

HUMAN RIGHTS WATCH

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WATCH

Baroness Catherine Ashton
High Representative of the European Union
for Foreign Affairs and Security Policy
Vice-President of the European Commission
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HRW.org

Brussels, November 20, 2012

Re: EU Foreign Affairs Council Conclusions on Russia

Dear High Representative,

With a fierce crackdown under way in Russia, there has never been a more important time in the post-Soviet era for the European Union (EU) to articulate a clear policy on Russia's adherence to international human rights standards and for the EU to make human rights concerns a core part of its relationship with Russia. When it adopted the EU Strategic Framework on Human Rights and Democracy last June, the EU pledged to "place human rights at the centre of its relations with all third countries, including its strategic partners". We call on you now to make good on this important pledge and, as a first step, to support the adoption of conclusions on human rights in Russia during the December 10th Foreign Affairs Council (FAC) meeting. Such conclusions would build on your statements on developments in Russia. They would provide critical support to all those in Russia working to protect human rights and would also serve to bind the 27 EU Member States and EU institutions to a common message and approach with regards to human rights in Russia. The conclusions would also serve to guide the agenda of the December 21 EU-Russia summit.

For the past six months, a political crackdown has been under way in Russia that is unprecedented in the post-Soviet era. It began in the lead-up to Vladimir Putin's May 7 inauguration, when authorities in some cities repeatedly tried to intimidate political and civic activists and interfered with news outlets critical of the government through arbitrary lawsuits and detentions, threats from state officials, beatings, and even an arson attempt. State-controlled media ran articles seeking to discredit the political protest movement and government critics.

From May through the present, Russia's parliament rammed through a raft of laws that set out new restrictions for freedom of expression, association, and assembly and gives the government ample tools to persecute human rights defenders and critics for years to come.

Soon after Putin's inauguration, the Duma amended the law on demonstrations, imposing new restrictions on public assemblies and increasing by as much as 30-fold fines for violating rules on holding public events, which essentially makes those fines equivalent to fines for criminal offenses. In July the Duma adopted amendments recriminalizing certain kinds of libel, only seven months after it had been decriminalized on the initiative of then-president Dmitry Medvedev. A special provision of this law sets out specific sanctions for the libel of judges, prosecutors, and

law enforcement officials, precisely the institutions that should be open to public criticism. Another law adopted in July requires internet providers to block websites that contain content deemed harmful to children or termed “extremist” by a court. In practice, this can be used to force internet-hosting services to block offending websites upon authorities’ instructions.

Legislative amendments adopted in July require nongovernmental (NGO) advocacy organizations that accept foreign funding to register and identify themselves publicly as “foreign agents,” which demonizes them in the public eye as foreign “spies.” Failure to do so can result in a maximum two-year prison term. Amendments to the criminal code adopted in October created an overly broad definition of treason: “providing financial, technical, advisory or other assistance to a foreign state or international organization . . . directed at harming Russia’s security.” The law can be used by law enforcement and security services to justify close surveillance of NGOs and activists on the pretext of a criminal inquiry, and could also be used to open a criminal case for alleged treason as a way of paralyzing a perceived critic.

The new laws put many Russian human rights NGOs in an impossible position. NGOs that work on controversial issues and are unlikely to receive adequate domestic funding are forced to make an intolerable choice between facing criminal sanctions, debasing themselves as “foreign agents,” or severely reducing their work. The new laws also appear designed to make human rights defenders and others reconsider what is a standard aspect of human rights work anywhere: seeking improvements through international advocacy.

Regardless of how vigorously the new laws are enforced, they send an unambiguous warning to rights defenders and activists- whom the EU pledged to “throw its full weight behind” in the EU Strategic Framework adopted in June—that interaction with foreigners, particularly to discuss substantive issues, is dangerous business. They also send clear signals to society more broadly—for example schools, universities, the medical profession, lawyers, social workers, government agencies, and also victims of human rights abuses—to avoid organizations that engage in international advocacy or that are critical of the authorities.

Public smear campaigns in state and pro-government media have targeted prominent political opposition figures and several prominent NGOs. Officials in several regions are apparently warning civil servants against having contact with foreigners. Many of those arrested or threatened with arrest in connection with the May 6 protest rally, when protesters clashed with police on the eve of Putin’s presidential inauguration, appeared to have had no connection whatsoever to the violence. The feminist punk band members Pussy Riot are serving a two-year prison sentence for a political stunt that should have been appropriately treated as a misdemeanor, not a criminal act of incitement.

Human rights defenders working in the North Caucasus remain especially at risk, and impunity for past crimes and attacks on them continues. The investigation into the 2009 murder of a leading Chechen human rights defender, Natalia Estemirova has never been conducted in an effective manner that could lead to the identification and prosecution of those responsible, and activists of the Joint Mobile Group of Russian Human Rights Organizations in Chechnya, created after Estemirova’s killing to work on some of the most sensitive cases of human rights abuses by law enforcement and security agencies, face severe harassment on behalf of both local and federal authorities.

Meanwhile, President Putin’s spokesman has stated that Russia will not implement recommendations set out by the Parliamentary Assembly of the Council of Europe to improve Russia’s adherence to the obligations it took upon itself as a member of this body.

The EU and its member states should not wait to see how vigorously the new laws will be enforced or how much farther the crackdown will go. We urge you to support the adoption of strong FAC conclusions on Russia in December, to be subsequently endorsed by the European Council, that stress the critical importance of human rights in the EU-Russia relationship, convey profound concern about the unprecedented, negative trends in Russia in this regard, and set out an expectation that the Russian authorities take specific steps in response. Such steps should include:

- Repealing the amendments to the law on treason;
- Annulling the requirement that NGOs that accept foreign funding register as “foreign agents”;
- Decriminalizing libel;
- Fostering a normal working environment for civil society organizations and activists, and ensuring they are protected from persecution and harassment;
- Desisting from undue interference with peaceful assemblies;
- Desisting from undue interference with freedom of expression, including on the Internet.

Persuading Russia to take these steps is no easy task and requires a collective commitment by EU institutions and all EU member states to take a clear and principled stand that is fully in line with international human rights law and commitments made in the EU Strategic Framework on Human Rights and Democracy.

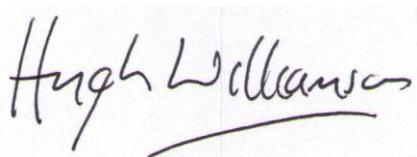
The future of Russia’s civil society is in peril, and the EU and its member states urgently need to engage the Russian authorities to support it. Human rights defenders and those who exercise their legitimate rights to free expression, association, and assembly, pointing to government wrongdoing and calling for accountability for abuses in Russia, do so at great risk. Some have paid extraordinary high prices for their peaceful activism: in some cases they have been beaten, tortured, prosecuted, and even killed. They, and their loved ones, need to know that they are not alone. In face of the ongoing, dramatic and unprecedented crackdown they need to know that the EU and its 27 member states are determined to stand up for their rights and convey strong and principled messages and expectations to their Russian counterparts. EU FAC conclusions should serve as a common platform for such messages and EU policies going forward.

We thank you for your attention to this important matter.

Sincerely,



Lotte Leicht
EU Director



Hugh Williamson
Europe and Central Asia Program Director

Cc:

Secretary-General of the European External Action Service (EEAS), Mr. Pierre Vimont
Deputy Secretary General for the European External Action Service (EEAS), Ms. Helga Schmid
Deputy Secretary General for the European External Action Service (EEAS), Mr. Maciej Popowski
EU Special Representative for Human Rights, Mr. Stavros Lambrinidis
Head of Cabinet to the High Representative, Mr. James Morrison
Advisor to the High Representative, Mr. Carl Hartzell
Head of the Delegation of the European Union to Russia, Amb. Fernando M. Valenzuela
Managing Director for Central Asia and Europe, EEAS, Mr. Luis Felipe Fernandez de la Peña
Director for Russia, Eastern Partnership, and Central Asia, EEAS, Mr. Gunnar Wiegand
Head of Division for Russia, EEAS, Mr. Michael Pulch
Director of Human Rights and Democracy Unit, EEAS, Ms Veronique Arnault
Human Rights Desk Officer for Russia, EEAS, Mr. Aymeric Dupont
Chair of the EU's Political and Security Committee, Amb Olaf Skoog
Chair of the EU's Working Party on Eastern Europe and Central Asia, Mr. Petteri Vuorimaki
Chair of the EU's Working Party on Human Rights (COHOM), Mr. Engelbert Theuermann
President of the European Parliament, Mr. Martin Schulz
Vice-President of the European Parliament responsible for Democracy and Human Rights, Mr. Edward McMillan-Scott
Chair of the European Parliament's Foreign Affairs Committee, Mr. Elmar Brok
Chair of the European Parliament's Subcommittee on Human Rights, Ms. Barbara Lochbihler
Chair of the European Parliament's Delegation for relations with Russia, Mr. Knut Fleckenstein