



EU-RUSSIA CIVIL SOCIETY FORUM
ГРАЖДАНСКИЙ ФОРУМ ЕС-РОССИЯ

Policy paper

**Working group “Human Rights and the Rule of Law”
Policy paper on protection of human rights defenders**

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Human Rights and the Rule of Law Group
Policy paper on protection of human rights defenders

While striving for protection of human rights, human rights defenders in Russia are regularly under threat. They are facing harassment and intimidation, arbitrary arrest, death threats, killings and kidnappings. The situation is especially alarming in the North Caucasus. The authorities are not only unwilling to conduct thorough investigations of systematic attacks, but also hamper the work of human rights defenders. The last year, the judicial system is used to persecute human rights defenders¹. The vulnerable situation of human rights defenders all over Russia worsens since the perpetrators seldom are brought to justice².

At the run up to the EU-Russia Nizhny Novgorod summit in April 2011, authorities tried to block parallel civil society events by harassing and intimidating activists. Harassment and discrimination of certain groups of human rights defenders working with issues as xenophobia and intolerance, including LGBT and migrants' rights, is of great concern in Russia, as well as in many EU states. Human rights defenders also encounter problems with the freedom of movement. Denying human rights defenders multi entry-long term-visas to EU member states decreases their protection as they are not able to travel abroad when they are at imminent risk. On the other hand, several human rights defenders from European countries have the last years been denied visa to enter Russia.

EU have adopted several instruments to ensure protection of human rights defenders, including the EU Guidelines on human rights defenders³ built on the principles of the UN Declaration on human rights defenders of 1998⁴. The EU Guidelines on human rights defenders, which set out practical suggestions on how to increase the protection of human rights defenders, should be wider implemented. In practice, not all EU missions practically apply and implement them. The Guidelines are not widely known within the EU itself, and government bodies involved in external relations seldom ground their actions with them⁵. EU should also ensure that proper follow-up of protection measures are taken⁶. The human rights defenders were not properly consulted on the content of the local implementation strategy of the Guidelines in Russia. The EU-Russia Summit participants should follow the EU Guidelines on human rights defenders, which stipulate that "the human rights component of political dialogues between the EU and third countries and regional organizations, will, where relevant, include the situation of human rights defenders." The European Parliament resolution of 17 February 2011 on the rule of law in Russia⁷, emphasizes "the importance of continuous dialogue on human rights as part of the EU-Russia human rights consultations, with a special focus on the steps taken by the Russian authorities with the aim of ensuring the safety of human rights defenders"⁸.

The UN Resolution from April 2010⁹ calls upon states to "create and strengthen mechanisms for consultation and dialogue with human rights defenders" and ensure "timely and effective actions to prevent and protect against attacks and threats"¹⁰ to human rights defenders. Similar recommendations are provided in the Declaration of the Committee of Ministers of the Council of Europe action to improve the protection of human rights defenders and promote their activities¹¹.

1 http://www.fidh.org/IMG/pdf/note_russie_ENG.pdf <http://www.memo.ru/2009/11/03/sudeng.html>

2 <http://www.amnesty.org/en/library/asset/EUR46/038/2011/en/9d8b29c1-a18f-4d86-8f75-5a885c75a3c0/eur460382011en.pdf>

3 EU guidelines were adopted in 2004 and revised in 2008: http://eeas.europa.eu/human_rights/guidelines/defenders/docs/16332-re02_08_en.pdf

4 <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>. Article 1 in the Declaration states that "Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels"

5 A recent example of this is the case where authorities in two EU countries gave information about the Belarusian human rights defender Ales Bialiatski's accounts to Belarusian authorities.

6 For example, the recommendations of the Conference on defense of human rights defenders, organized by EU Mission in 2009, were not effectively followed

7 (P7_TA-PROV (2011)006, 10

8 <http://www.ohchr.org/Documents/Issues/Defenders/Frontlinehandbook.pdf>

9 UN Human Rights Council 15 April 2010, A/HRC/RES/13/13:

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.RES.13.13.AEV.pdf>

10 Paras 4 and 5.

11.

<https://wcd.coe.int/ViewDoc.jsp?id=1245887&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>

In its resolution of 17 June 2010 on EU policies in favour of human rights defenders¹², the European Parliament stated that human rights defenders are the “key players for the consolidation of democratic principles in their countries¹³”. In Russia, modernization will not be possible without further respect for human rights and fundamental freedoms and enhanced cooperation with civil society, including human rights defenders.

We, therefore call upon the EU Russia Summit:

1. To ensure effective, independent and public investigation into cases of attacks and harassment of human rights defenders:

- to create a “contact group” of representatives of Russian law enforcement agencies and human rights defenders to ensure rapid and effective response and prevention of violent attacks of human rights defenders;
- to take investigation of attacks on human rights defenders under special control of the General Prosecutor’s Office of the Russian Federation, and the investigation of the cases of murders of human rights defenders – under special control of the President of the Russian Federation;
- to make investigation of murders and violent assaults of human rights defenders and court proceedings on them open to the public and ensure access to information on these cases for journalists and human rights defenders;
- to investigate the cases where pressure on human rights defenders and civil society activists have been used prior to the EU Russia Summits and to make efforts to prevent similar excesses in the future, ensuring that human rights defenders and civil society activists can conduct their parallel events without hindrance.

2. To support the work of human rights defenders and ensure preventive mechanisms of protection:

- 1) to ensure free movement of human rights defenders between the EU and Russia;
- 2) to organize direct visits to the regions of Russia by heads of the EU missions and other high-level EU officials to meet with human rights defenders at risk and under pressure;
- 3) to provide unhindered access to the North Caucasus for international human rights organizations, media and international bodies and EU missions;
- 4) to ensure flexible and speedy procedure for direct financial support to human rights defenders in cases of threats and pressure.

3. To enhance efficiency of EU instruments for protection of human rights defenders:

- 5) to update and revise the EU guidelines on human rights defenders, so that they apply not only to the EU diplomatic missions, but all relevant governmental bodies of the member states;
- 6) to promote awareness and ensure implementation of the EU Guidelines on human rights defenders, including their official publication and dissemination in Russian;
- 7) to include specific references to the EU Guidelines on human rights defenders in the new EU-Russia strategic partnership agreement;
- 8) to ensure genuine involvement of Russian and European human rights NGOs in the human rights consultations and their follow-up, including on the developments of individual cases of human rights defenders;

¹² European Parliament resolution of 17 June 2010 on EU policies in favour of human rights defenders

<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2010-0226&language=EN>

¹³ Ibid. 3, para D.

- 9) to involve into the human rights consultations such Russian state bodies as the Federal Ombudsman's office, Prosecutor-General's office and Ministry of the Interior, as well as respective Directorates of the European Commission and the European Ombudsman.

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