



Policy Paper

European Solidarity for Russia's Civil Society

by Stefanie Schiffer and Yuri Dzhibladze ¹

Summary

Russian civil society is today under unprecedented pressure from the side of Russian state agencies. The European Union must set a clear signal of solidarity with Russia's emerging civil society. The pressure and legal prosecution of Russian civil society organizations and their leaders must be clearly condemned by European politicians and institutions. The European Union should expand its dialogue with Russian civil society activists and human rights defenders on all levels. Human rights defenders and civil society activists under risk should find protection in EU member states. EC funding for Russian NGOs should be increased significantly as recommended in the European Parliament's Resolution on Rule of Law in Russia from 13.06.2013. Given departure of a number of international donors from Russia and the pressure experienced by Russian NGOs the current level of EU funding for Russian civil society is not adequate to the political need for the support of a movement for democratic change in the country. An increase of funding from today 5 mio € annually to at least 20 mio € for Russian human rights and socially oriented NGOs seems adequate and necessary. In addition to direct EU funding, the European Endowment for Democracy should include Russian Federation in its programs. Governments of EU member states (including but not limited to Germany, France and the UK) should commit themselves to financially contribute to the EED for this purpose. Given new legal and political restrictions on foreign funding of NGOs in Russia, EU should apply flexible and innovative tools of support, including through partner organizations in Europe. The EU-Russia Civil Society Forum is ready to provide expert consultation to the EU structures on how to design legal and effective funding structures and mechanisms for this purpose.

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Since March 2013 Russian civil society has experienced unprecedented pressure in the framework of implementation of the repressive law on “foreign agents”. Hundreds of non-governmental organizations all over the country are simultaneously subject to inspections by prosecution offices, Ministry of Justice, tax authorities and other governmental agencies. In the opinion of NGOs, these inspections are not based on legal regulations and have been intrusive and paralyzing in most cases. Position of Russian NGOs is unanimous: they refuse to accept derogatory, discriminatory and false status of a “foreign agent”. Organizations which refuse to register as “foreign agents” risk to be closed down. Their leaders face personal criminal prosecution with a prison term of two years. Several NGOs have already lost their court cases and many more await their trials.

These developments are not an internal affair of the Russian Federation. They contradict not only the Russian Constitution but also international obligations of the Russian Federation as the European Convention of Human Rights, the International Covenant on Civil and Political Rights, standards of the Council of Europe and the OSCE commitments.

More than that: The changes in Russia’s internal politics have a direct damaging impact on the overall atmosphere on the continent. Russia sets a negative example and influences internal politics of its neighbourings states. Methods of legal and administrative prosecution of actors for an open and democratic society, methods of election falsification, laws that restrict personal liberties and civic activism, administrative rules that prohibit international cooperation of non-state actors are shared among state institutions of the Russian Federation and other neighboring states in the Eastern Partnership. Therefore, deterioration of the rule of law and the crackdown on civil society in Russia may influence negatively the democratization process in the whole Eastern Partnership region and endanger the success of the European Eastern Partnership policy.

European politicians and civil society therefore face a challenge of finding a decisive and clear reaction to the deteriorating situation of civil society in Russia. The current crackdown on Russian NGOs is not just another serious human rights violation. These developments are of a systemic nature. They will have an extremely negative impact on the future of Russia, its neighbouring states and the international legal system. The European Union, international organisations and concerned governments must take strong and immediate steps to mitigate the crackdown. Otherwise, we will face the demise of independent civil society in Russia by the end of 2013: many leading organisations will be either shut down by the government or close down themselves to avoid criminal prosecution of their leaders. Others will engage in self-censorship or give up foreign

funding which will lead to a drastic decrease of their ability to work effectively or continue functioning at all.

During the last years Russian civil society has demonstrated its professional capacity and ability to effectively work for social innovation and promote democratic values in the country. Russian civil society has become a powerful actor of innovation and modernization in the field of education, social policy, health care, environment, combating corruption, and protecting human rights and thereby has become an indispensable partner for all national and international stakeholders interested in a stable, prosperous and modern Russia. The current crackdown on the most experienced, professional and active civil society organizations all over the country endangers the social stability and the prospect of growth of active citizenship and social responsibility in the Russian Federation. Russian civil society organizations that are now under legal and criminal prosecution need immediate international solidarity and additional support. Russian civil society sector as a whole deserves today Europe's awareness, active partnership and solidarity.

Leaders of the European Union and the EU member states should put the crackdown on civil society in Russia at the top of their agenda in all their interactions with the Russian government. All meetings with Russian officials should start and end with this issue. They should make clear to Russian officials that this crackdown goes contrary to the very essence of international human rights norms and principles and that it fundamentally undermines the EU relations with Russia. They should also express their strong disagreement with unprecedented harassment of NGOs in Russia in public, including at joint press-conferences with Russian officials, not only in closed-door meetings. They should also counter false statements by Russian officials to the effect that the Russian law on foreign agents is modelled after Western laws, is compatible with international human rights norms, is not of a punitive nature and serves only "informational purposes". Similarly, they should dispute Russian officials' claims that the law on "foreign agents" and its repressive implementation are an "internal matter," citing universal human rights principles, including the Helsinki Final Act, which recognizes that human rights are a matter of legitimate concern to other states and international organizations.

EU countries should be prepared to provide protection to Russian civic activists when they face severe harassment and persecution, including by providing fellowships, temporary shelter and, in the most dangerous instances, asylum. They should also increase international visibility for Russian civic activists so as to provide them with additional protection, including meeting them regularly at

all levels, awarding them international prizes, giving them the floor at sessions of EU institutions and national parliaments.

International financial support for the Russian civil society today is rather modest. It has even decreased in the last years due to voluntarily or forced withdrawal of a number of international donor organizations from the Russian Federation. We call on the European institutions to determine a new approach to assisting those civil society organizations in the Russian Federation that stand for a democratic and open Russia according to the Charter of Paris of 1990.

The European Union currently runs two programs for the support of civil society abroad which are also implemented in the Russian Federation. These are the European Initiative for Human Rights and Democracy (EIDHR), supporting human rights organizations, and the Non State Actors & Local Authorities program, supporting mostly socially oriented NGOs working in cooperation with local administrations. For the Russian Federation the EIDHR program has currently an annual budget of 3 mio € whereas the NSA & LA program has an annual budget of 2 mio €. Already today this level of support does not by far meet the capacity of Russian civil society to implement social or human rights oriented programs. The chances for approval of a project submitted to one of these programs by a Russian civil society organization today stands only by 1:10. One has to be concerned by the fact that due to the restricted funds a significant number of projects that meet technical criteria and that merit support of these two programs cannot be realized.

On the background of the termination of the US support for Russian civil society in 2012 and the ongoing harassment of Russian civil society, a visible and clear sign of European solidarity and support for the Russian civil society is needed. An increase of both the EIDHR and the Non State Actors programs, up to 10 mio € each, amounting to a total of 20 mio € annually combined would be a clear political signal for the support of civil society in Russia through the European institutions. Such an amount would be adequate to the needs of Russian NGOs for international financial support and to their capacity to implement well-tailored projects.

A part of this funding could be used as “seed money” that would encourage the development of local philanthropy in the Russian regions. Of utmost importance is that the EU support for civil society in the Russian Federation continues to be administered in a form of small and medium sized projects and through the EC Delegation in Moscow as it is the case today. Large scale programs administered from Brussels cannot target the emerging civil society in the Russian Federation. In addition to support of specific NGO projects, institutional support that gives the

framework for professional development and strategic growth of civil society organizations should be included in the EU programs of support to Russian civil society.

Given new legal and political restrictions on foreign funding of NGOs in Russia, EU should apply flexible and innovative tools of support to them, including provision of support through partner organisations in Europe, supporting non-registered organizations and commercial organizations if they are initiated by non-for-profit-organizations. Security in communications with NGO partners in Russia in transfer of funds and in reporting requirements should be made a priority. Lessons from the EU experience of provision of support to NGOs in other countries experiencing crisis in human rights and a high degree of pressure on civil society, should be applied.

Recommendations:

- **EC funding for Russian NGOs must be increased significantly: An increase of funding from current 5 mio € up to at least 20 mio € annually for Russian human rights and socially oriented NGOs through the EIDHR and NSA–LA programs seems adequate and necessary.**
- **European Commission, including DEVCO and EEAS, should demonstrate a flexible approach in supporting Russian civil society organizations: provision of institutional support, funding through European partners, support to non-registered organizations and commercial organizations if they are initiated by non-for-profit-organizations should be included in the range of tools.**
- **Security in communications with NGO partners in Russia, in transfer of funds, and in reporting requirements should be made a priority. Lessons from the EU experience of provision of support to NGOs in other countries experiencing crisis in human rights and a high degree of pressure on civil society should be applied.**
- **Local administration of small grants from Moscow should be given priority over disbursement of big grants (amounting 1 mio € or more) being administered from Brussels as those hardly can reach out to regional civil society organizations.**
- **The European Endowment for Democracy should include Russia in its programmes, and more EU member states should support the EED (including but not limited to Germany, France, and the UK).**
- **The crackdown on Russian civil society should be a priority topic for all EU- Russia governmental discussions.**
- **The European Union should extend its dialogue with Russian civil society and human rights defenders on all levels.**

- Human rights defenders and civil society activists under risk should find non-bureaucratic protection in EU member states through fellowship programs, temporary shelter, and even political asylum if needed.
- EC should further encourage the development of philanthropy in the Russian society: “seed money” from EC programs could contribute to develop local civil society projects in the Russian Federation.
- European and Russian civil society is ready to provide recommendations and experts’ knowledge to the EC Delegation in Moscow, DEVCO and EEAS in Brussels during the development of adequate and appropriate funding structures and methods.
- EU-Russia Civil Society Forum is offering its readiness and competence to facilitate this process in close cooperation and agreement with both EC structures and the Russian civil society.

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