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RESEARCH ARTICLE



# Exploring civil society perspectives on the situation of human rights defenders in the Commonwealth of Independent States

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## ABSTRACT

This first pan-regional analysis of civil society organizations' perspectives on the contemporary situation of human rights defenders (HRDs) in the Commonwealth of Independent States uses United Nations' Universal Periodic Review (UPR) data and reveals a shrinking civil space as HRDs face a raft of rights pathologies, including threats, violence and murder. Their work is curtailed by increasing state restrictions on freedom of association and expression. The analysis reveals how women HRDs are particularly subject to discrimination and gender-based oppression. The malaise is compounded by impunity for offenders, corruption and government inaction following earlier UPR recommendations. The findings are theorized with reference to Weissbrodt's causal typology and Hollyer and Rosendorf's model of authoritarian government treaty accession.

## KEYWORDS

human rights defenders; civil society; Commonwealth of Independent States; rights violations

## Introduction

The aim of this study is to explore state and civil society perspectives on the contemporary situation of human rights defenders (HRDs) in the Commonwealth of Independent States (CIS).<sup>1</sup> The data source is civil society organizations' (CSOs) submissions to the last cycle of the Universal Periodic Review (UPR), the United Nations' (UN) five-yearly monitoring programme (2017–21).<sup>2</sup> There are numerous reasons why this is deserving of attention. *Inter alia*, the UN has referred to how a the space for civil society actors to raise concerns about human rights impacts is shrinking, and human rights defenders face reprisals including criminalisation of their engagement in public protest or civil dissent' (UN 2021, p.3). A key emerging question is how does this global assessment relate to the CIS region? Recent work has underlined the need to further understanding of the social and political changes affecting central Asia and the CIS as a region (Ziegler 2015; Jones 2017; Horton Smith, Moldavanova, and Krasynska 2018; Levi-Sanchez 2021; Upadhyay 2021).

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Second, much of the extant analysis is dated. Work in the early 2000s charted some liberal reforms and raised hopes that the work of rights activists in the region might see further democratic progress (cf. Bădescu, Sum, and Uslaner 2004). What we also know from earlier work is the existence of a disjuncture between CIS international treaty obligations and their implementation (Lehner 2009). For its part, the UN has concluded, ‘multiple challenges are present, ranging from a lack of institutional capacities and insufficient financial resources, to limited participation of civil society in the [post-Soviet] reform process’ (UNDP 2014, 18). CSOs themselves also point to uncertainties over the trajectory of human rights. Thus, we need to understand how the current situation plays out in relation to the CIS’s international treaty obligations. External bodies have also intensified efforts to promote change and we need to know their impact, if any, in the CIS. For example, the European Union (EU) has adopted a new strategy (EU 2019, 5) that sets out stronger objectives for human rights protection. Whilst the majority of CIS member countries have low human rights scores (most languish at the bottom end of international human rights rankings), they have all ratified the International Covenant on Civil and Political Rights’ (ICCPR) that embeds respect for the rights of HRDs into law (Table 1). Accordingly, work is needed to address existing lacunae and further understanding of the contemporary situation of HRDs.

What constitutes an HRD is set out in the Declaration on Human Rights Defenders (UN General Assembly 1998).<sup>3</sup> It notes the activities that define HRDs include: ‘acting to address any human right on behalf of individuals or groups; the promotion, protection and realization of economic, social and cultural rights; collecting and disseminating information on violations’ (UNHR 2021). The UN Secretary-General (UN 1998, 2, para. 5) further explains, “‘human rights defender’ sometimes refers to civil society with the understanding that not all civil society actors are human rights defenders, but that human rights defenders generally are part of civil society’. Here, CSOs referring to the upholding of human rights or the work of HRDs in their UPR submissions fall within the definition of HRDs. Although the Declaration on HRDs is not a legally binding instrument, it contains rights that are already recognized in many legally binding international human rights agreements, including the ICCPR. As noted, all the CIS countries have legally binding HRD obligations under the ICCPR. In addition, the Central Asian republics have constitutions guaranteeing fundamental freedoms (Afzal 2004; Axonova 2013).

Accordingly, this study’s aims are to explore civil society perspectives on the contemporary situation of HRDs in the CIS. Associated questions are:

- At a regional level, what are the main violations facing HRDs and what prioritization (or issue-salience) do CSOs attach to them?
- How do CSOs frame their discussion of violations facing HRDs.
- What do the UPR data tell us about the situation of women HRDs? Is there a gender dimension to the main violations facing HRDs across the region?
- What does the UPR dataset tell us about the contemporary causes of human rights violations in the CIS?

The remainder of this paper is structured thus. Following outlines of the research context and study methodology, the findings are presented. The conclusion then

**Table 1.** Commonwealth of Independent States (CIS): international human rights law – obligation to protect human rights defenders (HRDs) (status/ratification of relevant UN Treaties), date of last Universal Periodic Review (UPR), current global rights ranking, etc.

UN treaty	Armenia	Azerbaijan	Belarus	Kazakhstan	Kyrgyzstan	Moldova	Russia	Tajikistan	Uzbekistan
Universal Declaration of Human Rights (UDHR) (Art. 2) <sup>a</sup>	Binding	Binding	Binding	Binding	Binding	Binding	Binding	Binding	Binding
International Covenant on Civil and Political Rights (ICCPR) (Art. 2) <sup>a</sup>	1993	1992	1973	2006	1994	1993	1973	1999	1995
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Art. 3) <sup>a</sup>	1993	1995	1981	1998	1997	1994	1981	1993	1995
Human Freedom Index (Global Ranking) <sup>c</sup>	61/162	113/162	85/162	75/162	78/162	65/162	115/ 162	138/162	n.r.
Global Human Rights Ranking <sup>b</sup>	90/173	138/173	143/ 173	103/173	94/173	63/173	159/ 173	152/173	134/173
Population (millions) <sup>d</sup>	2.96	10.11	9.39	18.75	6.59	2.62	145.9	9.53	34.2
Per capita gross domestic product (GDP) (US\$) <sup>d</sup>	4267	4214	6411	9099	1226	4551	10,126	859	1685
Date of last UPR	2020	2018	2020	2019	2020	2016*	2018	2021	2018

Note: n.r., Not ranked.

Sourced: World Bank.

\*2021 UPR data for Moldova were not available at the time of writing.

Source c: Vásquez and McMahon (2020).

Source b: [https://www.theglobaleconomy.com/rankings/human\\_rights\\_rule\\_law\\_index/#Armenia](https://www.theglobaleconomy.com/rankings/human_rights_rule_law_index/#Armenia).

Source a: [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=99&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=99&Lang=EN).

discusses the implications of the study findings and why the UN and other conventions are not working as they should in the CIS region.

## Research context

The principal purpose of the CIS is to encourage cooperation in economic, political and military affairs, as well as coordinate aspects of trade, finance, law and security. It has also promoted cooperation on cross-border crime prevention. As [Table 1](#) and the following discussion reveals, the region is beset with major inequalities and human rights challenges. The latter are compounded by religious extremism, border disputes, civil wars, intercommunal tensions, the decreasingly democratic nature of elected bodies, government corruption, and an increasing reliance on the judiciary as an organ of governance. Earlier work highlights how the extent of human rights breaches may be exacerbated by wider geopolitics, with, for example, the United States and EU adopting a pragmatic approach whereby they give primacy to pursuing security (notably, the US's post-9/11 'War on Terror') and political stability over the promotion of human rights in the region (Cooper and Traugott 2003; Foust 2012; Axyonova 2013).

Over recent years democracy and rights have waxed and waned. In general, state repression of HRDs has been an integral part of the rise of authoritarian governing practices. Governments have often seen civil society groups as undermining state power and legitimacy and have attempted to bring them under control through government agencies. In definitional terms, as Keane (1988, 45) explains, according to the traditional Western view civil society is a 'non-legislative, extra-judicial, public space in which societal differences, social problems, public policy, government action, and matters of community and cultural identity are developed and debated'. However, to varying degrees, post-Soviet notions of civil society are shaped by the past and contrast with this conception. The social organizations of the Soviet era were professional organizations, trade unions or philanthropic organizations that were funded by, and loyal to, the Communist Party and strengthened the legitimacy of Soviet rule; 'this pre-existing notion of civil society has made existing governments suspicious about the current activities of civil society actors' (Ergun 2010, 67).

Today, matters have moved on from the dyad of exclusively post-Soviet versus Western notions of civil society (cf. Gill 2000). In reality, civil societies in CIS countries are hybrid affairs comprised of international and indigenous non-governmental organizations (NGOs) concerned with grant-funded development work, social movements concerned with the representation of different social groups and interests – as well as trade unions, philanthropic organizations and informal networks (Aliyev 2015). Notably, Mazepus et al. (2021, 59) cogently note how civil society in CIS countries outside of the Russian Federation is shaped by external spheres of influence:

- Russia itself 'celebrating the past, reinforcing narrow identity linkages based on ethnicity and language, and bonding through Orthodox religion [...] discourage[ing] criticism of the status quo (in societal and political terms), and prevent[ing] knowledge from growing'.
- The EU's transformative agenda, nominally based on 'improving citizens' rights and human rights'.

- China
- The United States.

As Pierobon's (2019) work in Kazakhstan reveals, the EU's aid programme can have potentially beneficial effects in strengthening social capital in civil society. However, as Rollan and Somerton (2021, 1109) observe, 'It is a common discourse in Kazakhstan that policy-making is state-driven with weak engagement of civil society.' Yet, as they proceed to conclude, in specific policy areas such as education, 'NGOs actively engage in revising the policies and ensuring their implementation'. Other work supports this view of civil society engagement with government (Vakulchuk and Overland 2018). The Kazakh case also provides contemporary illustration of how, for a number of countries in the region, civil society continues to be shaped by local histories and traditions and the specificities of Soviet pasts (Bankoff and Oven 2019).

Recent analysis also offers a cautionary view and explains:

in the case of Central Asia, Russian foreign policy is drawing power, premised on shared values and a distrust of foreign values. [...] Each Central Asian state has used authoritarian practices to reinforce control over society, often emulating Russia's example. (Ziegler 2016, 565)

In sum, civil society in Central Asia can be seen as a variant in which the state exercises partial control over associational life, managing or co-opting some groups, and attempting to marginalize others (Ziegler 2010, 797). Thus, the guiding purpose of the vast majority of civil society groups is not to limit the power of the state over society but instead 'to work along-side the state in delivering social services to the general population'. Thus, many CSOs are concerned to develop a 'cooperative' relationship with government. Indeed, many EU policies and programmes precisely support this kind of approach with human rights organizations being one subsector within civil society in the region, with religious associations, trade unions, informal community groups being others that also have an interest in rights (Axyonova and Bossuyt 2016; Keijzer and Bossuyt 2020). Increasingly however – as the following discussion attests – 'it is only this "cooperative" variant of civil society that is authorized to operate' (Sullivan 2015, 253).

As noted, a further major influence on democracy and rights issues in the CIS (arguably greater than EU) is the United States, with an approach that is often described as more 'confrontational'. Thus, when we are looking at rights from an international point of view, it seems hard to ignore the United States' long-term and well-financed 'soft power' role. Indeed, as Lungu (2020, 165) explains, 'the Central Asian region is a geopolitical area where the major economic and security interests of Russia, China and the United States currently intersect'. In the latter regard, as Xianghong (2020, p. 80) notes, the United States Strategy for Central Asia 2019–2025: Advancing Sovereignty and Economic Prosperity (circa 2020) 'was issued in the context of increased efforts by the US government to contain Russia and China, reflecting its intention to put pressure on [...] them] by using countries in Central Asia'. A further factor shaping civil society in the Muslim countries of the CIS is the role of Islam. As recent work on Kazakhstan suggests, generally, while 'cooperative civil society is gaining momentum, contestational civil society remains extremely weak and under close government watch' (Achilov 2015, 104).

At this juncture it is germane to consider how the CIS is developing or addressing issues around rights. The CIS is widely viewed as quite a weak or loose association, and the way that it is developing or addressing issues around rights reflects this. As [Table 1](#) reveals, past governments have ratified key UN treaties obligating them to protect and uphold the rights of human rights defenders and guarantee civil society freedoms. The core UN treaty is the ICCPR. A key point – and weakness – is the general absence of a coordinated human rights approach across the region. This is reflected in the United Nations Development Programme’s (UNDP) report on human rights and rule of law in the CIS (UNDP 2014). It makes little reference to regional developments. Instead, it charts the discrete national approaches of individual states. The key exception to this trend is the CIS Convention on Human Rights and Fundamental Freedoms (ratified in 1995).<sup>4</sup> It consists of a preamble followed by 39 articles. The principal substantive norms of the CIS Convention, in other words, the rights it protects, are in large measure based on those contained in the European Convention on Human Rights (ECHR). However, as the Council of Europe observes, the CIS Convention affords citizens limited and flawed protections. It concludes:

on virtually every level, the CIS Convention falls short of the overriding procedural protections afforded to victims, including the lack of independence and impartiality in appointment procedures and control mechanisms, and jurisdictional failings regarding the non-binding, and therefore largely advisory nature of decisions reached by the CIS Human Rights Commission. (COE 2001, 3)

Despite the centrality of civil society to promoting human rights in the CIS, as recent events and the following analysis underlines, there is a general trend of state suppression of civil society and rights violations (Chaney 2022a). This has been graphically illustrated in the protests in Belarus where ‘civil society activity and the actors involved remain vulnerable to arbitrary repression by the regime’ (Boulègue, Lutsevych, and Marin 2018, 3). As Astapova et al. (2022, 1) explain (see also Mateo 2022; Onuch and Sasse 2022):

the capacity developed by civil society [ ... was] quickly redeployed for political purposes at the junction of economic crisis, the regime’s failure to deal with the Covid-19 pandemic and the 2020 presidential election. After the 2020 mass protests, in which civil society played a pivotal role, the regime’s attitude to civil society turned to suppression and hostility.

In the case of Russia, state repression of civil society has long been a concern (Denisova 2017). Mälksoo (2022, 7) puts this in historical perspective:

Russia’s current war in Ukraine is an epitome of its struggle to reconnect with its past imperial self which serves as the key identity standard [ ... ] against which the self attempts to verify its present identity. [ ... ] The closure of Memorial International, a civil society organization dedicated to human rights and the study of Soviet state terror just a couple of months shy of Russia’s full-scale invasion of Ukraine symbolically completes the state-sanctioned politics of selective amnesia [ ... in relation to the] gross human rights violations of its antecedent regime.

As Gorenburg (2015, 5) observes, there has been a pronounced ‘negative trajectory of Russian politics since the annexation of Crimea. The authoritarian state is continuing to “tighten the screws” in an effort to ensure that the regime remains firmly in control’. This has seen the rise of ‘sophisticated constraints on civil society associations and political opposition in order to weaken their ability to mount challenges and engaging in

“active measures” such as creating counter-movements in order to marginalize challenges and control the public sphere’ (Beissinger 2020, 310). Authoritarian governance means that in the wake of the attack on Ukraine in 2022, initially 13,789 protesters were detained. Yet, ‘watching the detainee count ratchet up [one] might think that the anti-war movement could threaten Vladimir Putin’s aggression in Ukraine. But the reality on the ground looks different: the anti-war movement is small, weak and faces serious obstacles’ (De Vogel 2022).

Similar repressive developments are evident in Kazakhstan. The January 2022 protests (locally referred to as Bloody January – *Qandy Qantar*) were unparalleled in extent and the speed that they developed across the country. The causes were long apparent and include extensive corruption, poverty and inequalities, political failure, and poor and economic performance. Kudaibergenova and Laruelle (2022, 2) put such developments in regional perspective:

a culture of protests has developed and consolidated. Not only will this not vanish in the years to come, but it is likely to strengthen. [...] The atmosphere in Kazakhstan thus parallels that of Belarus: in both countries, the time of authoritarian ‘fathers of the nation’ seems to be coming to an end – a phenomenon that was also visible in Russia, albeit to a lesser extent, before Moscow’s decision to invade Ukraine.

These developments also resonate with Kyrgyzstan, Tajikistan and Uzbekistan. As Lemon and Antonov (2020, 1221) explain, ‘faced with common threats to their regimes from independent civil society, organized opposition groups and protest movements, authoritarian governments in the former Soviet Union have learned from one another and adopted similar policies to consolidate their power’. The result is a pronounced and serious state clampdown on peaceful assembly, civil society and political participation.

Referring to post-Soviet Central Asia, Cleuziou and Direnberger (2016, 195) note that in the face of the globalization of gender equality reforms:

Central Asian states ratified international agreements on women’s rights such as the Convention to Eliminate all Forms of Discrimination Against Women (CEDAW) in order to demonstrate their desire to integrate into the international community. Consequently, some of them [introduced...] state programmes using a new vocabulary focusing on women’s issues, such as ‘gender’ or ‘prevention of domestic violence’ – though hesitations remain [ed] concerning the use of civil society.

Four decades on from the launch of CEDAW, Dyusembiyevna Bekebayeva et al. (2019, 136) highlight that major challenges exist with ‘limited mechanisms for equalizing gender imbalances in society [...] insufficiency of financial and material resources of women’s non-governmental organizations [...] lack of active political initiatives. [...] which can consolidate both women’s organizations and the female population’. Moreover, many women and girls in the region face multiple modes of discrimination, notably arising from the intersections between Islam and patriarchy (Urbaeva 2019, 207). As she proceeds to note:

Despite the pressures of public and private patriarchies, women remain proactive agents in choosing their values, actions, and life courses. Recent developments demonstrate that the landscape of womanhood is ever evolving in Central Asia, revealing the need for theoretical and empirical examinations of these phenomena.



In particular, as Zharkynbayeva et al. (2020, 351) observe, 'The greatest obstacle for gender equality is the lack of awareness among women regarding their rights.' Accordingly, this study contributes to addressing a key lacuna and examines whether the UPR data evidence a gendered dimension to the rights violations facing HRDs in the region.

Against this backdrop, the following analysis examines CSOs' views and experiences of governments' compliance with their treaty obligations, thereby providing key insights into the contemporary situation of human rights defenders across the region with reference to different types of rights violations against HRDs, the way that discourse on HRDs' rights is framed and the extent to which there is a gender dimension to HRDs' rights violations. Having outlined the research context, attention now turns to the study methodology.

## Methodology

The current study uses critical discourse analysis to examine the UPR submissions. There are two parts to its use this study: Framing and issue-salience. 'Issue-salience' is a type of content analysis. It counts the frequency of key words, meanings and ideas in texts. This gives a measure of the attention given to key subjects amidst competing agendas and issues, thereby giving insight onto policy actors' prioritization of such matters. A method frequently employed in manifesto analysis was employed. Specifically, it split the UPR text into 'quasi-sentences' (or 'an argument which is the verbal expression of one political idea or issue'; Volkens 2001, 96). Reducing sentences in this way adapts the analysis to cope with long sentences that contain several ideas. This is beneficial and avoids 'overlap'. The latter occurs when multiple topics are alluded to in a single sentence. The following is an example of this technique. The sentence: 'the past three years have seen the introduction of successive laws that repress civil society and restrict the activities of human rights defenders and has resulted a loss of income for dozens of NGOs'. This would be logged under two topics: 'measures undermining CSOs' ability to receive funding' and 'repressive legislation (generic references)'.

Issue-salience is followed by attention to framing in the UPR discourse. It examines the use of language, as outlined in Goffman's (1974) classic work. Accordingly, discursive framing focuses on policy actors' language use. Specifically, in relation to political and social discourse it examines messages, criticality intrinsic, emotions, meanings and sentiments. This may reveal specific views or interpretations of a problem. Discursive framing aims to be persuasive and critical about the existence of social issues. In addition, collective action framing relates to extant work on social movements. It focuses on advancing responses to rights violations through activism aimed at achieving policy reform (Pedriana 2006).

As noted, the core dataset is the latest cycle UN UPRs in the nine CIS countries. Civil society has a pivotal role through written submissions detailing CSOs' perspectives on treaty compliance. These are a valuable source revealing the role of HRDs and civil society in promoting rights and resisting oppression. Following Vašák's (1977) classification, human rights can be classified into three generations. First-generation rights refer to civil and political rights covering personal liberty and protecting the individual against violations by the state. Such civil and political rights are set out in detail in the ICCPR. Second-generation rights are social, economic and cultural rights. They relate to

equality and how people live and work together and the provision of the basic necessities of life, including access to key economic and social goods, services, and opportunities. They are outlined in the International Covenant on Economic, Social and Cultural Rights (ICESCR). Third-generation rights are solidarity rights (and include the right to development, right to peace, right to a healthy environment, to share in the exploitation of the common heritage of mankind, and to humanitarian assistance). As Domaradzki, Khvostova, and Pupovac (2019) argue, rights do not always fall into discrete categories as suggested by Vašák. Moreover, they are characterized by elements of immanent conflict and contestation. Nevertheless, the United Nations Human Rights Council (UNHRC) is clear on which human rights obligations are addressed by the UPR. It states:

The UPR will assess the extent to which States respect their human rights obligations set out in: (1) the UN Charter; (2) the Universal Declaration of Human Rights (UDHR); (3) human rights instruments to which the State is party (human rights treaties ratified by the State concerned); (4) voluntary pledges and commitments made by the State (e.g., national human rights policies and/or programmes implemented); and (5) applicable international humanitarian law. (UNHRC 2022)

In reality, the UPR corpus gives principal attention to first- and second-generation rights (the latter evidenced in the following discussion of a gendered dimension to HRDs' rights), with a lesser focus on third-generation rights.

This study uses corpus analysis (Biber, Connor, and Upton 2007) and analyses all CSO reports submitted to the latest cycle of the UPR in the nine CIS countries, a total of 267 submissions. However, sole reference to the number of reports under-records the extent of civil society input, several UPR reports are co-authored by multiple CSOs. For example, one network has a membership of 109 NGOs. Notably, fearing state reprisals, some CSOs elect to be anonymous. For example, as this submission records, 'Some NGOs who contributed to this report have decided not to sign, due to fear of reprisals following the submission of the report' (Human Rights House Foundation 2017, 12).

Attention now moves to the study findings. These are arranged in four sections. 1. Initial focus is on the level of attention – or issue-salience of different types of rights violation reported in CSOs' last-cycle UPR submission. This is followed by 2. examination of how CSOs frame their discussion of violations facing HRDs, 3. What the UPR data tell us about the situation of women human rights defenders? And 4. What the UPR dataset tells us about the contemporary causes of human rights violations in the CIS (Table 2).

### ***What are the main violations facing HRDs and what prioritization (or issue-salience) do CSOs attach to them?***

The deteriorating situation across the region is confirmed by the fact that flawed and repressive legislation (generic references) is the first-ranked rights pathology (33.5%). For example, in the new laws 'the broad definition of "political activity" [...] was expanded to effectively encompass any civil activity affecting public opinion on any issue that could be considered as political in nature' (Public Association Spravedlivost Jalal-Abad Human Rights Organization 2019, 11). Government failure to address past UPR recommendations on HRDs' rights constitute Article 2 breaches of the UDHR and ICCPR. They are the second-ranked violation (12.2%) and are typified by this example:

**Table 2.** The issue salience of human rights violations affecting human rights defenders (HRDs) in civil society organizations' (CSOs) Universal Periodic Review (UPR) submissions in Commonwealth of Independent States (CIS) countries, 2016–21 (percentage of all quasi-sentences,  $N = 8327$ ).

Human rights violation	Legal basis for rights violation	% of Corpus
Repressive legislation (generic references)	UHDR (Art. 2) Everyone is entitled to all the rights and freedoms set forth in this Declaration. ICCPR (Art. 2)	33.5%
Failure to address past UPR recommendations on HRDs	UDHR (Art. 2), ICCPR (Art. 2)	12.2%
Authorities' maladministration of justice (false arrest and arbitrary detention/imprisonment)	ICCPR Article 14, 'All persons shall be equal before the courts [...] everyone shall be entitled to a fair and public hearing [...]'	12.1%
Threats, violence, torture and murder	UDHR (Art. 3) Everyone has the right to life, liberty and the security of person. ICCPR (Art. 9)	11.1%
Measures undermining CSOs' ability to receive funding	UDHR (Arts 19, 20); ICCPR (Art. 2.2)	10.9%
Freedom of association	UDHR (Art. 20) Everyone has the right to freedom of peaceful assembly and association. ICCPR (Art. 22)	6.2%
Freedom of expression/Censorship	UDHR (Art. 19) Everyone has the right to freedom of opinion and expression ICCPR (Art. 19)	5.1%
Impunity for offenders/need for greater police investigation and protection	UHDR (Art. 2) Everyone is entitled to all the rights and freedoms set forth in this Declaration. ICCPR (Arts 2, 14)	4.8%
State surveillance	ICCPR (Art. 17) No one shall be subjected to arbitrary or unlawful interference with his [ <i>sic</i> ] privacy, family, home or correspondence [...]	2.1%
National Human Rights Institutions (NHRIs)	The Paris Principles A/HRC/39/21 <sup>a</sup>	1.3%
Abduction/enforced Disappearance	International Convention for the Protection of All Persons from Enforced Disappearance <sup>b</sup>	0.6%

Sources: <sup>a</sup><https://undocs.org/A/HRC/39/21/>.

<sup>b</sup><https://www.ohchr.org/en/hrbodies/ced/pages/conventionced.aspx/>.

Grave rights abuses such as torture, politically motivated imprisonment, and forced labor in the cotton fields remain widespread. Accordingly, many of the most critical recommendations made by states during the previous UPR cycles remain unfulfilled or not implemented in practice. (HRW 2017, 4)

Authorities' maladministration of justice (*inter alia*, false arrest and arbitrary detention/imprisonment) (12.1%) is third-ranked. For example, this CSO complained that 'human right defenders and all critical voices continue to face arbitrary arrests [...] in March 2017, human rights defender [...] name] was again placed into forced psychiatric treatment, where she was kept for 23 days before being released' (World Organisation Against Torture and the Uzbek League for Human Rights 2018, 5).

Threats, violence, torture and murder were the fourth-ranked pathology facing HRDs (11.1% of the corpus). For example, 'In August 2018, following a local newspaper's publication of a photograph of four Kyrgyz LGBT activists participating in a pride parade in Europe, the activists received anonymous death threats and were subject to online hate speech' (HRW 2019, 7).

As a burgeoning literature attests (Van de Velde 2018; Tysiachniouk, Tulaeva, and Henry 2018; Chaney 2022b), over recent years there has been an increase in the international use of 'Foreign Agents' laws that subject NGOs receiving overseas funding to repressive government oversight, with many being banned from operating. Such measures undermining CSOs' legal legitimacy or ability to receive funding were the fifth-ranked pathology (10.9%). For example, 'The Foreign Agents law and Undesirables Law and their enforcement are inconsistent and incompatible with Russia's international

human rights treaty obligations. [ ... ] They deny Russian NGOs the right to the fair administration of justice and effective remedy of law' (JS3 2018, 2).

Freedom of association is the sixth-ranked pathology (6.2%). For example, 'Freedom of association, in recent years, the Tajikistani government has further tightened the space in which NGOs can operate and increased pressure on human rights defenders' (IPHR 2021, 3). It is followed by freedom of expression/censorship violations (seventh-ranked, 5.1%). The later strand of the UPR discourse is typified by this example:

Belarus keeps a tight grip on most media. Internet censorship is widespread. Authorities routinely harass and interfere with the work of journalists and bloggers, including through arbitrary arrests, warnings, and criminal convictions. [ ... ] Minsk police beat and detained [ ... named HRD] for filming two activists with 'No to Political Prosecution' banners outside a court building. (HRW 2019, 4)

A further key issue in the corpus is impunity for those who offend against HRDs/need for greater police investigation and protection (eighth ranked, 4.8%). For example:

these organized incidents and intrusions demonstrate an increasing pattern of organized attempts to discredit the work of HRDs and their organizations. [ ... ] The impunity of such acts clearly demonstrates inability of the authorities to fulfil their obligations to ensure safe and favourable conditions for HRDs [ ... ] in Kyrgyzstan. (SJAHR0 2020, 7)

Amongst the remaining issues are state surveillance (2.1%), for example, 'the Ministry of Justice [ ... ] conducts sweeping investigations [ ... ] the onerous surveillance and pressure from authorities forced a woman's rights organization to close' (2021, 3), national human rights institutions (NHRIs) (1.3%), for example:

This model of Equality Body, its nature and functions are ineffective as the Draft [founding law] does not provide legal guarantees to ensure the implementation of its decisions; and it does not have sufficient human and financial resources, as well as institutional visibility. (Eurasia Partnership Foundation 2019, 4)

and abduction/enforced disappearance (0.6%), for example, there is a:

Human rights crisis in Chechnya with the Kremlin's tacit approval. [ ... ] Law enforcement and security agencies under his [Kadyrov's, i.e., regional ruler's] control have been involved in abductions, enforced disappearances, torture, extrajudicial executions, and collective punishment to eliminate dissent. (HRW 2018, 11)

### *How do CSOs frame their discussion of violations facing HRDs?*

The discursive frames fall into two categories: discursive and collective action. The former are concerned with establishing or upholding norms (or ideal principles) and values or describing subjective, lived experience. The first-ranked discursive frame in the CSO corpus is independence from government control (34.2% of frames) (Table 3). For example, 'in 2017, the [UN] Human Rights Council passed a resolution condemning in general 'the increasingly frequent attacks on the independence of [human rights] lawyers, in particular threats, intimidation and interference in the discharge of their professional functions' (Lawyers for Lawyers 2021, 5). HRDs and promotion of peace was second-ranked (17.2%). For example, 'Promote a free and vibrant civil society by allowing journalists, human rights defenders, government critics and independent religious groups to peacefully promote the cause of human rights'

**Table 3.** Discursive framing of human rights defenders (HRDs) in civil society organizations' (CSOs) Universal Periodic Review (UPR) submissions in Commonwealth of Independent States (CIS) countries, 2016–21 (percentage of all frames,  $N = 1421$ ).

Frame category	Discursive frame	% in Corpus
Normative	Independence from government control	34.2%
	HRDs and promotion of peace	17.2%
	Fairness/rule of law	15.3%
	Accountability/criticality of government	11.9%
Experiential	HRDs' fear/terror/reprisals	7.5%
	State defamation/smearing/abuse of HRDs	5.8%
	Criminalization/incrimination of HRDs	3.3%
	HRDs' vulnerability/need for protection	2.7%
	Suffering of HRDs	2.1%

(Freedom Now 2018, 12). Fairness/rule of law was the third-ranked frame (15.3% of the corpus). This strand of the discourse is typified by:

UGF [a CSO] also partners with other human rights organizations to [ ... ] strengthen the rule of law and establish an independent legal system; promote the establishment of more human rights organizations and to stand up for the freedoms of expression, association, and peaceful assembly. (Uzbek–German Forum for Human Rights (UGF) 2018, 4)

Accountability/criticality of government was fourth-ranked (11.9%). For example, 'Defamation campaigns carried out by the state media and public officials were often used to stigmatize HRDs and discredit their work in Armenia [ ... ] who were critical of the authorities and those who exposed human rights violations' (Human Rights House Yerevan 2020, 5).

HRDs' fear/terror/concern over reprisals is foremost amongst the experiential frames and was the fifth-ranked discursive frame overall (7.5%). For example, we demand government 'guarantee in all circumstances that all HRDs in Armenia are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions legitimate human rights activities without fear of reprisals' (World Organisation Against Torture and the Uzbek League for Human Rights 2018, 5). State defamation/smearing/abuse of HRDs was sixth-ranked (5.8%). For example, 'put an end to the government supported smear campaigns against human rights defenders and lawyers' (Human Rights House Foundation et al. 2017, 6). Criminalization/incrimination of HRDs was seventh-ranked (3.3%). For example:

In the last few years, the Azerbaijani authorities have arrested and imprisoned dozens of human rights defenders, civil society activists, journalists, bloggers and dissidents on politically motivated grounds [ ... ] this crackdown has involved systematic abuse of the criminal justice system, with charges of tax evasion and other financial crimes used to punish well-known human rights advocates and to criminalise their legitimate activities. (IPHR 2018, 4)

Amongst the remaining frame is HRDs' vulnerability/need for protection (2.7%), for example:

Such vulnerability of NGOs engaged in the protection of human rights is manifested primarily in the use by the country's government of increasingly severe anti-terrorism legislation and leverage to limit the 'political' activities of NGOs, which is sometimes accompanied by pressure on NGO leaders, as well as their family members. (Working Group on UPR in Kyrgyzstan 2020, 7)

In addition, the limited attention to solidarity is likely to be reflective of limited labour rights (Khudoley 2010; Muravyev 2014). The significance of this analysis of experiential framing lies in revealing the human dimension to state repression of HRDs. It gives insight into felt emotions, anxieties and personal costs attached to their rights advocacy. As Amir (2013, 475) notes, this allows for:

consideration [of] the ways in which NGOs and donors can better reach, and provide for, the more isolated body of individual women [and men human rights] defenders and support their small informal support networks, and their self-care and coping strategies.

In short, it provides transferrable lessons for practice on the ground and the types of support needed by HRDs.

As noted, collective action framing comes from the literature on social movements and is concerned with advocacy of appropriate solutions to rights violations through activism to secure legal and policy change. The first-ranked collective action frame is CSOs' advocacy of government reforms to uphold HRDs' rights. Specifically, imploring those in power to legislate, amend, repeal (law) and ratify (treaties) (35.4% of Collective Action Frames (CAF) frames) (Table 4). For example, government must, 'Repeal high penalties against non-governmental organizations adopted in the Administrative Penalty Code since 2012' (Human Rights House 2018, 4). This was followed by generic calls for the authorities to intervene to protect, support and represent the interests of HRDs (21.5% of CAF frames).

Amongst the remaining frames were calls for civil protest and mobilization for HRD rights (18.3%), for example;

several people have been prosecuted and convicted simply for expressing dissent, particularly regarding Russian activity in Ukraine. For example, [... named HRD] was sentenced to two years in a penal colony under Articles 280 and 280.1 of the Criminal Code, for posts on [named website ...] for peacefully encouraging Russians to protest (JS10 2018, 3)

imploing people to act to ensure 'release/freedom/liberation' of HRD detainees (17.2%), for example, 'Azerbaijan should release all persons detained because of their views expressed or legitimate civic activity' (Human Rights House Foundation et al 2017, 6), and the need for greater government receptiveness/negotiation and dialogue (5.7%), for example, (1.9%), for example, government should 'Make it possible to register NGOs that protect LGBTI+ rights and the activities of human rights defenders and activists, hold public dialogues and events and give speeches about Sexual Orientation and Identity Issues (SOGI) issues, and provide legal remedies for LGBTI+ people' (Anti-

**Table 4.** Collective action framing on human rights defenders (HRDs) in civil society organizations' (CSOs) Universal Periodic Review (UPR) submissions in Commonwealth of Independent States (CIS) countries, 2016–21 (percentage of all frames,  $N = 1959$ )

Frame	% in Corpus
CSOs' advocacy specific government legal and policy actions for HRDs	35.4%
(Generic) calls to ensure 'prevent(ion)/stop/end/cease/cessation' of state rights violations of HRDs	21.5%
Specific calls for 'demonstrate/protest/mobilise' for HRD rights	18.3%
Imploing people to act to ensure 'release/freedom/liberation' of HRD detainees	17.2%
Government receptiveness – negotiation and dialogue	5.7%
Solidarity	1.9%

Discrimination Centre 'Memorial' Human and Art Laboratory 2018, 7). The significance of this analysis of CAF lies in revealing CSOs' prioritization and envisioning of collective action approaches to addressing the rights pathologies faced by HRDs shaped by the prevailing political opportunity structures across CIS states.

***What do the UPR data tell us about the situation of women human rights defenders? Is there a gender dimension to the main violations facing HRDs across the region?***

The following summary evidences how all of the foregoing main rights violations identified in the Third Cycle UPR corpus have a gender dimension. Thus, the first-ranked pathology, flawed and repressive legislation has a clear, gender dimension. For example, in the case of Armenia this CSO called on government to:

Elaborate a gender-sensitive approach in the programmes and policies which address human rights discrimination and take the necessary actions to raise awareness on attitudes and stereotypes targeting women [ ... and] Develop and adopt suitable legislative and administrative measures to combat discrimination against women. (Right Side Human Rights Defender NGO 2019, 21)

In the case of the Russian Federation this CSO complained that:

The 2012 Foreign Agents Law hampers NGO efforts to assist victims of domestic violence. [ ... ] Nearly 100 organizations are listed 'foreign agents,' including numerous human rights groups and organizations focused on the rights of women. One NGO, which is Russia's largest organization offering shelter and services for victims of domestic violence, is deemed a foreign agent. Its director says the designation has had a 'paralyzing' effect on its work. (Advocates for Human Rights 2018, 4)

In the case of Tajikistan this CSO complained that:

It is well known that civil society organizations play a crucial role in promoting gender equality and combatting violence against women. However, the control mechanisms over NGOs and limited sources of funding led to the situation in which women rights NGOs are inactive. (JSI 2021, 7)

Government failure to address past UPR recommendations on HRDs' rights constitute Article 2 breaches of the UDHR and ICCPR. Analysis of the corpus shows them to have a gendered dimension. For example:

The state also accepted 26 recommendations in relation to the elimination of the gender-based discrimination, gender equality and participation of women. Although Armenia signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) on 18 January 2018, the state does not criminalize domestic violence. [ ... ] This creates a difficult environment for WHRDs working on violence against women. (Front Line Defenders Armenia 2020, 8)

Authorities' maladministration of justice (*inter alia*, false arrest and arbitrary detention/imprisonment) also has a gendered dimension. For example, one CSO complained that:

On 20 April 2019, HRD Anna Nikoghosyan, of CSO Society Without Violence, was arrested and detained during a peaceful protest in Yerevan against the appointment of Serzh Sargsyan as Prime Minister. Anna was violently shoved into a police car after her arrest and detained for



several hours. Another HRD, Lara Atharonian, was arrested while documenting and reporting on protest activities. (Civicus [Armenia] 2019, para. 2.4)

In a further case this CSO complained:

The Government of Uzbekistan continues to severely restrict the activities of civil society, human rights defenders, independent journalists. To achieve that goal Uzbek government resorts to illegal detentions, fabricated criminal cases and imprisonment, ban on issuing an exit visa, persecution of relatives and family members of human rights defenders, etc. Civil society, which is a key agent in effective work on social issues, including on issues of sexual and reproductive rights, remains weak in Uzbekistan. Due to persecution of civil activism, the overwhelming majority of citizens of Uzbekistan remains inactive. (Central Asian Gender and Sexuality Advocacy Network 2017, 14)

Threats, violence, torture and murder were the fourth-ranked pathology facing HRDs. A number of CSOs highlighted a gender dimension to widespread ongoing violations of HRDs' rights. For example:

There has been an organised 'witch hunt' against women's rights defenders, with social media posts and media attacks inciting violence and harassment against them. [...] The reluctance of the police to address these types of attack of human rights defenders demonstrates the lack of importance they placed on condemning such violations of human rights. (Equality Now et al. [Armenia], 2020, para. 25)

In its review of the situation in the country in late 2021, the UN Human Rights Committee said, 'is concerned about reports of threats, intimidation, harassment and attacks against [...] human rights defenders, particularly women, and lesbian, gay, bisexual and transgender human rights defenders'. It called on the government to, 'Refrain from intimidating, threatening, harassing and attacking journalists, human rights defenders and environmental activists who are exercising their right to freedom of expression' (UNHRC 2021, para. 38).

Measures undermining CSOs' legal legitimacy or ability to receive funding was the fifth-ranked rights pathology (10.9%). The UPR corpus shows this to be a gendered issue. For example, in November 2019 the UN reported it was 'concerned about the overall limited cooperation of the State party with civil society and about the cases of [NGO] registration being denied to feminist organizations promoting women's human rights' (UN Committee on the Elimination of Discrimination against Women 2021, paras 17 and 18). As this CSO observes

Some CSOs have year after year unsuccessfully submitted documents for registration – every time officials have invented new more and more grounds for refusal. In 2017, the Ministry of Justice refused registration of Public Association Women's Network 'Mara'. [...] There are cases when CSOs, which have received large foreign grants, have to return funds back to donors, because a state body has refused to register it. In 2019, the institution 'Center for Promotion of Women's Rights', whose mission is strengthening of women's and girls' potential, reported that it faced refusal of registration of the foreign aid from the USAID. As a result, because of the ban on use of foreign aid without a permit from the state, this CSO had to quit the already funded project and return the received money to the donor. (Assembly of Pro-Democratic NGOs of Belarus 2020, 18)

The CSO discourse on freedom of association also has a gender dimension. For example, in the case of Kazakhstan, women HRDs have also been targeted for protesting



outside government buildings demanding social allowances for single mothers (Tapaeva 2021, 1). Indeed, gender oppression has been an enduring aspect of rights violations in the country, as this CSO explained, 'Over the past two years there has been an increasing crackdown on and closure of civic space for feminist and LBQT rights advocacy groups. Activists are being surveilled and persecuted in a systematic way' (Kazakhstan Feminist Initiative – Feminita 2019, 4). Similarly in Kyrgyzstan, The UN has been critical of recent developments. In November 2021 it denounced government's 'insufficient cooperation with civil society' (UN Committee on the Elimination of Discrimination against Women 2021, para. 13). On participation in political and public life it also condemned 'restrictions on the activities of women human rights defenders and their lack of protection from reprisals' (UN Committee on the Elimination of Discrimination against Women 2021, para. 25). In a similar vein, the UN Special Rapporteur recently complained that: 'Many human rights defenders are subjected to enforced disappearances [...] human rights defenders with serious medical problems die in prison, despite calls for their release on health grounds' (UN Human Rights Council 2021, para. 19).

Further key issues in the corpus are impunity for those who offend against WHRDs and the need for greater police investigation and protection. For example:

For three years already, the police and prosecutor's office refuse to prosecute activity of the organized extremist homophobic gangs with an evident right-wing agenda, who [...] attack GENDERDOC-M office. [...] Despite numerous attempts to report their illegal actions and overall extremist activity to the police and prosecutor's office, members of these gangs continue assaulting [...] and trespassing territory of GENDERDOC-M office. They act as if they are aware of their impunity, which confirms GENDERDOC-M's suspicions that their actions may be backed by some high-ranking officials in the police, prosecutor's office or in the state Information and Security Service. (GENDERDOC-M, [Moldova] 2016, 9)

Amongst the remaining issues are state surveillance. For example, in the case of the Russian Federation one CSO observed:

how the onerous surveillance and pressure from authorities forced a woman's rights organization to close. Russian authorities have intensified enforcement of these laws by bringing criminal charges against a human rights defender, Valentina Cherevatenko, under the Foreign Agents Law. Ms. Cherevatenko, the first person criminally charged under the law, runs two NGOs that work on welfare projects related to women's and children's rights and supported families in difficult circumstances [...] such measures continue to have a chilling effect on human rights organizations in Russia. (JS3 2018, 15)

The discourse on National Human Rights Institutions also evidences a gender dimension. Thus, for example, in its recent assessment of the Russian Federation, the UN pointed to major flaws in the country's NHRI. It noted its concern about the selection and appointment process of the NHRI's members, in particular, 'its limited mandate and weak engagement with CSOs, including women's organizations, and women human rights defenders' (UN Committee on the Elimination of Discrimination against Women 2021, para. 16). Previously, the UN said it was concerned 'at reported cases of harassment, abduction, arbitrary detention, torture, ill-treatment and killings of human rights defenders [...] and the lack of effective investigation into such acts' (UN Committee against Torture 2018, para. 28).

Abduction and enforced disappearance are further gendered violations. For example, this CSO called on the authorities to: 'Take concrete measures to prevent, investigate,

punish, and ensure accountability and access to justice for all crimes of violence against women and girls, including abduction for marriage and child or forced marriage' (Human Rights Watch Kyrgyzstan 2019, 5). Whilst the UN Special Rapporteur on the situation of human rights described the contemporary situation in Belarus as one which 'denies women many rights and freedoms guaranteed by international human rights law, and is subjecting women activists to enforced disappearances, torture, ill-treatment and even exile' (UNOHCHR 2021, 1).

### ***What does the UPR dataset tell us about the contemporary causes of human rights violations in the CIS?***

At this juncture it is appropriate to reflect upon what the UPR dataset tell us about the causes of contemporary human rights violations across the CIS. As the following reveals, they fit Weissbrodt et al.'s (2009) typology of causes, namely: (1) government behaviour and structure; (2) armed conflict; (3) economic factors; and (4) psychological factors (see also Marks 2011). This shows rights violations to be deeply embedded in contemporary governance practices with causes that are cultural, systemic, institutional and political.

#### ***Government behaviour and structure***

***Authorities' determination to hold on to power/fear of criticism.*** The corpus reveals this to be a prime cause of rights breaches in the region. It takes manifold forms including the targeting of key HRDs. For example:

The continued detention of human rights defender, [... named HRD], is unjust. It has been nine years since his arbitrary arrest [... he] continues to serve a life sentence. Freedom of expression continues to be an issue. 2017 saw a media crackdown initiated by the government. (Just Atonement Kyrgyzstan 2020, 5)

It is important to note that there have been some limited gains in the region. This is illustrated by Uzbekistan. As this CSO observes, since president Shavkat Mirziyoyev assumed power in September 2016 the:

authorities have taken some steps to improve the country's abysmal human rights record, such as releasing several political prisoners, relaxing some restrictions on free expression, removing citizens from the security services' notorious 'blacklist,' and increasing accountability of government institutions to the citizenry.

However, as another account proceeds to note:

it is far from clear whether Uzbekistan's still authoritarian government will transform the modest steps it has taken thus far into institutional change and sustainable human rights improvements. Grave rights abuses such as torture, politically motivated imprisonment, and forced labour in the cotton fields remain widespread. (HRW 2017, 14)

***Authorities' failure to monitor and enforce human rights.*** This results in impunity for those that violate HRD rights, which in turn fosters further breaches. For example:

The authors of this submission consider that these organized incidents and intrusions demonstrate an increasing pattern of organized attempts to discredit the work of HRDs

and their organizations. [...] The impunity of such acts clearly demonstrates inability of the authorities to fulfil their obligations to ensure safe and favourable conditions for HRDs. Reluctant response of the law enforcement bodies to these incidents leads to growing number of assaults on human rights movement in Kyrgyzstan. (Public Association Spravedlivost Jalal-Abad Human Rights Organization 2020, 9)

The absence of effective national human rights institutions is a further key trope in the corpus. CSOs repeatedly call for rights bodies to be created. For example, 'Establish an institutionalized state body for discrimination complaints' (Right Side Human Rights Defenders NGO [Armenia] 2019, 11) and:

The authorities have not demonstrated significant progress in establishing a national human rights institution [...] CSOs are not being informed about the efforts and plans of the authorities in this regard [Accordingly, government must ...] Create a national human rights institution in accordance with the Paris Principles. (Coalition of Belarusian Human Rights Organizations 2020, 14)

Allied to the foregoing, from a CIS perspective, a key compounding factor is the absence of fully effective regional coordination body for human rights across the Commonwealth.

*Authorities' failure to respond to previous UPR recommendations.* CSOs' UPR submissions repeatedly highlight how this perpetuates violations against HRDs in the region. For example, as this CSO notes:

During the last UPR cycle, Armenia accepted seven recommendations regarding the situation of human rights defenders in the country, most of which focus on the protection of HRDs, including prevention of and effective investigation into threats and abuses, protection against harassment from both state and non-state actors as well as public acknowledgement of the importance of their work [Yet during the Review period] Front Line Defenders observed cases of intimidation, harassment, prosecution, defamation and physical attacks in the given period as well as a failure of the law enforcement authorities to conduct investigation into these cases promptly and effectively. (Front Line Defenders 2019, 7)

The problem is further typified by this UPR submission. During the previous UPR:

Tajikistan received 16 total recommendations relating to the death penalty. [...] Tajikistan accepted all of these recommendations but has made no progress toward abolition of the death penalty or toward ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights. (Advocates for Human Rights, and The World Coalition Against the Death Penalty 2021, 6)

### *Armed conflict*

The negative human rights implications of the failure to end regional and/or inter-ethnic conflicts is a further reoccurring causal trope in the corpus. For example:

Since 2005, formal negotiations to reach a settlement on the Transnistrian conflict take place in a format known as the '5+2'. Chaired by OSCE,<sup>5</sup> it includes the Moldovan *de jure* authorities and *de facto* Transnistrian administration, Russia and Ukraine as mediators, and the EU and US as observers. The negotiation process was interrupted for almost six years, resuming in 2011. The negotiation process has failed to bring about any significant progress in human rights situation in Transnistrian region or improve access of human rights defenders to the region. (Promo-LEX Association & FIDH 2016, 8)

Another CSO complained that:

Following its second UPR in 2015, Kyrgyzstan accepted a recommendation to ‘Strengthen the investigation and punishment of human rights violations related to the 2010 ethnic conflict’. [...] Yet, nine years after the June 2010 interethnic violence, victims continue to be denied justice. (Human Rights Watch Kyrgyzstan 2019, 17)

### *Economic factors*

The UPR dataset reveals poverty and inequalities to be key underlying factors leading to human rights violations of HRDs. For example, one CSO observed:

Welfare payments are in decline, as well as social expenditure in public spending in general. Although real GDP per capita is growing, over 5% of the population lives below the national poverty line, the level of household poverty in rural areas becomes even higher. (Belarusian Human Rights Organizations 2020, 5)

Another complained that:

During its last Universal Periodic Review in 2013, Russia [...] nonetheless rejected recommendations specifically targeting practices and laws that create legal, social, and economic obstacles to the legitimate activities of NGOs. Consistent with its position at the review, Russia subsequently upheld these restrictive laws and practices and even added new regulations restricting civil society. (JS3 2018, 4)

The corpus highlights the need for economic inequalities to be addressed by equalities and human rights legislation. For example, in Armenia this CSO called on government to ‘Add discrimination based on health status, family or marital status, place of residence, economic status, sexual orientation, and gender identity to the protected grounds listed in article 4 of the Draft’ (Eurasia Partnership Foundation 2019, 10).

### **Discussion: why the UN and other conventions are not working as they should in the CIS region**

This study offers the first pan-regional analysis of the contemporary situation of human rights defenders in the CIS. It shows that whilst there are local specificities of culture and history, across the nine countries there are key commonalities in the rights pathologies facing HRDs. In turn, these reveal why the UN and other conventions are not working as they should in the CIS. The causes include repressive legislation, governments’ failure to address past UPR recommendations on HRDs’ rights, authorities’ maladministration of justice (including false arrest and arbitrary detention/imprisonment), and their failure to address threats, violence, torture and murder. The analysis also shows how HRDs’ work is being curtailed by increasing state restrictions on freedom of association and expression. The malaise is compounded by impunity for offenders, and corrupt practices by the authorities.

The situation in each country is also shaped by tensions between the external transformative agenda of the EU, United States and China as well as the legacy of Soviet-era governance and cultural traditions. The EU agenda is based on NGOs working to improve human rights, advancing freedom of speech, fair elections and upholding civil society criticality and independence. In contrast, the legacy of Soviet-era governance means the state exercising partial control over associational life, managing or co-opting some

groups, and attempting to marginalize others. According to the latter view, the guiding purpose of the majority of CSOs is not to limit the power of the state over society but instead to work alongside it in delivering social services. Over the past five years, the introduction of increasingly repressive laws on civil society across the CIS effectively means it is only this 'cooperative' variant of civil society that is authorized to operate.

The hope expressed in some reformist quarters in the early 2010s was that HRDs' and NGOs' attempts to promote states' UN treaty obligations would have a transformative effect in CIS countries, moving them further towards liberal democratic rights-based governance. Yet the present analysis shows such hopes are increasingly countered by low public awareness and understanding of NGOs, conservative public attitudes, suspicion of a 'foreign' rights-based agenda and the endurance of discriminatory practices and beliefs. This is coupled with the self-serving authoritarian governing tendencies of ruling elites across the region. As Alexandrov, Jorayev, and Tutumlu (2018, 6) note, there is:

the paradox that Central Asian populations would like more state, not less state. The state is seen as the embodiment of a pacified national identity and of international recognition of the nation, as a guarantee of economic prosperity, and as a potential symbol of good governance.

The situation of human rights defenders in the CIS can be understood with reference to the work of Hollyer and Rosendorff (2011). It questions a common premise in international relations theory (cf. Downs, Rocke, and Barsoom 1996) that states will only join those international institutions with whose regulations they intend to comply. In contrast, Hollyer and Rosendorff's model of authoritarian government treaty accession suggests that governments' signing of UN treaties such as the ICCPR – followed by wilful violation of their provisions – is a costly signal to domestic opposition groups – including HRDs and CSOs – of their willingness to employ repressive tactics to remain in power. This interpretation is consistent with the present findings. In summary, the combination of repression and co-optation of civil society reflects wider international experience (Aarts and Cavatorta 2013) and has enabled emergence of increasingly authoritarian regimes across the CIS region. The immediate prospects for change are limited. The legacy of post-Soviet governance has lowered public expectations of change, such that the status quo prevails. Whilst there is dissent, the present situation is backed by significant public support for the associated political stability authoritarian governance brings.

The pressing need for further critical resistance to governments' repressive practices is underlined by the ongoing raft of new legislation being passed to constrain civil society. This suggests that for all the UPR's shortcomings, CSOs should not eschew it because, in an increasingly hostile political context, their use of the UPR to expose and criticize rights breaches experienced by HRDs is an invaluable and powerful mode of symbolic politics (Edelman 1964). Furthermore, this study's findings suggest that amongst the key reforms needed to address contemporary rights violations are measures to ensure the justiciability of the ICCPR and Declaration on Human Rights Defenders – both in domestic courts and at the international level, via the International Criminal Court (Cole 2015). Civil society criticality remains a key factor in seeking to safeguard citizenship rights across the generations. As Neumayer (2005, 921) explains, 'improvement in human rights is typically more likely the more democratic the country [... And] ratification [of

human rights treaties] is more beneficial the stronger a country's civil society is'. This is why the increasing repression of civil society and HRDs across the region is such a threat. At this juncture, given the breadth and seriousness of the rights pathologies revealed in this study, it is difficult to foresee significant improvements being recorded in the next round of the UPR.

## Notes

1. Here defined in terms of current membership: Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan and Uzbekistan.
2. The UPR had a start that was staggered over several years – hence, the five-yearly cycle comes around at different times for the different countries of the CIS. For all the third cycle happened between 2017 and 2021 (Table 1). All data is provided in full in the results section of this paper.
3. Full title 'Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms'; <https://www.ohchr.org/en/issues/srhrdefenders/pages/declaration.aspx/>.
4. See <https://www.unhcr.org/uk/protection/migration/4de4eef19/cis-convention-human-rights-fundamental-freedoms.html/>.
5. Organisation for Security and Cooperation in Europe; <https://www.osce.org/>.

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