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CoE-CommDH – Council of Europe - Commissioner for Human Rights

Support Russian and Belarusian civil societies and human rights defenders

Russia's military attack has resulted in immense suffering, deaths and destruction in Ukraine, with disastrous human rights and humanitarian consequences for all the people living there. It has also triggered the [cessation of membership](#) of the Russian Federation in the Council of Europe and a further intensification of laws and practices that had already posed an existential threat to Russian civil society for many years, thus taking the [repression](#) of human rights and freedoms in Russia to unprecedented levels. Public demonstrations against the war have been systematically dispersed, with thousands of peaceful protesters arrested and prosecuted. Hundreds of civil society activists, human rights defenders and independent journalists have faced a significant increase in reprisals, ranging from harsh legislation and sanctions to threats, attacks, intimidation and marginalisation. The harassment of Russian civil society started long ago. Even before the beginning of the war, dozens of NGOs, including the most prominent ones such as [Memorial](#), were liquidated based on the so-called "foreign agent" law, whereas the activities of foreign and international civil society groups and media outlets in Russia have been banned as a result of their designation as "undesirable" by the Russian government. Meanwhile, [Alexei Navalny](#) remains in prison in contradiction with Russia's obligations under the European Convention on Human Rights.

With the beginning of the war, the Russian parliament has rushed to adopt a series of harsh bills that have outlawed free speech and any criticism of the war waged by Russia against Ukraine by introducing, among other things, hefty fines and long-term prison sentences for "discrediting the Russian army" and the spreading of "fake information". As a consequence, thousands of websites and independent media outlets were blocked, banned or have decided to discontinue their reporting since the beginning of the war in Ukraine, including the "Novaya Gazeta" newspaper, the TV channel "Dozhd" and the radio station "Echo of Moscow". Thousands of individuals all across the Russian Federation have faced administrative sanctions, including fines and arrests, for their opposition to the war. Dozens of bloggers, journalists, human rights lawyers, civil servants, artists, public figures and opposition leaders, such as Vladimir Kara-Murza and Ilya Yashin, who spoke out against the war, have found themselves under criminal prosecution, and many of them are in detention, facing the risk of imprisonment for up to fifteen years.

In addition to the severe curtailment of the right to receive impartial information for all in the Russian Federation, this unprecedented crackdown on human rights has had an immense chilling effect on all those who openly oppose the war, prompting hundreds of civil society activists, including human rights defenders and journalists, to flee the country and seek refuge abroad, including in Council of Europe member states.

After the cessation of membership of the Russian Federation in the Council of Europe, the Committee of Ministers adopted a Resolution [CM/Res\(2022\)3](#) noting, among other things, that the Organisation will take initiatives to support and engage with human rights defenders, democratic forces, free media and independent civil society in the Russian Federation. A similar [decision](#) was also taken in relation to the Council of Europe's cooperation with Belarusian civil society, human rights defenders and independent media. The [Parliamentary Assembly](#) took the same approach, stressing the need to support and engage with Russian and Belarusian civil societies.

As Commissioner for Human Rights, I devote particular attention to the situation of human rights defenders in Europe, in accordance with my mandate and the [Declaration](#) on Council of Europe action to improve the protection of human rights defenders and promote their activities. After the cessation of Russia's membership in the Council of Europe, I [stressed](#) that the support of Russian and Belarusian civil societies would remain one of the priorities for my future action. Earlier on, I [expressed](#) my support to human rights defenders and journalists in Belarus who had faced large-scale and systematic reprisals as part of the general [deterioration](#) of the human rights situation in the country following the presidential elections in August 2020. I maintain regular exchanges with Russian and Belarusian civil society members, including on issues related to their safety and working environment. They are currently the target of reprisals and harassment from their respective

governments, and they need the continued support of Council of Europe member states to overcome the risks and challenges they face whether they have left or stayed in their respective countries.

Relocation practices

It is important that human rights defenders who have left Russia or Belarus to go to Council of Europe member states to avoid persecution find safety and as much stability as possible there. Some European countries have made asylum proceedings available for these activists, considering them as political refugees. I note with interest that a few Council of Europe member states, in addition to asylum proceedings, have put in place relocation policies and systems for civil society actors, particularly human rights defenders and independent journalists from Russia and Belarus, who incur the risk of reprisals and persecution in their countries of origin.

These relocation policies and systems mainly consist of delivering visas on humanitarian grounds, allowing civil society activists to enter territories of the states delivering them. Latvia is one of the European countries that has developed a comprehensive relocation system for human rights defenders and [independent journalists from Russia](#) and Belarus, by providing them with travel documents, long-term visas and residence permits. Lithuania is also effectively facilitating the relocation of Russian and Belarusian human rights defenders and journalists on its territory, an important feature of this model being close cooperation between the state authorities and local civil society that advises and informs the decision-taking authorities on the current applications. The recently adopted relocation policies in [Germany](#), the [Czech Republic](#) and [Estonia](#), among several other countries, should also be welcomed.

Even though there is a growing number of Council of Europe countries who have put in place systems to provide such visas, their number, validity and delivery procedures can result in very serious obstacles. Human rights defenders stressed that in some countries the delivery of humanitarian visas has been conditioned on the availability of national quotas, which are insufficient to respond to the demands of all those concerned. Several practical requirements in relation to these visas could also significantly hinder relocation, if not make it impossible. For instance, the requirement to apply from the country of origin can be impossible to fulfil for those activists who have already fled and cannot return home.

Some Council of Europe member states have a visa-free regime with Russia and Belarus, and Russian and Belarusian civil society members are allowed to reside on their territories on the basis of general migration regulations. However, a visa-free regime does not offer per se safeguards against an obligation to return once the authorisation to stay has expired. Nor does it give access to unhindered travelling and border crossing to other countries. Many activists report finding themselves in a situation where they are based in countries neighbouring Russia or Belarus that they could reach without visa, but are unable, -due to the requirement to apply from the country of origin - to apply for humanitarian visas that would allow them to travel to other countries in Europe where they could be safe.

In contrast, some European countries have started to limit or have even ceased delivering either visas or residence permits to Russian and Belarusian citizens in general in reaction to the Russian military aggression in Ukraine. Such restrictions have reportedly made leaving one's country more difficult, including for civil society activists, human rights defenders and independent journalists. Human rights defenders have explained that a general ban on tourist visas for all Russian or Belarusian nationals, even with exceptions, risks having serious repercussions on those who need to leave Russia quickly and discreetly, including those who might be persecuted on grounds related to their opposition to the war in Ukraine, their work on human rights but also their sexual orientation, their gender identity, or other grounds.

Challenges upon arrival

While the availability of functioning relocation mechanisms is an urgent concern, more attention should also be given to providing the support Russian and Belarusian civil society activists and journalists need upon their arrival in a safe destination in Europe. Many of them have shared with me their experience of various legal, administrative, financial and other challenges they had to face once they arrived in the country of destination. Some of them had encountered obstacles in receiving residence permits after their visas had expired. For most of them, the residence permits they had received were of a relatively short validity period, usually not exceeding one year. For those who have applied for work permits in order to be able to resume their civil society work, in several cases, administrative requirements and sometimes bureaucratic red tape have affected their ability to carry out their professional activities, to make long-term plans and obtain funding. This, by extension, also impacted their private and family lives as well as those of their family members.

Another challenge stems from the fact that some European countries require a foreign person to present a clean criminal record from the country of origin as a pre-condition to receiving a stable residence and work permit, making these persons dependent on the authorities of the Russian Federation and Belarus. Having regard to the severe deterioration of the human rights situation in these countries and the sharp rise in reprisals and persecution of civil society activists, many of the applicants for such permission to stay have already been prosecuted, and some have even already been convicted for their legitimate activities. Therefore, they cannot provide clean criminal records to the authorities of a host country and there should be ways of taking this into account when examining their applications.

Transparency requirements for the creation of an NGO, which constitute in principle sound and valid conditions, could also affect the safety of activists, journalists and human rights defenders from Russia and Belarus if there are no safeguards in place to protect their personal data. Indeed, registering a new legal entity, such as a human rights association or an independent media outlet, requires disclosing information about its founding individuals, structure, staff members and finances in most European countries. Given the dangers that human rights defenders and independent journalists incur even when staying abroad, it is important that transparency requirements not be applied in a way that would put them at risk.

More generally, human rights defenders from Russia and Belarus have explained that in some cases, they are impacted by the growing distrust among some authorities and private sector companies against anyone who is Russian or Belarusian. In some member states, Russian and Belarusian human rights defenders, civil society activists and independent journalists who wished to register an NGO or another legal entity to continue their legitimate work have been confronted with difficulties. In a few cases, the national authorities of the country of destination have slowed down the process with intensified checks or other procedures applied in relation to the applicants' nationalities. As to the private sector, several banks in a number of Council of Europe member states have refused to open and host accounts of Russian and Belarusian citizens including accounts that were necessary to run a legal entity for human rights or civil society work. This has added to the challenge of already existing financial restrictions faced by Russian and Belarusian nationals, including human rights defenders and journalists, following the decision of major digital payment companies to stop operating in relation with those two countries, making the use of their payment cards issued there impossible elsewhere in the world. The justification given for such indiscriminate measures is sometimes that they are based on the sanctions taken by some Council of Europe member states against [Russia](#) and [Belarus](#). However, individual sanctions [apply](#) only to a list of designated persons and entities and economic sanctions concern transactions of a restricted list of goods and services. Therefore, they should not be used by any public authorities or private entities against persons who are not on the sanction lists, do not seek to trade prohibited products -- and are on the contrary opposed to the human rights violations committed by the countries targeted.

One challenge that requires the full attention of all national authorities is the risk of exposing people in need of protection to reprisals through extradition to Russia or Belarus. Many European countries have concluded various agreements with these two countries in the fields of criminal cooperation, money laundering, national security and the fight against terrorism. Such collaboration, among other things, facilitates the exchange of information about individuals suspected or accused of alleged criminal activities, their arrest and extradition. If implemented without due diligence, those agreements could lead to the persecution by the authorities of the country of origin of activists in exile for their criticism and anti-war activities. On 21 June, the Parliamentary Assembly of the Council of Europe adopted [Resolution 2446\(2022\)](#) on reported cases of political prisoners in the Russian Federation, calling on all member states to refuse extradition requests for Russian nationals for offences which could be considered politically motivated. A similar approach should be taken with regard to the extradition requests made by Belarusian authorities. At the level of the European Union, the Ministers of Justice [agreed](#) that "vigilance should be strengthened with regard to requests to extradite nationals or residents of EU member states issued by the authorities of third countries for political purposes, and to strengthen exchanges of information between the member states' national authorities in relation to such requests."

Civil society and human rights defenders in Russia and Belarus

Russia and Belarus have had well-established, solid and resilient civil societies over many years. Even though some had to leave, many remain and continue carrying out their invaluable work from within their countries. In addition to the already existing human rights activities, such as supervising detention conditions, monitoring politically motivated trials and assisting vulnerable people, including migrants, LGBTI persons and national minorities, new projects have emerged since the beginning of the war in Ukraine. In March 2022, a number of prominent Russian human rights defenders and activists established the [Council of Russian Human Rights Defenders](#) and published a [Humanitarian Manifesto](#) denouncing the Russian aggression against Ukraine. Dozens of new projects, initiatives and campaigns have also emerged in reaction to the war, offering creative ways of peaceful resistance, countering the official propaganda in Russia and assisting victims of the war.

For example, many ordinary citizens have volunteered to help Ukrainian citizens who found themselves in various Russian regions escaping the hostilities, thus complementing the work carried out by professional migrants' rights defenders, such as the [Civil Assistance Committee](#). Young people, social media activists, bloggers, journalists, feminists and many other active citizens have united their voices to consolidate civil society in various forms in these difficult times.

Human rights defenders with whom I spoke all stressed the importance of supporting those who have stayed from the outside - and this includes the lawyers who represent the human rights defenders detained there and who are also themselves subject to harassment. It is true that the more human rights defenders leave a country, the more it is at risk of further human rights backsliding.

The way forward

Member states of the Council of Europe could play an important role in supporting Russian and Belarusian members of civil societies, staying in their countries or in exile, in these times of human rights crisis.

First, states should publicly acknowledge the paramount role played by civil societies in Russia and Belarus in fighting for human rights, democracy and the rule of law in their countries and provide continuous support to them by all available means.

Imprisoned human rights and civil society activists in Russia and Belarus and their family members should be supported and their persecution for their legitimate activities denounced by all stakeholders, who should call for their immediate release and for those responsible for misusing the criminal justice system against them to be held accountable.

Those who have stayed in Russia and Belarus and are willing and able to carry out their civil society and human rights work could benefit from continuous political and practical support by member states. In particular, financial aid and funding seem to be crucial for civil societies in Russia and Belarus and should be continued and increased. Given the hostile political and legal environments for the work of independent civil society in those countries, donors - both public and private - should stay flexible and adapt their operative methods to the rapidly changing environment, including constantly evolving digital financial instruments, to ensure the safety of the beneficiaries. Any action taken with regard to civil society actors from the Russian Federation and Belarus should first and foremost comply with the "do no harm principle", which could be assessed in consultation with the civil society beneficiaries.

Civil society and human rights defenders in Russia and Belarus could also gain from cooperation avenues with key stakeholders abroad, including international organisations such as the Council of Europe, its member states, the private sector and business. The Council of Europe may envisage involving them in its activities, including experts' meetings, public events, training and education projects, and regular dialogues. The Parliamentary Assembly has [recommended](#) that Belarusian and Russian human rights defenders, democratic forces, media and civil society organisations, which respect the values and principles of the Organisation, could be invited to participate in Council of Europe meetings under the same conditions as their counterparts from Council of Europe member states. Furthermore, in a welcome move, the Partners Organisations to the [Platform](#) to promote the protection of journalists and safety of journalists decided to continue publishing information relating to serious concerns about media freedom in the Russian Federation. Another way of showing support would be making key Council of Europe documents, publications and web pages available and easily accessible in the Russian language.

For those human rights defenders and civil society activists who left or will have to leave Russia or Belarus, I welcome the adoption and implementation of comprehensive and sustainable relocation policies by some member states. I call on all Council of Europe member states to follow their example, cooperate with each other, including at the level of consular services, and exchange best practices in this regard. There should be a variety of legal channels adapted to the particular situation of civil society members from Russia and Belarus for ensuring their safe relocation and stay in the Council of Europe area, including access to emergency visas and travel documents not only from their countries of origin but also from third countries. Cooperation and consultation with trusted civil society partners appear to be key to successful relocation as they could play an important role in verification proceedings and assisting activists upon their arrival to a safe country and in their integration. Member states should have effective safeguards in place against extradition of those who are prosecuted or convicted for their legitimate work.

Offering human rights defenders and civil society activists stable residence in host countries, facilitating their work and providing social benefits to them and their family members represents a crucial step in ensuring that they can resume their activities in a safe and enabling environment. The

process of registering their new legal entities and their functioning, including their access to funding, should be eased while providing adequate safeguards adapted to their particular situation, including personal data protection.

I consider civil society activists, human rights defenders and independent journalists, including from the Russian Federation and Belarus, as natural partners of the Council of Europe because they share the same values and courageously continue to work for human rights, democracy and the rule of law. I express my solidarity to them in these difficult times and value them for multiplying and raising awareness about the Council of Europe's human rights work and standards. Human rights defenders, volunteers and independent journalists, including from Russia and Belarus, play an important role in the context of the ongoing war in Ukraine. Some of them are working in the field, publicly denouncing the Russian attack on Ukraine, documenting human rights abuses, assisting victims and independently reporting to the whole world, particularly to Russian-speaking societies. They contribute tirelessly to raising awareness and bringing the truth to light, sometimes at the risk of their own liberty, safety and even lives. They are among the main advocates for change in the right direction in their respective transforming societies. Working together, expressing support and building bridges for a better future is of crucial importance for a Europe free of war and violence.

Dunja Mijatović

ecoi.net summary:



Statement on the intensified state restrictions on human rights and crackdown on human rights defenders in Belarus and the Russian Federation since the start of the Russian attack on Ukraine in February 2022 and on the need to offer protection to human rights defenders fleeing from these 2 countries

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