has changed a lot.

Human rights organisations have different types of relationships with the general public, ranging from very little contact to direct engagement. For some groups, the “foreign agent” designation has negatively affected public perceptions of them and their work by tapping into strong linguistic association of the term with foreign espionage. Groups which interact with ordinary Russians must address concerns that they are working in the interests of foreigners rather than the Russian people. This complicates their ability to do outreach and expand their public outreach and public presence.

Within civil society, the “foreign agents” designation complicates relationships between organisations. Groups which have not been designated as “foreign agents” worry about how cooperation with Russian human rights organisations which are designated “foreign agents” will impact their future. Organisations focused on social issues have traditionally been wary of working with human rights organisations and the stigma associated with the “foreign agent” designation has exacerbated this. At the same time, other organisations are committed to maintaining ties with other civil society organisations, particularly those with whom they have long relationships. Some are trying to integrate organisations with shared interests. Others are trying to find new ways to cooperate, even in small ways.

“ *The general population takes [‘foreign agent’ designation] as a very negative connotation. It’s not a metaphor. It does really resonate as ‘enemy of the people’ from Stalin times.* ”

Reducing engagement with UN institutions and mechanisms

Interviews with Russian human rights defenders focused on their engagement with human rights mechanisms and bodies at the United Nations level. At the UN, Russian human rights organisations appear wary to engage with human rights mechanisms. In its 15-year history, the Human Rights Council has seen very few formal, on-the-record interventions of Russian NGOs. Indeed, Russian NGOs have made fewer than ten oral or written statements in total which have had a critical focus on Russia’s human rights policies despite consistent and growing international reporting of serious domestic human rights violations. During the Universal Periodic Review, engagement by Russian NGOs has decreased. Significantly fewer NGOs engaged in the most recent 3rd cycle in 2018 than in the 2nd.

Small organisations which may be more vulnerable to legal attacks by the authorities have taken a more cautious approach to their dealings with foreign organisations than their higher profile counterparts. In an effort to stave off the “foreign agent” designation, organisations that lacked the capacity to reorganise themselves legally have eschewed foreign funding and reduced their contact with international bodies and mechanisms.

“ *I just want you to understand that previously I would never have had any second thoughts about communicating with international organisations. Now I always think twice about meeting an expert from abroad or drafting some material or making a review. Every time I have to think about whether it creates a risk for my colleagues or my team. That’s the twist. Something that we didn’t consider eight or nine months ago, now is the reality.* ”

“It has been reported to OHCHR that the enforcement of [‘foreign agent’ and ‘undesirable organisation’] legislation, as well as the new pieces of federal legislation, have further contributed to self-censorship and reluctance of civil society to engage with the UN. While some civil society organizations have continued to cooperate with the UN, including from outside the country, some human rights defenders reportedly decline international attention, including by the UN, to their issues or situations for fear of retaliation. In particular, some have reportedly expressed concerns about repercussions for participating in side-events in the margins of the Human Rights Council and have therefore avoided taking part. Names and further details are withheld due to fear of further reprisals.”

2021 Report of the UN Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights.

“ *It’s carefully choosing your words, not only trying to filter your language on social networks but also during your statements. A few months ago I was preparing a report on the impact of the constitutional amendments in Russia. Eventually after consulting with friends and colleagues, I decided to ask a European colleague to make the statement. I prepared it but didn’t make it. I felt very uncomfortable, but I know that when we speak on behalf of large coalitions it is less risky. But when you personally deliver a statement and governments are present, including the Russian delegation, that makes it riskier. This is extremely uncomfortable.*

WHAT THE INTERNATIONAL COMMUNITY MUST DO NOW

There is no “one size fits all” approach for Russian human rights defenders and organisations navigating Russia’s complicated political, legislative, and legal environment. Accordingly, there can be no “one size fits all” approach for those members of the international community who want to support them. However, Russian human rights defenders and organisations face a real threat of reprisal for their work and their engagement with the international community. In light of this, it is incumbent upon the international community to act.

Bring Russia formally onto the agenda of international and regional human rights bodies and mechanisms

“The government is heading toward full prohibition of any foreign funding of any format. We are approaching the Belarusian scenario. No one could predict what is happening there now, and the laws that have been passed. But now we see that we are step by step approaching the Belarusian scenario.”

Many Russian human rights defenders and organisations feel strongly that the international community should continue to engage with Russia within international and regional bodies rather than seek to expel it. However, the international community must also recognize the inadequacy of informal responses to growing human rights violations committed by the Russian authorities for more than a decade.

Today, Russia occupies a seat on the UN Human Rights Council and is a member of the Council of Europe. It is time to place Russia formally on the agenda of both in order to fully scrutinize its human rights record and to work towards accountability for those responsible for serious human rights violations.

At the same time, the international community must raise each instance of Russian legislation failing to conform with international human rights obligations at Treaty Body reviews and through the Universal Periodic Review process.

The international community must also push for country visits to Russia of relevant UN Special Procedures mandate holders and OSCE and CoE experts and rapporteurs. There has only been one visit of a Special Procedures mandate holder to Russia since 2014. Special Procedures mandate holder visits as well as visits by OSCE and COE experts and rapporteurs provide unique opportunities to meet directly with

“Russia has repeatedly attacked UN Special Procedures mandate holders’ work, mine in particular, making unfounded, biased, vexatious accusations.”

AGNES CALLAMARD

Former UN Special Rapporteur for extrajudicial executions, January 2021.



Chuvashia, Russia: An activist stages a solo picket in protest at Russia's "foreign agents," law.
Sign reads "We are foreign agents. No to censorship!"
Photo: Radio Free Europe / Radio Liberty.

Russian human rights defenders and organisations, make formal recommendations and findings to the Russian authorities, and raise awareness about on-going human rights challenges.

“ We believe that it’s important and probably more so to actively use the Council of Europe mechanisms. . . Our interaction with the Council of Europe will be even more active in the coming months and years.

Call for and support new and expanded sanctions regimes which target individuals responsible for human rights violations

Russian human rights defenders and organisations consistently voice support in utilizing all available means to pressure Russian authorities. These include the implementation of new and expanded sanctions regimes which target individuals responsible for serious human rights violations.

“If [foreign governments] raise [human rights] concerns in political statements but at the same time are signing contracts to receive Russian natural gas, there is no reason for that. . . There should be real effective dialogue, using instruments that matter to Russia, otherwise there is no point.”

Offer human rights defenders and their families, as well as human rights organisations, concrete protection and direct support with financial, practical, and legal aid including emergency visa support, capacity building, temporary relocation, and safe haven programmes

Human rights defenders describe the immediate need for foreign embassies to facilitate the issuance of emergency visas for human rights defenders and their families under immediate threat. Promises from friendly States to expedite the visa process have not yet yielded progress. The need for these visas is becoming acute and human rights defenders need clear lines of communication and speedy reactions from issuing countries. Human rights defenders feel frustrated at having to push so hard for something so vital. As individual human rights defenders and their families become targets and criminal cases more common, having emergency visa mechanisms is essential.

In addition, human rights defenders know that governments and international organisations are subject to their own bureaucratic procedures and rules. But, these procedures and rules must adapt to the increasingly restrictive environment for Russian human rights defenders and organisations as well as the tendency of the Russian authorities to exploit the openness and transparency of many support programmes. Based on years of experience with foreign support programmes, human rights defenders point to the following ways that such programmes can be adapted:

- Take into account that wording in contracts and reporting can draw the attention of the authorities. Russian authorities take advantage of public records to track down and punish potential violators.
- Allow for more realistic and flexible deliverable timelines and programming goals. Russian human rights organisations are navigating an ever-changing environment based upon changing definitions of “political activities” and the implications for their work.
- Provide greater flexibility in branding regulations. Russian authorities exploit transparency expectations in order to target human rights defenders and organisations.

“ *Not many countries have emergency visas for human rights defenders. This dialogue has been going on for many years and we still don't have protocols yet. We also need quick communications. Like, if something happens to whom should I write? Should I write to the people I know in embassies because I met them at some conference? That's not effective. There should be protocols with clear and understandable procedures.*



Watch the full recording of the webinar "[Silenced rights, persecuted freedoms in Russia](#)", hosted on the sidelines of the 47th session of the Human Rights Council on 7 July 2021 by Human Rights House Foundation and PEN America.

Seek risk assessments from civil society organisations on the ground in Russia and design support accordingly.

“ We are always being asked if doing this or that will somehow make life more difficult and being told [by foreign funders and supporters] ‘we are afraid to do something because it makes things harder’. We always answer that we are here and see our risks much better than anyone not in Russia and we are taking these risks. International support and international solidarity are one of the few things that helps us to continue our work.

Russian human rights defenders and organisations are often in the best position to make decisions about the riskiness of their work and the viability of international partnerships. International partners should discuss risks with Russian partners and consider Russian partners' risk assessments, as well as their individual or organisational risk tolerance level. It is important to include Russian partners' risk assessments in designing support programmes.

Organisations which continue to work with international partners are constantly considering, weighing, and making decisions concerning risk. International partners should have open and honest discussions with their Russian counterparts and seek to reflect risk assessment in the design and provision of support.

“ Rights organisations know what needs to be done on the ground because we are here and we see the actual challenges. Sometimes we ask for support and we are sure we can do what we plan to do. [It's frustrating] to receive a letter saying that we can't support you because we don't think you can do it.

Maintain relationships and safe communication with smaller civil society organisations

As previously noted, many smaller human rights organisations have taken the decision to forego foreign funding and adapt their work in order to avoid running afoul of the authorities. Such organisations may still be looking for ways to engage with the international community and avoid further isolation. Nevertheless, international partners should look for opportunities to maintain relationships and safe communication and be prepared to take Russian partners' terms into consideration. Such terms will reflect the Russian partners' risk assessments.

Implement strict data security and communication protocols in order to protect Russian civil society partners

“[International partners] have to be more sensitive to the storage of information, processing information that relates to Russia because of Russian hackers and leaks. . . Some have introduced special protocols for communications and secure storage of data but some have not.

International partners working with Russian human rights defenders and organisations should ensure that all communications channels are secure. Likewise, many Russian partners seek further support to review their own data storage security. Fears of government hacking are real and human rights defenders fear unintentional exposure, especially from documents that ought, for the sake of transparency, to be public.

Traditionally, engagement between Russian human rights defenders and organisations and foreign Embassies and consulates was robust. These relationships produced information sharing, technical assistance, and capacity building, among other mutual benefits. Today, many Russian human rights defenders and organisations fear such engagement. Embassies and consulates should consider how best to provide opportunities for Russian human right defenders and organisations to safely and securely re-engage.

“[Donors and foreign governments] can give us attention, some information. Information is essential. Let us join events. . . If there was an international conference, we would enjoy an invitation. We would join. I think it would be ok. If there are reprisals, we will take them. But they don't invite us anymore. I don't know why.”



Watch the full recording of the webinar "[Russia: What will the human rights landscape look like following Russia's legislative elections?](#)", hosted on the sidelines of the 48th session of the Human Rights Council on 27 September 2021 by Human Rights House Foundation, Amnesty International, FIDH, and Human Rights Watch.

“ It’s very risky for us to be open about our relations with consulates and embassies. . . My worst fear is that these conversations will be used for criminal prosecutions against us under a harsh article of the criminal code. We can be charged with treason which can mean very long imprisonment.

Work with Russian human rights defenders and organisations to weigh the risks and benefits of offering public support when they face threats.

“ Some threats demand immediate outcry and open statements to defend someone. Other threats are less visible, so such statements can be counterproductive. Statements sometimes help and sometimes do not. It takes understanding on how to approach it. My advice is to consult Russian partners because they know the specificity of each situation better. It should be done in close cooperation with partners.

International partners must carefully consider if, when, and how to publicly support Russian human rights defenders and organisations facing threats. Whether to offer organisations public support in this environment is a complicated calculation. But, it is best facilitated by open communication with Russian partners who know the environment and understand the risk calculation.

CONCLUSION

Every day, Russian human rights defenders and organisations do their important and legitimate work in the face of ever-increasing legal, social, political, and physical attacks. They do this work in a country where the vast powers of the State are used to threaten and silence them, often arbitrarily and in ways designed to create confusion and fear. Yet, as this report shows, Russian human rights defenders and organisations are keen to continue in their work and need specific support.

One of the objectives of the legislation that has been passed in Russia over more than a decade is to destroy relationships: between Russian civil society organisations; between Russian civil society and the State; and, between Russian civil society and the international community, including international civil society. Yet, even with a seat on the UN Human Rights Council and membership in the Council of Europe, Russian authorities have escaped any meaningful and formal scrutiny of their actions resulting in the human rights crisis outlined in this report. Indeed, this lack of scrutiny is even more troubling as the Russian authorities commit reprisals against human rights defenders and organisations seeking to raise awareness of the human rights crisis in Russia.

The results of the September 2021 Russian Duma elections foreshadow the continuation - and likely deepening - of the crisis for Russian human rights defenders and organisations. For more than a decade, the governing United Russia party has passed into law policies which have drastically altered the legal, political, and social environment for human rights defenders and organisations. With United Russia poised to continue to use its majority to support the legislative priorities of the Putin Administration, one can only assume that this trajectory will continue.

The international community must take immediate and specific steps to adapt its support for Russian human rights defenders and organisations.

"In this situation, you have only two choices. You work as you did before, or stop working altogether. There are no in-between decisions. We decided to continue. . ."



January 2021, Police surround and overwhelm peaceful protesters in Krasnoyarsk. Photo: Reddit.

METHODOLOGY

For this report, HRHF commissioned and oversaw two surveys between June and August 2021.

[Quirk Global Strategies](#) and HRHF designed a qualitative research program which Quirk Global Strategies implemented. It involved one hour-long in-depth interviews with twelve Russian human rights defenders. Quirk Global Strategies designed the questionnaire, conducted the interviews and analysed the findings. HRHF identified potential respondents and coordinated the interviews, which were conducted in English or via simultaneous interpretation according to respondents' preference, on an online platform between 16 July and 3 August, 2021. Respondents were assured of confidentiality, agreed to be recorded, and signed a release agreeing to the use of their data subject to GDPR regulations.

Responses from participants in the qualitative survey have been anonymized in all ways possible to protect their personal and organisational anonymity. Responses have also been edited for brevity and clarity. Because this is qualitative research, results cannot be quantified or projected onto the Russian human rights or NGO community as a whole. Respondents chose to participate in the survey. As such, their responses may differ in important ways from those who opted not to participate.

HRHF also designed and commissioned a quantitative survey to assess the level of engagement by Russian NGOs with UN human rights mechanisms from 2012 until 2021. This survey gathered data on statements made by, or on behalf of, Russian NGOs at the UN Human Rights Council; contributions by Russian NGOs to Russia's Universal Periodic Review and treaty body reviews of Russia. This data set was limited by the amount of publicly available information.

HRHF experts used the data and analysis from both surveys as the basis for this report.

ABOUT HRHF

[Human Rights House Foundation \(HRHF\)](#) envisions a world in which everyone can freely and safely promote and enjoy all human rights. Empowered human rights defenders and strong and independent civil society are key to this vision.

Human Rights House Foundation establishes, supports, and connects [Human Rights Houses](#) – coalitions of civil society organisations working together to advance human rights at home and abroad. Today, 16 Houses in 11 countries are united in an international [network of Human Rights Houses](#).

Together, we advocate for the freedoms of assembly, association, and expression and the right to be a human rights defender. These four rights underpin a strong and independent civil society and protect and empower human rights defenders.

HRHF is an international non-profit organisation headquartered in Oslo with an office in Geneva and representation in Brussels and Tbilisi. HRHF holds consultative status at the United Nations and participatory status at the Council of Europe.



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