



European Economic and Social Committee

REX/400
Civil society in Russia

Brussels, 10 December 2014

OPINION
of the
European Economic and Social Committee
on
Civil society in Russia
(own-initiative opinion)

At its plenary session of January 2014, the European Economic and Social Committee decided, under Rule 29(2) of its Rules of Procedure, to draw up an own-initiative opinion on

Civil Society in Russia
(own-initiative opinion).

The Section for External Relations, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 17 November 2014.

At its 503rd plenary session, held on 10 and 11 December 2014 (meeting of 10 December 2014), the European Economic and Social Committee adopted the following opinion by 118 votes to 6 with 5 abstentions.

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1. General recommendations

- 1.1 Building mutual trust and ensuring that Russia and EU civil society can interact freely, and providing as much support as possible to Russian independent civil society organisations (CSOs) have never been more important.
- 1.2 The Human Rights and Democracy framework should be promoted more actively, and the political role of the EU Special Representative for human rights increased. Civil society and human rights issues should be part of all bi- and multilateral dialogue with Russia. Human rights dialogue should be maintained and civil society stakeholders with relevant expertise should be brought to the table whenever possible. The EU High Representative for Foreign Affairs and Security Policy should meet with civil society and CSOs whenever visiting Russia.
- 1.3 The EU should coordinate and speak with one voice, addressing the issue of political challenges as well as the crackdown on non-governmental organisations (NGOs) and media in Russia. The EESC encourages the EU to closely monitor and regularly comment on various aspects of the civil society situation in Russia.
- 1.4 However, a bi-lateral approach should not be underestimated as a means of making progress in talks with Russia. The EU should retain a clear position on sanctions and responsibility for the civil society crackdown. But a great deal of flexibility will be needed to move on from this low point in EU-Russia relations. A bi-lateral approach might be a good way of re-launching relations.

- 1.5 Perceiving EU-Russia civil society cooperation as a potential part of the future PCA¹, and providing a separate funding line for the independent EU-Russia civil society dialogue platform might also be a valuable strategic investment. Despite extraordinary political circumstances, the EU should continue exercising soft and smart power-based² efforts to normalise the situation and prevent Russia's (self-) isolationist drift. In this regard, the previous EESC opinions' recommendations on the Northern Dimension³ (including the Arctic Policy⁴), the Baltic Sea Strategy⁵, the Black Sea Synergy⁶, the Eastern Partnership⁷, and the Danube Strategy might be consulted.
- 1.6 The EU should maintain an accurate account of the democratic processes and challenges for the participants in the dialogue. The rapidly deteriorating situation surrounding rights and freedoms – as has been the case in Russia in the last two years – needs to be recognised and remedied now. The EU institutions and the Member States and especially those who have not been involved should invest in and support exchange programmes and programmes for civil society cooperation with Russia and support Russian democratically-oriented and issue-based NGOs such as defenders of human rights, environmentalists, consumer associations, various social partners, as well as other independent professional interest organisations, etc. Appropriate steps to facilitate and liberalise visas should be taken on the basis of certain conditions.
- 1.7 Diversity is the key to a healthy European civil society: the EU should engage with a wide range of thematic and regional civil society stakeholders – despite and especially against a backdrop of Russia's growing monopolisation and isolation, retreating to authoritarian modes of behaviour. The EESC calls for more people-to-people contacts and in particular for more large-scale exchanges in the field of education and intercultural dialogue as a tool to improve mutual understanding and confidence. New platforms and formats of cooperation between civil society organisations from the EU and Russia should thrive. The EU-Russia Civil Society Forum (similar to the Eastern Partnership CSF) might be considered as one of the existing

¹ For several years, Russia and the EU have been negotiating the adoption of a new Partnership and Cooperation Agreement (PCA), a key institutional and process-setting document between the parties. The previous 10-year PCA entered into force in 1997, and since it expired, it has been automatically extended every 12 months. Notably, the agreement no longer suits the needs of the EU-Russia relationship.

² This notion was introduced into international relations (IR) by Harvard professor Joseph Nye. According to Nye's concept, both hard (military) and soft power (all forms of diplomacy) are used to increase the efficiency of IR.

³ REX/217 The future of the Northern Dimension, 12.7.2006; rapporteur Filip Hamro-Drotz ([OJ C 309, 16.12.2006](#), p. 91–95).

⁴ REX/371 EU Arctic policy .../Please, see also http://ec.europa.eu/maritimeaffairs/policy/sea_basins/arctic_ocean/index_en.htm.

⁵ REX/262 Baltic Sea region: the role of organised civil society in improving regional cooperation and identifying a regional strategy, 13.5.2009; rapporteur Marja-Liisa Peltola ([OJ C 277, 17.11.2009](#), p. 42–48).

⁶ REX/245 Setting up civil society organisations networks in the Black Sea region, 9.7.2008; rapporteurs Mihai Manoliu and Vesselin Mitov ([OJ C 27, 3.2.2009](#), p. 144–151).

⁷ REX/271 Involvement of civil society in the Eastern Partnership, 13.5.2009; rapporteur Ivan Voleš ([OJ C 277, 17.11.2009](#), p. 30–36).

development platforms that are well suited for this purpose. Involvement of the social partners also merits attention within this or a similar platform.

- 1.8 The EU should review the procedures for financial support to NGOs through the European Instrument for Democracy and Human Rights (EIDHR). In the light of the ongoing crackdown and persecution campaign, a relatively high share of co-funding would represent a huge burden for many Russian NGOs and their partners. Therefore, it is important to increase funding opportunities and arrange a safe way of accessing these for the Russian NGOs or NGO coalitions. For example, the EIDHR is advised to increase the budget for the Russian Federation (suggested rise from EUR 3 to 9 million per year). In order to facilitate the flexibility and accessibility of support mechanisms, re-granting formats could be considered.
- 1.9 Opening up the European Neighbourhood Instrument ENI⁸ to Russian participants as part of cross-border and multilateral programmes with counterparts from the EU and the Eastern Partnership states might present another valuable opportunity. The EESC also recommends extending the Partnership Instrument (PI)⁹, which is currently allocating EUR 10 million per year for cooperation with Russia, to allow applications from civil society institutions. Lastly, the mandate of the European Endowment for Democracy can be extended to Russia. Relevant regional and cross-border cooperation programmes should increase their support to civil society.
- 1.10 The EU's current funding policies should not be exclusively about aid projects. Institutional support and a professional upgrade are essential for the sustainability of civil society in transitional economies like Russia. Boosting the capacity of CSOs including the social partners, supporting technical/IT and managerial skills development within the NGO community as well as fostering cooperation with EU-counterparts are important in order for Russian civil society to move on.
- 1.11 The EESC calls for the development of an urgent action/alert system for groups and individuals in danger or acute need. This should include, for instance, better access to asylum, granting visas and visa extensions, fellowship, etc. It is also of utmost importance to assist and support civil society activists who already have been forced to leave Russia due to political reasons.

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Since its launch in 2004, ENI has been strengthening relations between the EU and its Neighbourhood partners, including the introduction of regional initiatives and support for democratisation (worth over EUR 15 billion for 2014-2020). ENI seeks to streamline financial support, concentrating on agreed policy objectives, and make programming shorter and better focused. The 16 ENI Partner Countries are: Algeria, Egypt, Israel, Jordan, Libya, Morocco, Palestine, Syria (now suspended), Tunisia for ENI South and Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine for ENI East. Russia has a special status, as relations with this country are developed through a strategic partnership covering four "common spaces" <http://www.enpi-info.eu/ENI>

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Through the Partnership Instrument (PI), the EU cooperates with partners around the world to advance the Union's strategic interests and tackle global challenges. The PI funds activities that bring EU agendas with partner countries forward, translating political commitments into concrete measures. e.g., bilateral cooperation with Russia is funded by the EU under the Partnership Instrument (PI). See: http://ec.europa.eu/dgs/fpi/what-we-do/partnership_instrument_en.htm

- 1.12 The EESC calls for exchanges and ties to be stepped up between Russian civil society and Ukrainian civil society stakeholders – with structural leadership and support from the EU. The EESC suggests seeking opportunities to bring Russian partners into large regional projects with the Eastern Partnership (EaP) countries, particularly in the field of democracy, environment, public health, transport, energy efficiency, etc.
- 1.13 The EU should seek more structured involvement of independent civil society representatives in EU-Russia governmental dialogue, including on such mutually important topics as migration, intercultural relations, climate change, data security, informational security, etc. The EU should also draw up new interactive and transparent formats of citizen participation in both Europe and Russia. A meeting of the EU High Representative with civil society stakeholders operating outside the EU could be one step towards meeting this objective.

1.2 **The role for the EESC**

- 1.2.1 The EESC and Russian independent civil society organisations should look into ways of enriching human rights dialogue between the EU and Russia and finding new avenues for continued dialogue.
- 1.2.2 In order to strengthen interaction between European and Russian civil society, the following steps should be taken:
- 1.2.2.1 Consider enlarging the EESC-Russia follow-up committee with the objective of creating an opportunity for more members to participate in the exchanges with Russian partners;
- 1.2.2.2 Strengthen the cooperation between the EESC and the EU-Russia Civil Society Forum in order to monitor developments in Russian civil society and explore ways of fostering dialogue between EU and Russian independent CSOs (including environmental, consumer, agricultural, social and other professional and issue-based organisations, etc.);
- 1.2.2.3 Establish and develop contacts with a broad spectrum of independent social partners (e.g. employers' associations and trade unions) in Russia;
- 1.2.2.4 Support, expand and prioritise engagement efforts in the field of fostering cooperation and civil society in Russia and Ukraine and the rest of the Eastern Partnership space, including labour relations; consider a special role for the EESC in organising cooperation between Russia and Ukraine at civil society level;
- 1.2.2.5 Due to the political situation, the EESC has suspended the joint workshops with the Civic Chamber of the Russian Federation (CCRF). However, the committee maintains issue-based contacts with the CCRF and will also establish contacts with the Russian Ombudsman office and other relevant institutions and professionals.

2. **Introductory remarks**

- 2.1 In early March 2014, the Russian Federation took active steps to annex the Autonomous Republic of Crimea, Ukraine. Since April 2014, Russia is believed to have been waging a proxy war in eastern Ukraine, through its increasing support of pro-Russian separatists in the ersatz Donetsk Peoples Republic and Luhansk Peoples Republic and direct incursion into the territory of Ukraine. This tests the current European security system that has been in place for decades and broader post WWII international agreements. Starting from summer 2014, the EU and the US have imposed an array of sanctions on Russian individuals and businesses in response to the annexation of Crimea and the crisis in eastern Ukraine. On 21 September 2014, Moscow and other big cities saw, in all likelihood, the largest anti-war protest in many years (estimates vary from 25 to 50 thousand people).
- 2.2 President Vladimir Putin and the Russian government spent 2013 and 2014 tightening their grip on power, and marginalising any potential opposition. In recent years, the Russian government has enforced a series of harsh laws in response to massive protests between December 2011 and mid-2012. Among other restrictions, the laws increased controls on NGOs, the internet, and dramatically increased fines for participating in unsanctioned street protests and expanded the definition of treason.
- 2.3 The human rights and civil society situation in the Russian Federation is deteriorating. The amendments to the law on Non-Commercial Organisations (also known as "foreign agents" law) in combination with other legislative novelties penalise advocacy work, demonise NGOs in the public eye and therefore prevent the development of civil society. The growing number of recent court cases against civil society organisations is a worrying feature. The overall social and political climate has been increasingly hostile toward NGO and independent voices.
- 2.4 Other restrictive legislation such as a ban on the propaganda of "non-traditional sexual relations" to minors generates stigmatisation and increases discrimination and homophobic violence. Also, a number of recent legislative and administrative moves unleashed a crackdown on the independent media in Russia.
- 2.5 In its conclusions from 16 July 2014, the European Council "invites the Commission to re-assess EU-Russia cooperation programmes with a view to taking a decision, on a case-by-case basis, on the suspension of the implementation of EU bilateral and regional cooperation programmes. However, projects dealing exclusively with cross-border cooperation and civil society will be maintained". In the given circumstances it is necessary to consider how the EU institutions and civil society can help improve conditions for civil society groups in Russia and strengthen genuine civil and social dialogue.

3. Overall civil society situation

- 3.1 In recent years, key international stakeholders - within the UN, EU, European Parliament, CoE, OSCE - have shared their concerns on the shrinking space for civil society in Russia.
- 3.2 Russian civil society – in the broad understanding, including all sorts of non-profit associations – has seen a significant change since the early 1990s. More recently, NGOs have been joined by many loosely organised coalitions and groups of citizens uniting to work on charitable projects, education, "rights literacy", etc., although compared to the formative period around 20 years ago, the contemporary Russian civil society community is facing an unfriendly climate for individual initiative and social activism.
- 3.3 Since Vladimir Putin's return to the Kremlin in May 2012, a stream of repressive laws has been passed, and the authorities have acquired very broad powers to restrict core freedoms. To mention a few, Russia's amended definition of treason allows for the penalising of international human rights advocacy. Huge fines have been imposed for participation in "unsanctioned" rallies. The law forbidding "propaganda of homosexuality" widely discriminates against LGBT people. Heads of NGOs personally have become potentially criminally liable for not observing the novelties of the NGO law.
- 3.4 Essentially, civil society in Russia is facing an existential dilemma¹⁰. Some human rights observers believe the scale of this crackdown on civil society is "unprecedented in the country's post-Soviet history", and it has even "intensified as the Ukrainian crisis started unfolding"¹¹. At the same time, the State has made available a lot of funding for the so-called "socially-oriented" groups, adding this line of division within the NGO community.
- 3.5 Politically motivated persecution of activists and the harsh treatment of the ruling establishment's opponents and critics is ongoing. It is worth noting that several political prisoners were given amnesty and released before the Olympics in Sochi in 2014 (including Mikhail Khodorkovsky and members of the punk group "Pussy Riot"). However, during the same period several dozen protesters of the Moscow's Bolotnaya square rally on 6 May 2012 were put on trial and charged with "organising mass riots" and using violence against the police¹². The proportionality and relevance of the charges were continuously questioned by local and international human rights institutions.

¹⁰ Anna Sevortian. European Human Rights Advocacy Centre Bulletin, Winter 2013. <http://ehracmos.memo.ru/files/WinterBulletin2013ENGWEB.pdf>.

¹¹ <http://www.hrw.org/news/2013/04/24/russia-worst-human-rights-climate-post-soviet-era>.

¹² One defendant received a suspended sentence and had travel restrictions imposed, one was sentenced to indefinite forced confinement in a psychiatric institution, and the rest received prison terms ranging from two and a half to four and a half years. Another four people are presently on trial on charges of mass rioting and violence against the police.

- 3.6 Amendments to the existing NGO legislation (known as "the foreign agents" law) enacted in November 2012¹³ became one of the central pieces of the crackdown on civil society in Russia and marked the start of a campaign to marginalise Russian NGOs.
- 3.7 Disturbingly, the "foreign agents" and many subsequent repressive laws in Russia set the wrong tone for the development of civil society in the broader region¹⁴. The very notion of a "foreign agent" immediately brought back the heavily loaded and hateful rhetoric of the Soviet era – and the clear connotation of NGOs as "spies" ("agents").
- 3.8 Initially, the new law obligated all NGOs that receive foreign funding and engage in so-called "political activity" (or advocacy in English) to register as "foreign agents" with the authorities. Failure to do so became punishable by suspension of the organisation's activities, with no court order. The implementation of the law in February 2013 started with a nation-wide campaign of inspections of over 1 000 NGOs¹⁵ (when later commenting on related criticism, Vladimir Putin acknowledged some "extremes" in the application of the law).
- 3.9 Over 60 human rights and civil society groups – many of them prominent – were charged with "administrative offences" and have appealed against the charges and fines resulting from inspections (with different measures of success). Moscow-based NGO "Golos", the most outspoken election monitoring group, has been suspended along with a few other NGOs. With court proceedings still under way, 13 NGOs filed a complaint to the European Court of Human rights. No NGOs registered themselves independently¹⁶.
- 3.10 In June 2014 the law was amended again and the Ministry of Justice acquired the authority to designate NGOs as "foreign agents" at its own discretion, by-passing any judicial involvement. The first six groups appeared on the ministry's website almost immediately after the law entered into force¹⁷. As of 1 October 2014, 15 NGOs were put on the list, many of which deal with strategic litigation and legal support¹⁸.
- 3.11 There are very few State institutions in Russia dealing with civil society and human rights issues: the Ombudsman office, the Presidential Council for the Civil Society and – to a certain

13 The law was also upheld by the Constitutional Court decision in 2014.

14 In September 2013 a similar "foreign agents" initiative was introduced in the parliament of Kyrgyzstan, with similar ideas discussed in Kazakhstan, etc.

15 For the majority of NGOs these "checks" were not a one-time occurrence. The work of many was disrupted by inspectors, usually showing up as a team representing the prosecutor's office, registration authorities, migration or tax authorities, police, fire service and even a TV crew. In June 2013 another draft law started circulating within the Duma - this one broadens the list of grounds for random inspections of NGOs without prior notice.

16 <http://www.hrw.org/reports/2013/04/24/laws-attribution>.

17 These are: the association "Golos" (Moscow), Regional "Golos" (Moscow), Center for Social Policy and Gender Studies (Saratov), Women of Don (Novocherkassk) and the Kostroma Center for Support of Public Initiatives (Kostroma).

18 See the list at the Ministry of Justice webpage: <http://unro.minjust.ru/NKOForeignAgent.aspx>.

extent – the Civic Chamber¹⁹. The latter has been the EESC's partner organisation for formal contacts with the Russian side²⁰. However, these institutions' capacity is insufficient to address the latest negative developments around NGOs and civil society groups in Russia.

4. **Social dialogue**

- 4.1 The Tripartite Committee is Russia's official body for handling labour and industrial relations (based on the ILO concept). The Committee comprises 30 representatives for each of three parties: Russia-wide trade unions, the Russian government and employers' associations. Currently the Committee operates within their General Agreement for 2014-2016²¹. The collective agreements are negotiated and signed at the level of a concrete entity.
- 4.2 Both employers and unions are represented by large associations in the Committee. The Russian Union of Industrialists and Entrepreneurs (RSPP)²² is a leading association of 361 employers within major industries. RSPP representatives sit on the Tripartite Committee meetings on the employers' side. The RSPP offers mediation of disputes to its members and promotes business cooperation with the EU companies. RSPP's members together oversee about 6 million employees, the Union signed the Social Charter of the Russian Business, and is a party to the Global Compact and General Reporting Initiative (GRI). Alliances of entrepreneurs include the Chamber of Commerce and Industry²³ and "Opora Rossii" (small to medium-sized companies), etc.
- 4.3 The trade unions movement in today's Russia has never had a strong independent voice; however, there are several reassuring examples on that front – quite often localised within the motor car industry.
- 4.4 The dominant player in the field is the Federation of Independent Trade Unions of Russia (FNPR), the successor to a similar model of "union of unions" that existed during the Soviet times (VTsSPS). FNPR has attempted to become a bridge between trade unions and the authorities; at the same time, it has been criticised for a clearly pro-governmental stance and overall lack of involvement in strikes and street action, etc. Another leading alliance of unions

19 The Civic Chamber was created in 2005 as a State institution with consultative powers that is supposed to monitor and advise on parliament initiatives and State policies. CC consists of 126 members elected for a 2 year-term. For the first convening of the chamber, President Putin appointed one third of the members. The Chamber's record is not without controversies.

In the most recent election, the Chamber got a new director Alexandr Brechalov, president of "OPORA ROSSII," a Russia-wide public Organisation for small and medium-sized businesses. See more at www.oprf.ru/en

20 Based on the Memorandum of Understanding, 2008.

21 <http://www.unionstoday.ru/news/social/2013/12/25/18878>

22 RSPP has formal contacts with BusinessEurope and is a member of IOE/ILO.

23 The Chamber of Commerce and Industry of the Russian Federation is member of Eurochambers.

is the Confederation of Labour of Russia (KTR)²⁴. There are smaller ones such as "Sotsprof", Union of unions of Russia (SPR), etc.

- 4.5 Though Russia is a signatory to all major ILO conventions, observance of socio-economic and labour rights in Russia remains a point of concern, also shared by the EESC.
- 4.6 Freedom of assembly as a labour right is a deeply problematic area – according to activists, it is almost impossible to go on strike without breaking the law²⁵. At the same time, Russian legislation lacks a clear definition of discrimination – hence employers might easily discriminate against potential and current employees on the basis of gender, age and union membership. Underprivileged groups of employees – such as prisoners or minorities – are particularly vulnerable, and trade union activists lack effective legal protection from pressure and persecution²⁶.
- 4.7 The Center for Social and Labor Rights, Russia's only thematic think tank, reported on 1 395 cases of labour-related protests in 2007-2013, and their number is growing by the year²⁷.

5. Media and Freedom of Speech

- 5.1 Freedom of information and media in Russia is under attack. Following the recriminalisation of libel, an array of new laws targeted at restricting the press and the internet was adopted in 2014. Several independent media outlets - print, radio, online - were closed down or forced to change their owner, staff and editorial policy. These recent moves are in indisputable contradiction with the letter and the spirit of Russia's international obligations.
- 5.2 The law on Information and Information Technology (changed in February 2014) now allows websites to be blocked on the prosecutor general's request, if they allegedly contain "extremist" content or call for mass riots or unsanctioned gatherings.
- 5.3 Anti-terrorism legislation was amended in May with new regulations for bloggers with a readership of over 3 000 daily visits. Such bloggers must now register with Roskomnadzor and will afterwards need to comply with Russian mass media legislation regarding their blogs (including restrictions during elections, etc.). They also may be required to disclose their real name and other information and be held accountable for the third party comments on their posts. Non-registration is punishable by a fine.

24 Both FNPR and KTR are members of the International Trade Union Confederation (ITUC) and its regional structure for Europe – the Pan-European Regional Council (PERC).

25 <http://www.unionstoday.ru/news/actual-18/2013/09/26/18592>.

26 The Presidential Council on Human Rights recently discussed this topic on 18 April 2014.

27 <http://trudprava.ru/expert/analytics/protestanalyt/1047>.

- 5.4 The EU and the international community are gravely concerned about another legislative initiative that suggests limiting foreign investment in media companies in Russia to 20% from January 2016.

Brussels, 10 December 2014.

The President
of the
European Economic and Social Committee

Henri Malosse
