



EU-RUSSIA CIVIL SOCIETY FORUM ГРАЖДАНСКИЙ ФОРУМ ЕС-РОССИЯ

New Forms of Crackdown on NGOs Undermine the Existence of Russia's Third Sector

Statement by the EU-Russia Civil Society Forum Steering Committee

The Steering Committee of the EU-Russia Civil Society Forum expresses its profound concern and indignation over the rapidly mounting pressure on Russia's non-governmental sector over the past few weeks and urges the Russian authorities to stop their crackdown on NGOs and civil society actors, radically revise the current legislation, and abandon all plans to tighten the "foreign agents" law even further.

The situation of NGOs in Russia, already weakened by the enforcement of the repressive 2012 "foreign agents"¹ and 2015 "undesirable organisations"² laws, has substantially worsened since the beginning of 2016.

On 14 January 2016, the Committee for the Prevention of Torture, established a few months ago to replace the Committee Against Torture – a member of the EU-Russia Civil Society Forum – closed due to government's pressure, was involuntarily listed as a "foreign agent" by the Russian Ministry of Justice – despite the fact that the organisation has neither engaged in political activity nor received foreign funding, i.e. clearly does not meet the criteria for including it in the "foreign agents" register. However, the Russian authorities used the fact that the Committee had accepted donations from Russian citizens receiving salaries from other organisations, including those supported by foreign funding, and a broad interpretation of "political activity" as formal grounds to list the Committee as a "foreign agent." For the first time ever, the Russian Ministry of Justice applied this interpretation of the law, which had already come under sharp criticism from Russian and international experts and organisations.

In addition to this, the Ministry of Justice has recently used new forms of crackdown on civil society. On 10 February 2016, the Supreme Court of Tatarstan, on the Ministry of Justice request, ordered liquidation of the Agora Association, one of the country's most prominent human rights organisations forcibly included in the "foreign agents" register in 2014. In support of its position, the Ministry of Justice argued that Agora had continued its efforts to shape public opinion and failed to indicate its "foreign agent" status on the materials it distributed. This was the first case of an NGO forcibly liquidated for a violation of the "foreign agents" law.

On the next day, 11 February 2016, the Ministry of Justice reportedly filed a request with the Basmany District Court in Moscow to liquidate another leading Russian NGO, namely the Golos Foundation in Support of Democracy, member of the EU-Russia Civil Society Forum, for formalistic

¹ See the Steering Committee's statements of [10 June 2014](#), [23 July 2014](#), [12 September 2014](#), and [20 January 2015](#).

² See the Steering Committee's statement of [5 June 2015](#)

reasons, such as failures to make changes in the NGO's charter following an earlier warning and to inform the Ministry of the Foundation's new location. The Ministry of Justice also argues that the NGO's charter cannot mention "election observation" as its core activity and refers to the legal provision that only candidates and political parties can appoint a certain election observers. Meanwhile, recent legal amendments – passed by the State Duma on 29 January 2016 and designed to reduce the number of election observers and tighten the requirements they must meet – make it even less likely that the 18 September 2016 State Duma elections will be transparent.

'Liquidating a non-governmental organisation on merely formalistic grounds comes in direct conflict with the international freedom of association standards, which see liquidation as a last resort only when an NGO's continued operation threatens security, public order, and human rights or can lead to a criminal offense,' comments **Yuri Dzhibladze**, member of the Steering Committee of the EU-Russia Civil Society Forum.

And finally, new amendments to the "foreign agents" law prepared in January by the Ministry of Justice as instructed by the Russian President, aimed at specifying the concept of "political activity" – one of the two criteria for listing an NGO as a "foreign agent" – will create even more space for repressive enforcement of the law. The amendments bring an excessively wide range of activities under the label of "political" and thus contravene the stated positions of the Presidential Council on Civil Society and Human Rights, the Russian Ombudsman, and international organisations, such as the Venice Commission, urging that the definition of "political activity" should be narrowed down substantially as well as specified. According to **Natalia Taubina**, member of the Steering Committee of the EU-Russia Civil Society Forum, *'following this logic, what an organisation is doing simply does not matter. As long as it receives foreign funding, the authorities will consider its activity political and impose the 'foreign agent' label.'*

All of the above raises concerns not only about certain prominent civil society organisations facing pressure now but also about the very existence of a third sector in Russia.

The EU-Russia Civil Society Forum Steering Committee urges the Federal Assembly of the Russian Federation to abolish the repressive laws on "foreign agents" and "undesirable organisations" as well as the Russian Ministry of Justice to end the persecution of NGOs and thus contribute to restoration of the rule of law in Russia.

We also request the Russian Presidential Council on Civil Society and Human Rights, Council of Europe, and other international bodies, of which Russia is a member, to give their assessment of the situation and monitor Russia's compliance with the rule of law.

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The EU-Russia Civil Society Forum was established in 2011 by non-governmental organisations as a permanent common platform. At the moment, 156 NGOs from Russia and the European Union are members of the Forum. It aims at development of cooperation of civil society organisations from Russia and EU and greater participation of NGOs in the EU-Russia dialogue. The Forum has been actively involved, inter alia, in the questions of facilitation of visa regime, development of civic participation, protection of the environment and human rights, dealing with history, and civic education.

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