



## **BRIEFING: Business & human rights challenges in Eastern Europe & Central Asia**

Shrinking civic space threatens corporate accountability activists

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## About Business & Human Rights Resource Centre

Business & Human Rights Resource Centre is an independent non-profit organization that brings information on companies' human rights impacts, positive and negative, to a global audience. We have researchers based in Brazil, Colombia, Hong Kong, India, Japan, Jordan, Kenya, Mexico, Myanmar, Senegal, South Africa, UK, Ukraine and USA. Our International Advisory Network, comprising 70 experts from all regions, is chaired by Mary Robinson, former United Nations High Commissioner for Human Rights and former President of Ireland. The Resource Centre was named as recipient of the 2013 Dodd Prize in International Justice and Human Rights. For further information about the Centre, see the "About us" section of our website, and a profile of our work by the Financial Times entitled "A fair approach to human rights".

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Business & Human Rights Resource Centre will continue to bring the concerns regarding business and human rights in Eastern Europe & Central Asia to the attention of an international audience – both under-the-radar and high-profile cases.

If you would like to receive our free Weekly Updates, the sign-up form is [here](#). Please do not hesitate to get in touch with the author of this briefing for any questions or suggestions of material for our website: Ella Skybenko, Eastern Europe/Central Asia Researcher & Representative ([skybenko@business-humanrights.org](mailto:skybenko@business-humanrights.org)).

## Executive summary

This briefing highlights key business & human rights issues and developments in Eastern Europe & Central Asia from May 2014 through December 2015. It provides examples of both positive and negative impacts companies' operations are making on people's lives. Unfortunately, most cases presented in this briefing are about negative impacts. We see and receive many more reports from the media and civil society about alleged abuses by businesses than about positive human rights steps. These reports include workplace health & safety abuses, impact of pollution on health, and labour rights abuses. Most of all, the briefing pays special attention to the persecution of human rights defenders in the context of shrinking civic space, as we see this trend increasing in most post-Soviet states. On the positive side, we include examples related to counter-flooding measures, support of education initiatives, and good examples on proper grievance mechanism procedures.

Over the last year and a half, 54% of companies operating in Eastern Europe & Central Asia responded to concerns about human rights impacts when approached by Business & Human Rights Resource Centre. This figure is significantly lower than our average global response rate of over 75%, and lower than the regional response rate of 71% received in the period April 2013 - April 2014. We include here an analysis of the response rates, explaining that, among other things, the response rate for companies headquartered outside the region was 84% while the response rate for companies headquartered in the region was a paltry 27%. There are a lot of factors that contribute to this gap, including: worsening of the overall human rights situation in the region; governments' reluctance to implement their duty to protect against human rights abuse by business; lack of awareness about the UN Guiding Principles on Business & Human Rights (UNGPs) among companies headquartered in Eastern Europe & Central Asia; and a lack of pressure on companies from a civil society that is weak and marginalized in many countries of the region.

The briefing also highlights important legal, policy and regulatory developments, including lawsuits and formal complaints as well as laws and regulatory actions. Based on the key concerns and developments in the region, the briefing proposes at the end some recommendations to companies, governments and civil society in Eastern Europe & Central Asia. They include key actions that companies, governments and civil society should undertake in order to minimize the adverse impact business operations may have on human rights. The briefing refers to the following countries in the region: Armenia, Azerbaijan, Belarus, Bosnia & Herzegovina, Bulgaria, Kazakhstan, Latvia, Montenegro, Russia, Ukraine and Uzbekistan. [Ella Skybenko](#), Business & Human Rights Resource Centre's Eastern Europe & Central Asia Researcher based in Ukraine, provides our coverage of these countries.

This is not a comprehensive overview. It flags some major issues, cases, developments and trends. For more information, see our [website](#), with sections on over 190 countries, 6500 companies, and 150 issues.

## 1. How companies operating in Eastern Europe & Central Asia respond to human rights allegations

In the period analysed in this briefing, May 2014 - December 2015, we invited companies operating in Eastern Europe & Central Asia to respond to human rights allegations 42 times, with a response rate of 55% (full details of all these approaches are [here](#)). This includes 22 invitations sent to companies headquartered in the region and 20 invitations sent to companies headquartered outside the region. The response rate of companies headquartered outside the region is far higher, 85% (17 responses out of 20 invitations), while the response rate of companies headquartered in the region is as low as 27% (6 responses out of 22 invitations).

Companies based in Kazakhstan received the highest number of invitations (11 invitations total), but responded only 18% of the time while companies based in Russia had the highest response rate of 38% (3 responses out of 8 invitations). Companies based in USA, France, Norway, Sweden and Netherlands had 100% response rates.

Response rates of companies headquartered in Eastern Europe & Central Asia for May 2014 - November 2015:

<b>Companies based in Eastern Europe &amp; Central Asia</b>	<b>No of invitations to respond to allegations</b>	<b>No. of responses</b>	<b>% response rate</b>
<i>Kazakhstan</i>	11	2	18%
<i>Ukraine</i>	3	1	33%
<i>Russia</i>	8	3	38%
<b>Total</b>	<b>22</b>	<b>6</b>	<b>27%</b>

Response rates of companies headquartered outside Eastern Europe & Central Asia, with operations in the region, for May 2014 - November 2015:

<b>Companies based outside Eastern Europe &amp; Central Asia</b>	<b>No of invitations to respond to allegations</b>	<b>No. of responses</b>	<b>% response rate</b>
<i>USA</i>	4	4	100%
<i>France</i>	5	5	100%
<i>Norway</i>	2	2	100%
<i>Sweden</i>	3	3	100%
<i>Netherlands</i>	2	2	100%
<i>Switzerland</i>	2	1	50%
<i>Scotland</i>	1	0	0%
<i>Spain</i>	1	0	0%
<b>Total</b>	<b>20</b>	<b>17</b>	<b>84%</b>

For the [previous period](#) that we analysed, April 2013 - April 2014, the correlation was 89% response rate for companies headquartered outside the region versus 50% response rate for companies headquartered in the region. While the gap was still significant, we have seen a substantial deterioration of the response rate from Eastern Europe/Central Asian-headquartered companies. This downwards trend can be explained, at least in part, by the worsening of the overall human rights situation in the region, since 50% of these invitations related to the shrinking civic space & attacks against human rights defenders. Also, there has been an increase in the number of company invitations, from 8 in the previous period to 22 in the current period, and that by itself may explain the rate decline.

In countries where the life of the individual has little value, where people are unable to enjoy their basic rights, and where civil society is severely squeezed and intimidated by the government, one can hardly expect that companies

headquartered in these countries will be motivated to engage on human rights issues. Too many companies feel that they can get away with human rights abuse in their operations because of a lack of public transparency and accountability on these issues. The context in which companies operate influences their behaviour. In Eastern Europe & Central Asia, the linkages between governments and companies are particularly strong. So if governments ignore human rights in their policies and operations, companies usually tend to follow their example.

One of the main consequences of the shrinking of civic space (through measures such as foreign funding laws and criminalization of advocates) is that human rights defenders cannot work to protect victims and to hold perpetrators to account. This situation reflects the issues raised by civil society to which we invited the companies to respond. Over the last year and a half, out of the total number of 42 invitations sent to companies, 16 included allegations related to the shrinking civic space, including attacks against human rights defenders and restriction of freedom of expression. We received only 6 responses to these invitations, including 5 responses from companies headquartered outside the region. We received only 1 response out of 11 invitations related to shrinking civic space that had been sent to companies headquartered in the region. For the period of April 2013 - April 2014, we did not approach a single company in relation to this issue. In other words, even though we approached substantially more companies based in the region regarding alleged abuses linked to civic space concerns, the average response rate falls from 27% on all issues to 9% on this issue.

## 2. Key concerns

### 2.1. Shrinking civic space & Human Rights Defenders

Here we are focusing only on six countries: Azerbaijan, Russia, Kazakhstan, Kyrgyzstan, Uzbekistan and Ukraine. This is not to say that in other countries civic space is intact; the entire region has seen a regression in this regard in recent times. For the sake of space, we chose to give just a few examples from the six countries.

**Azerbaijan:** In February 2013, Azerbaijani authorities [introduced measures](#) restricting NGO registration, and stunted the ability of NGOs to operate within the law and to access international funds. Human rights defenders, journalists and civil society activists have faced criminal investigations, raids, confiscation of their equipment, and arrest and imprisonment on dubious charges, as has been reported by [Human Rights Watch](#) and others.

In this context 40 civil society organizations [wrote](#) to the four corporate "Official Partners" of the 2015 Baku European Games - **BP**, **Nar Mobile**, **P&G** and **Tissot** (part of **Swatch Group**)— as well as to two companies listed as "Official Supporters" – **McDonald's** and **TicketHour**. They said, "in situations like this when [the company] is making a significant financial contribution, it should use this leverage to require guarantees that sponsored activities and projects do not result in adverse human rights impacts." Business & Human Rights Resource Centre approached the companies contacted by the NGOs regarding the European Games in Azerbaijan, inviting their response. Only **BP**, **Swatch Group** and **McDonald's** [have responded](#).

In April 2015, Extractive Industries Transparency Initiative (EITI) [downgraded Azerbaijan](#) from "compliant" to "candidate" country over the government's crackdown on civil society. In the same month, Azeri lawyers and activists told the International Bar Association that Western governments and businesses have [played a key role](#) in Azerbaijan's 'unprecedented' crackdown on freedom of expression due to their ongoing failure to speak out. In June 2015, the International Service for Human Rights (ISHR) asked the UN Working Group on Business & Human rights to call on States and companies to promote the rights and [protection of activists](#) promoting corporate accountability, following its fact-finding mission to Azerbaijan.

In September 2015, investigative journalist Khadija Ismayilova was [sentenced to 7.5 years](#) in Baku after reporting on the President's financial dealings. She informed the public that President Aliyev's daughters [control](#) one of the largest telecom companies, **Azercell**, through off-shore firms, and that the President's family controls at least six luxury hotels in Baku. In addition to the prison sentence, Ismayilova was also barred from holding public office for three years and was fined \$300 to cover legal expenses.

**Russia:** Over the three years since Russia adopted its "[foreign agent](#)" law, the Justice Ministry has branded over 100 independent groups — environmentalists, researchers, and rights activists – with this label, to discredit and demonize them in the public eye. Some groups on the list received hefty fines for supposedly failing to observe regulations for "foreign agents."

In December 2014, Facebook [blocked an event page](#) for a rally by Aleksei A. Navalny, a leading opposition figure, at the government's request. Supporters of Mr. Navalny accused **Facebook** of yielding too quickly to government pressure. A spokesperson for **Facebook** declined to comment, saying the company did not discuss specific

blocking request cases (they only give overall figures). In the first six months of 2014, Facebook said it granted 29 blocking requests in Russia.

In January 2015, **YouTube's** Moscow office [blocked a Ukrainian TV news channel](#) following a complaint from separatists involved in the armed conflict in Eastern Ukraine.

In September 2015, an Evenk indigenous community leader, Sergey Nikiforov, was [sentenced to 5 years in prison](#) on allegedly fabricated charges of bribery. The activists and villagers claimed that the true reason for his imprisonment is the fact that he had led his village's protests against UK-based gold mining company "**Petropavlovsk**", which reportedly intends to extract ore from Evenk ancestral territories. Following the arrest of their leader, the villagers were facing unprecedented [pressure](#) from the regional authorities. Amnesty International [issued an Urgent Action](#) in December 2015 calling Nikiforov a prisoner of conscience.

**Kazakhstan:** In April 2014, the Kazakh Parliament [passed amendments](#) to the law "On Communications" allowing the prosecutor to temporarily shut down websites and communication networks (for more details, see below Section 4.2). In June 2015, NGO Azat Internet Coalition published a report on telecommunications companies' commitment to human rights. Among other allegations, the report claimed IT companies do not conduct human rights impact assessments, do not follow UNGPs, and are silent on the new government's laws that significantly restrict people's rights. We invited 11 IT companies mentioned in the report to respond to these allegations. **TeliaSonera** and **Kcell** [responded](#). **Kazakhtelecom, AlmaTV, Altel, Astel, Arna, Kar-Tel, KazTransCom, Transtelecom** and **Nursat** [did not respond](#).

**Kyrgyzstan:** In October 2015, NGO Front Line Defenders conducted a mission to Kyrgyzstan to investigate the situation for environmental and community human rights defenders (HRDs) [challenging the operations](#) at the Kumtor Mine, operated by Canadian-owned **Centerra Gold**. Over the years, protests had been repressed and leading figures in the protest movement jailed, beaten, tortured and harassed. After the mission, the NGO concluded that the situation had not improved and Kyrgyz HRDs & civil society would face increasing threat and possibly repression.

**Uzbekistan:** In June 2015, human rights defender, Elena Urlaeva, was [tortured by police](#) after documenting forced labour in cotton fields. In September 2015, Elena Urlaeva was [arrested again](#) for documenting the use of forced labour, this time together with another human rights defender, Dmitry Tihonov. In October 2015, a new NGO report pointed to [assaults against human rights defenders](#) to try to stop them from monitoring the cotton harvest.

**Ukraine:** In August 2015, state-owned nuclear power plants operator **Energoatom** [filed a lawsuit against activists](#) of the National Ecological Centre of Ukraine (NECU) who raised safety concerns over nuclear units operating beyond their design lifetime. **Energoatom** accused the activists of supposedly spreading false information on Ukraine's nuclear reactors. In October 2015, a Ukrainian court [upheld Energoatom's request](#) to order NECU to publish a statement saying that parts of the press release were false, thus backing the government's attempts to suppress public debate on the country's ageing nuclear fleet.

## 2.2. Workplace health & safety

The following stories illustrate the huge shortcomings that still exist with workers' safety throughout the region.

In Eastern Europe, in 2014, [118 workplace deaths](#) and 2807 occupational injuries were registered in Bulgaria, according to the Confederation of Independent Trade Unions in Bulgaria (CITUB). The largest numbers of occupational accidents were registered in the spheres of general government (173), land transport (169), retail (149), and metal ore mining (105). In October 2014, [15 people were killed](#) in an explosion at Midzhur explosives plant, owned by **Videx**, Bulgaria. A few days after the explosion a regional Prosecutor said a [breach of labour safety regulations](#) was a possible cause of the blast.

In September 2014, [two workers were killed](#) in a thermal power plant accident in Belarus. In July 2015, 1 person was killed and 7 were [injured in an explosion](#) at Tara munitions factory in Montenegro.

Ukraine has had a number of notable health and safety incidents. In June 2014, seven miners were killed and two others were missing after [a gas explosion](#) at an underground coal mine in Kirovsk. The same month, one miner was killed and one more injured as a result of [an accident](#) at Vuhlehirska coal mine. In March 2015, [32 miners were killed](#) in a methane gas explosion at the Zasiadko coal mine in Donetsk. In June 2015, 5 people were killed and 14 were [injured in a fire](#) at **BRCM Nafta** oil depot; the depot Director was detained. In October 2015, [14 people were](#)

[killed](#) and 20 were hospitalised after the privately-owned boat, Ivolga, capsized near the Black Sea city of Zatoka. Authorities said it was overcrowded and did not have enough life jackets.

In Central Asia and the Caucasus, in May 2014, one worker was killed and seven more injured in [an explosion](#) at a flour and combine fodder factory in Semey, Kazakhstan. In September 2014, a criminal case was opened over violation of safety regulations resulting in the death of one worker, and two more injured, in an explosion at **Baku Steel Company**, Azerbaijan. The company's spokesperson later said that **Baku Steel Company** would pay [compensation](#) to the victims and cover all expenses related to the treatment of injured workers.

In Russia, in June 2014, [four people died](#) and two others were injured in an explosion at **Gaisky GOK** copper mine in the southeast of the country. In March 2015, 5 people died, 16 were injured and 25 went missing after [a fire](#) at a shopping centre in Kazan. In July 2015, [5 workers died](#) and 1 worker was injured at a construction site. The construction company manager was detained.

### 2.3. Other labour rights

The majority of labour abuses other than health & safety were related to unpaid or discriminatory wages, or failing to provide an adequate wage. In 2014, [employment contract violations](#) against Bulgarians working abroad tripled in comparison to 2013, according to the General Labor Inspectorate Executive Agency. The most commonly committed abuses concerned unpaid salaries and traveling allowances, lack of intermediary contracts with foreign employers, illegal fees for job applications, and poor working conditions.

In September 2014, workers at **Cherno More mine**, Bulgaria, staged a protest [over unpaid salaries](#), and hundreds of **Nairit Rubber Plant** employees [protested](#) over unpaid salaries in Armenia. Workers there said they had not received an average of 12 months' worth of wages. In November 2014, workers of **KazStroyService** went on strike over [wage discrimination](#). They said they were paid 15-20 times less than their foreign colleagues.

In January 2015, **ArcelorMittal Temirtau** was [fined for cutting wages](#) of its employees in violation of the Labour Code of Kazakhstan. **ArcelorMittal Temirtau** later [agreed to pay](#) full wages to its employees. In April 2015, a pregnant employee of **Lines Jump** oil company [threatened to jump out of a window](#) over unpaid wages. She said **Lines Jump LLP** oil company had not paid her and 40 other employees for seven months.

Other labour rights abuses included concerns raised by rights groups [over Russia's FIFA law](#) that has changed the system of labour relations for workers involved in FIFA's 2018 Football World Cup preparations. The Russian Labour Code articles were cancelled in respect of Russian and migrant workers engaged in World Cup activities, so at least 2400 workers are no longer covered by Labour Code provisions such as overtime work, long working hours and night work.

In September 2014, a human rights group freed a man after [18 years of slave labour](#) at a brick factory and a cattle farm in Dagestan, Russia.

### 2.4. Impact of pollution on health

Companies' operations continue to have adverse impacts on people's health throughout the region. Here we flag some examples from Armenia, Belarus, Bulgaria and Kazakhstan.

Water pollution concerns were prevalent across the region. In September 2014, environmentalists staged [a protest against shale & coal gas](#) extraction over soil and water pollution concerns in Dobrudzha, Bulgaria. They feared that the use of fracking could result in water pollution. In January 2015, oil and gas [exploration there halted](#) because the Bulgarian Environment Ministry placed additional conditions on the investor, which excluded the possibility of using fracking and other unconventional methods during the exploration.

In January 2015, Fioletovo residents [opposed a new gold mining project](#) over water pollution concerns in Armenia. The local residents feared that if the mine were opened and developed in opencast manner, drinking water springs would be polluted and they would not be able to irrigate their orchards – the only source of income for most residents. In August 2015, the Nature Protection Minister of Armenia [raised concerns](#) over environmental pollution affecting local communities that was caused by **Agarak Copper & Molybdenum Combine** and **Dundee Precious Metals Kapan**. A number of violations were identified during the Minister's visit, including water pollution and close proximity of tailing dumps to affected communities.

Other contamination issues resulted from nuclear, gas and mining projects. In August 2014, hundreds of villagers [protested against RedMet iron-ore mining](#) over environmental concerns near the village of Voznesenovka, Kazakhstan. In November 2014, residents of 3 villages in Bulgaria protested against **Overgas** oil and gas drilling over [soil pollution concerns](#). Also in November, Greenpeace raised concerns over [environmental and health hazards](#) related to the construction of a nuclear power plant by **Rosatom** in Belarus.

In December 2014, local residents [blamed Karachaganak oil & gas field](#), operated by **Karachaganak Petroleum Operating BV (KPO)**, for mass poisoning of children after 25 schoolchildren and 4 teachers fainted in a Western Kazakhstan village school. We invited **KPO** to respond to these allegations; **KPO** [responded](#) saying they did not breach environmental standards. In August 2014, environmentalists [raised concerns](#) that the Meghrasar open pit gold mining project owned by **AT Metals LLC** may harm the environment and people's health in Syunik region, Armenia. They argued that people's health would be undermined because of radiation and mining dust rich in toxic substances and harmful gases.

### 3. Positive developments

Companies in the region have supported initiatives that promote economic and social rights. In August 2014, **ArcelorMittal Zenica** and **ArcelorMittal Prijedor** launched a string of initiatives [to support local communities](#) affected by the floods in Bosnia and Herzegovina. The companies donated food, drinking water, sanitation equipment, fuel for the machinery used to clear the areas affected, protective clothes, and financial aid. **ArcelorMittal Prijedor** also helped restore the heavily damaged parts of the railway linking Prijedor and Zenica.

In the same month, employees of **Aksu Ferroalloy Plant** collected KZT 5 million (US \$ 27,500) for [children from poor families](#) in Kazakhstan as part of "The Road to School" action day.

In 2014, **Sakhalin Energy** received [16 grievances](#). 38% of them concerned the project's impact on the local community, 31% concerned labour disputes, 31% were related to other issues. As of the end of 2014, 13 grievances out of 16 received were resolved. Three grievances remained unresolved because one was received in late November, and two in December 2014. The same year, **Sakhalin Energy** invested over RUB 41.68 million (US \$1,097,000) in various external social programmes in the Sakhalin region. The priority areas for the company's social programmes were determined in consultation with the public and included: education, safety, environmental protection, health, and development of the Sakhalin Indigenous Minorities among others.

### 4. Legal, policy and regulatory developments

There were several important legal and policy developments over the past year.

#### 4.1. Lawsuits and formal complaints

Even though legal obstacles remain in the region, civil society and governments continue using courts to seek redress when companies' operations result in human rights abuses. Here we give some examples of lawsuits and complaints against companies from six countries.

In July 2014, 147 local residents of Gndevaz in Vayots Dzor province, Armenia, [submitted a complaint](#) to the Compliance Advisor Ombudsman of the International Finance Corporation (IFC CAO) raising concerns about Amulsar open pit mining project's (funded by **Lydian International Limited**) impact on livelihoods, the environment and on community health. Specifically, the complaint alleged lack of adequate project information, including information about land acquisition and resettlement plans; potential environmental contamination from the project's cyanide leaching system; dust pollution affecting fields, livestock and farmland; employee healthcare; and insufficient community engagement. In October 2015, the case was still under [compliance investigation](#).

In September 2014, criminal proceedings were initiated against a firm accused of organizing [illegal migration](#) in Belarus. Senior management of the firm reportedly smuggled into the country 250 citizens from Uzbekistan, Tajikistan and Kyrgyzstan.

In November 2014, criminal proceedings were initiated against **Gazprom** oil refinery [over harmful emissions](#) in Moscow, Russia. According to an environment watchdog, emissions released by the refinery resulted in concentrations of isopropyl benzene in the air that were 30 times higher than the norm.

In March 2015, the Kazakhstan Government [filed a lawsuit](#) against a restaurant after 22 people were hospitalised with food poisoning as a result of eating at the restaurant.

In April 2015, a Director of **Metalloizdelia** metal processing plant was [jailed over non-payment](#) of salaries to 288 employees of the plant in Kazakhstan.

Also in April, charges were brought against 8 persons in a criminal case on the **Maxima** supermarket collapse that [killed 54 people](#) in Latvia in November 2013. Five persons were accused of violations of construction regulations which resulted in the collapse of the building, and three officials were accused of negligence.

In May 2015, [criminal proceedings were initiated](#) against **Pravda Beer Theatre** restaurant. 20 people were hospitalised with food poisoning after eating at the restaurant in Lviv, Ukraine.

In July 2015, criminal proceedings were initiated against a company manager over [health & safety violations](#) after a child had drowned in a water park in Russia.

In September 2015, a Russian man, Anton Burkov, [won a lawsuit](#) he had filed against Google for reading his private emails. He accused Google of violating his privacy by showing him advertisements based on comments made in private e-mails. The Moscow court awarded compensation to him for moral harm in the amount of 50,000 rubles (US \$795).

#### 4.2. Laws & regulatory action

Unlike EU states, post-Soviet governments continue to pass repressive laws further exacerbating the overall human rights situation and the environment in which HRDs operate.

In September 2014, Bulgaria's Environment Minister [banned](#) unconventional gas exploration and production technologies in the area of the village of Vranino, Dobrich District, after local residents' protests over water pollution concerns.

In April 2014, the Kazakh Parliament [passed amendments](#) to the law "On Communications". This would allow the prosecutor to temporarily shut down websites and whole communication networks if they are used, for instance, to distribute information "harmful" to individuals, society and the state, or contain calls for "extremist" activities. OSCE Representative on Freedom of the Media Dunja Mijatović expressed concern about these developments as they might restrict media freedom and internet access.

In October 2015, the Kazakh Parliament was considering a draft law that would impose [serious restrictions](#) on non-governmental organizations, according to Human Rights Watch. The draft regulations would introduce government control over non-governmental organizations' sources of funding. The bill could potentially limit the issues on which groups can work as well. The bill would require all funding for non-governmental groups to be distributed through a single "operator" in Kazakhstan, which would have discretion over the dispersal of the funds. The government would appoint a "non-commercial corporation" to fulfill the functions of the "operator." The draft law, if adopted, would further set back Kazakhstan's human rights record and is at odds with Kazakhstan's international commitments and aspirations to become a respected global player, Human Rights Watch said.

In November 2015, the Russian Justice Ministry proposed new amendments to further toughen the "foreign agents" law by banning officials at all levels from maintaining ties with "foreign agent" groups and participating in their events. If adopted, this measure will further isolate many groups and make it impossible for them to carry out advocacy with government officials and agencies. Another challenge for Russia's civil society is the new [law on "undesirable organizations"](#) that authorizes the extrajudicial banning of foreign and international groups that allegedly undermine Russia's security, defense, or constitutional order. Russians who maintain ties with "undesirables" or share their materials with Russian audiences face penalties ranging from fines to up to six years in prison.

## 5. Recommendations

Based on the key concerns and developments in this briefing, we propose the following recommendations:

### Companies should:

- Adopt and implement a human rights policy based on internationally accepted norms and principles, including the UNGPs;
- Oppose the use of force and restrictive laws against human rights defenders, either publicly or privately, directly with governments;
- Engage governments on individual cases of persecution of human rights defenders;
- Ensure that independent and community-driven human rights impact assessments are carried out and findings are taken into account when planning and implementing projects;
- Always ensure the free, prior and informed consent of communities affected by projects is obtained before starting them;
- Together with workers, local communities and civil society, develop grievance mechanisms that are accessible to workers and residents, and comply with international human rights standards;
- Provide effective remedies when abuses occur;
- Improve health & safety, respect freedom of association rights, and other labour rights of workers.

### Governments should:

- Refrain from introducing restrictive laws or using force against civil society, including human rights defenders;
- Improve enforcement of laws that protect the civil society, indigenous people and the environment from abuse;
- Adopt a National Action Plan on business and human rights, and ensure state-owned companies meet the standards set out in the UNGPs;
- Take appropriate steps to prevent, investigate, punish and redress abuses by business through policies, legislation, regulations and adjudication;
- Ensure that local legislation complies with internationally accepted human rights and labour rights standards.

### Civil society should:

- Play an active role in raising awareness among companies about the UNGPs;
- Put pressure on governments to implement their duty to protect;
- Draw international attention to human rights abuses by companies, and ensure effective and fact-based documentation of alleged abuses by companies;
- Request urgent action from the international community to protect human rights defenders and use international mechanisms to address persecution of human rights defenders;
- Push companies to adopt human rights policies and establish effective grievance mechanisms;
- Engage with UN mechanisms working on business & human rights issues.