



**RUSSIAN HUMAN RIGHTS DEFENDERS
KEEP SWIMMING UNDER THE ICE**

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Cover photo

Igor Kalyapin, leader of Joint Mobile Group, attacked with green coloured liquid in Chechnya's main city Grozny in March 2016. Read more on page 16.

1. METHODOLOGY

This report examines the influence of the repressive environment in Russia – including draconian laws and state propaganda – on the working conditions of non-governmental organisations (NGOs) and other civil society groups focused mainly on human rights and democratisation. A few media organisations have also been interviewed. The report covers the period 2012–2017 and is based on in-depth interviews with 36 NGOs, working in 19 cities across Russia, carried out during the period May to December 2017, as well as

additional research. Most NGOs have been designated foreign agents. The majority of them have continued working under this label. Other organisations have closed down and found new ways of operating or abstained from foreign funding and been taken off the list of foreign agents. The conclusions are mainly based on the analysis of responses from interviewees, many of whom remain anonymous in this report due to security concerns.

2. EXECUTIVE SUMMARY

Since Vladimir Putin was elected president in 2000, the situation for Russian civil society has gradually worsened. In 2012, when Putin's third term in office started, circumstances began deteriorating significantly. The Russian state has employed an arsenal of repressive tools that, combined with pro-state activism and media campaigns, has had a detrimental effect on civil society organisations, many of which are NGOs working to advance democracy and human rights. Due to the repressive environment, which has infused the general public with suspicion of human rights defenders, these organisations face obstacles and threats in their everyday work. Despite Russia's obligation under international human rights law to protect freedom of association and other fundamental rights, NGOs have seen their influence and space for operating shrink. This has, in turn, impacted negatively on their ability to protect the human rights of Russian citizens and those residing temporarily in the country.

Numerous repressive laws that target NGOs and other critics of the regime have been adopted. Examples that have struck civil society actors in particular include *the foreign agents law*, which forces NGOs that receive funding from abroad and engage in loosely defined political activity to register as “foreign agents”; *the gay propaganda law*, which bans propaganda about “non-traditional sexual relations” among minors; and *the law on foreign undesirable organisations*, which forbids cooperation with foreign organisations branded as undesirable in Russia.¹

At the same time, state propaganda has been used to portray NGOs as foreign spies. State-controlled TV broadcasters especially have engaged in aggressive campaigns, which often seem to be coordinated with

the work of the judiciary. State-controlled media workers that behave aggressively are a common feature at human rights events in Russia.

To create an illusion of pluralism and an active civil society, various kinds of organisations under government control, so called GONGOs, have been created. The state has boosted its support of GONGOs as well as organisations engaging in social issues deemed to be unpolitical by the authorities.

NGOs have seen their access to public spaces, state institutions, as well as the authorities become increasingly limited. Depending on their mission, this has to varying degrees made their work to protect the rights of their constituents more difficult. Many NGOs branded as foreign agents have been forced to close down and struggle to find other ways of operating, sometimes as unregistered groups. Whereas some organisations choose to see this development as inevitable and an opportunity for greater flexibility and inclusion, most regard it as an impediment.

At a time when financial support is needed more than ever, Russia has experienced a flight of donors. Some donors have left after being branded as undesirable in Russia, while others have chosen to leave voluntarily. Many of those who left have been central funders of human rights work since the fall of the Soviet Union. Opportunities for internal fundraising have dwindled while repression increases and administrative costs and fines present challenges for the budgets of NGOs branded as foreign agents. As a result, many NGOs – especially outside Moscow and St Petersburg – struggle to survive and to a large extent carry out their work on a voluntary basis.

¹ See Annex 3 for a list of the laws that specifically target the work of NGOs referred to in this report.

These repressive measures have smothered a considerable part of Russia's civil society; some groups have closed down and others are afraid to receive foreign funding. But NGOs focusing on human rights and democracy also find ways to manoeuvre in the hostile environment and express their frustration with the idea, widespread in the West, that it is no longer possible to support Russian civil society financially. NGOs have developed strategies for limiting the damaging effects of repression. Victims and other beneficiaries still turn to them and they manage to protect many people's human rights.

The human rights-oriented sector of Russian civil society, as it has developed since the fall of the Soviet Union, is comprised of a group of highly devoted individuals. As opposed to their Soviet peers, the dissidents, they are also skilled professionals – lawyers, journalists, and managers – who know how to put their ideas into practice. Despite severe repression, they boast

achievements and results. These skills might be lost if they are not able to continue their work on a professional basis. Therefore, support – both moral and financial – is critical for ensuring sustainability and development in the sector of civil society working to promote human rights and democracy. A lack of support can have detrimental effects on the future advancement of the human rights of Russian citizens in general.

A key moment for the Russian human rights movement in Soviet times was the signing of the Helsinki Accords in 1975. In this document, the Communist States, Western Europe, Canada, and the US acknowledged that respect for human rights is a precondition for peace and security in Europe. This applies today more than ever – without respect for human rights in Russia, Europe will never be a safe continent. Therefore, EU governments must support Russian human rights defenders, both out of moral obligation and for the sake of their own self-interest.

3. BACKGROUND

3.1 TOWARDS FREEDOM OF ASSOCIATION IN RUSSIA AND BACK

“In the Russian Federation recognition and guarantees shall be provided for the rights and freedoms of man and citizen according to the universally recognized principles and norms of international law and according to the present Constitution. [...] Everyone shall have the right to association, including the right to create trade unions for the protection of his or her interests. The freedom of activity of public association shall be guaranteed. No one may be compelled to join any association and remain in it.”
Constitution of the Russian Federation (1993), Chapter 2, Article 17(1) and 30

The Russian Constitution protects the right to association and recognises international human rights law and principles. The right to association is recognised and protected in universal human rights conventions and in regional instruments that Russia has ratified.²

NGOs working within various areas of focus, from human rights to social issues, form the backbone of civil society. After the fall of the Soviet Union in the 1990s, numerous civil society groups emerged.³ With the passing of *the law on non-commercial organisations (the NGO law)* in 1996 and *the law on public associations* in 1995, Russian civil society became regulated and moved towards institutionalisation. Since Putin came to power in 2000, the human rights situation has gradually worsened. According to the *Freedom in the World Index*, Russia moved from being “partly free” in 1999 to “not free” in 2008.⁴ In 2006, control over NGO activities increased as amendments were introduced to the above-mentioned laws.⁵

From 2008 to 2012, when Dmitry Medvedev was president of Russia and Putin held the office of prime minister, Russia began taking minor steps toward liberalisation, including the decriminalisation of libel. In 2009, further amendments to the NGO law scaled back some of the more restrictive provisions.⁶ But the state curtailed civil and political rights dramatically

2 Article 20 of the Universal Declaration of Human Rights (1948), Article 22 of the International Covenant on Civil and Political rights (ICCPR), and Article 11 of the European Convention on Human Rights (ECHR). See Annex 1 for international human rights instruments ratified by Russia, and Annex 2 for recommendations accepted by Russia during its second Universal Periodic Review (UPR) in 2013. In 2017–2018, Russia is undergoing its third UPR.

3 Eds. Anna Jonsson and Carolina Vendil Palin, Ryssland – politik, samhälle och ekonomi (“Russia: politics, society and economy”), Stockholm: SNS Förlag, 2009.

4 Freedom House, *Freedom in the World Index*, “Russia”, 2008, <https://freedomhouse.org/report/freedom-world/2008/russia>.

5 Human Rights Watch, “Choking on Bureaucracy: State Curbs on Independent Civil Society Activism”, 19 February 2008, <https://www.hrw.org/report/2008/02/19/choking-bureaucracy/state-curbs-independent-civil-society-activism>; Amnesty International UK, “Putin Must Amend NGO Law”, 6 July 2006, <https://www.amnesty.org.uk/press-releases/russia-putin-must-amend-ngos-law>.

6 Human Rights Watch, “Russia: Criminal Libel Law a Blow to Free Expression”, 16 July 2012, <https://www.hrw.org/news/2012/07/16/russia-criminal-libel-law-blow-free-expression>; Amie Ferris-Rotman, “Russia Loosens Clasp on NGOs Ahead of Obama Visit”, Reuters, 3 July 2009, <https://www.reuters.com/article/us-russia-ngo-law-sb/russia-loosens-clasp-on-ngos-ahead-of-obama-visit-idUKTRE56243820090703>.

after Putin was re-installed in 2012, following massive demonstrations in response to suspected election fraud during the 2011 Duma elections and the presidential election in 2012.⁷

Since then, Russia has clamped down on civil society actors and other critics, reinforcing the notion of “traditional values” at the expense of marginalised groups and fostering the image of a Russia surrounded by foreign enemies.⁸ In direct violation of international human rights principles, Russia has taken a leading role in the global trend of using the national legal framework and judiciary in tandem with media campaigns to suppress independent and critical voices in the name of protecting national security or moral values.⁹

In 2012 alone, Russia re-criminalised libel, loosened the legal definition of high treason, increased fines for the organisation of unauthorised meetings, and made it obligatory for NGOs that receive foreign funding and engage in loosely defined political activity to register as foreign agents. NGOs that do not comply with this law may face high administrative penalties, have their activities shut down, and, in a worst-case scenario, face criminal charges against their management. The label “foreign agent” comes with negative connotations that linger from the Soviet past, implying for most Russians an organisation of spies or traitors.¹⁰

In 2013, Russia adopted a federal law *banning propaganda about non-traditional sexual relations* among minors (also known as *gay propaganda law*) that has mainly targeted the work of LGBT human rights defenders and been used to spread propaganda to reinforce traditional values. Since then, control over the Internet, social media and traditional media has tightened further.¹¹

In May 2015, the Russian government adopted another draconian law that clamps down on the work of human rights defenders, the so-called *law on undesirable foreign or international organisations (the law on*

undesirable organisations). Any foreign organisation that supposedly poses a threat to the foundation of the constitutional order, the defence capability of the state, or its security can be designated “undesirable” by Russia’s Prosecutor General and may face administrative or criminal punishment if continuing to operate in Russia.

In late 2017, the Russian state introduced amendments to its media law that include branding foreign-based media outlets as foreign agents. These repressive laws are generally characterised by their vague wording, which creates possibilities for arbitrary use and interpretation.

The Russian state has denied that the foreign agent label creates any stigma or impacts on organisations’ ability to conduct their work.¹² This position was reiterated in a decision by the Russian Constitutional Court on 8 April 2014.¹³ In reality, the label, together with other repressive laws and the harsh general work environment, has a significant impact and hampers their ability to work effectively in a number of areas.

3.2 DEFENDERS OF THE POWERLESS

The organisations interviewed for this report have dedicated years to demanding accountability from the Russian state. They have pushed for human rights protections, filled gaps where the state has failed to uphold its duties, and improved the conditions and rights for Russian citizens in several areas. They provide legal aid and court representation to Russian citizens when their citizens’ rights have been violated; appeal cases of human rights violations to international bodies and courts; respond to grave human rights violations committed by Russian authorities; monitor the human rights situation; issue recommendations to bring laws into compliance with international human rights norms; provide psychological aid, assistance, and services to

7 Freedom House, Transition Index, “Russia”, 2013, https://freedomhouse.org/sites/default/files/NIT13_Russia_1stProof.pdf.

8 Human Rights Watch, “Briefing Paper on Shrinking space for Civil Society in Russia”, 24 February 2017, <https://www.hrw.org/news/2017/02/24/briefing-shrinking-space-civil-society-russia>; Alec Luhn, “President Vladimir Putin Hails Russia’s ‘Defence of Traditional Values’ in His State of the Nation Speech”, The Independent, 12 December 2013, <http://www.independent.co.uk/news/world/europe/president-vladimir-putin-hails-russias-defence-of-traditional-values-in-his-state-of-the-nation-9001470.html>.

9 Human Rights First, Free Russia Foundation, “Russia’s Bad Example”, February 2016, http://www.humanrightsfirst.org/sites/default/files/Russias_Bad_Example.pdf; Harriet Sherwood, “Human Rights Groups Face Global Crackdown ‘Not Seen in a Generation’”, The Guardian (International Edition), 26 August 2015, <https://www.theguardian.com/law/2015/aug/26/ngos-face-restrictions-laws-human-rights-generation>.

10 T. Vorozheikina, Levada Center, “КАК ПОНИМАТЬ СЛОВО ‘ИНОСТРАННЫЙ АГЕНТ’” (“How to understand the word ‘foreign agent’”), 22 October 2012, <https://www.levada.ru/2012/10/22/kak-ponimat-slovo-inostrannyj-agent-kommentarij-t-vorozhejkinoj/>.

11 Civil Rights Defenders, “Putting the Lid on Freedom of Expression in Russia”, March 2016, <https://www.civilrightsdefenders.org/thematic-reports/report-on-freedom-of-expression-in-russia/>; International Agora, “Russia. Internet Freedom 2016: On a War Footing”, 2016, http://en.agora.legal/fs/a_delo2doc/13_file_AGORA_Report_2017_Internet_EN.pdf.

12 Sergey Smirnov, “Медведев: В слове «агент» нет ничего плохого” (“Medvedev: There is nothing bad about the word ‘foreign agent’”), Vedomosti, 7 December 2012, https://www.vedomosti.ru/politics/articles/2012/12/07/medvedev_v_slove_agent_net_nichego_plohogo.

13 Constitutional Court of Russia, Judgment 8 April 2014, No. 10-P, <http://doc.ksrf.ru/decision/KSRFDecision158063.pdf>; Russia Today, “Constitutional Court Turns Down NGOs’ Complaint over ‘Foreign Agents’ Law”, 8 April 2014, <https://www.rt.com/politics/court-ngo-agents-russian-145/>.

marginalised and minority groups; fight for freedom of speech and assembly; improve free and fair elections; lobby and educate the judiciary and authorities when they fail to uphold the law; educate citizens about their rights; initiate productive debates; raise awareness

about human rights and how to claim them in case of violation; and perform many other tasks critical for the welfare of Russian citizens and those residing in the country temporarily.

4. THE REPRESSIVE ENVIRONMENT'S INFLUENCE ON HUMAN RIGHTS DEFENDERS AND THEIR WORK

4.1. LABELLED, SHAMED, AND REPLACED

4.1.1 The Foreign Agents Law – Labelled as Enemies

The initial draft of *the foreign agents law* proposed that NGOs receiving foreign funding and conducting political activity should enter a “foreign agents” registry on a voluntary basis. Though the law was passed in 2012, until 2014 there were few NGOs on the official list of foreign agents.¹⁴

The first organisation fined for not registering as a foreign agent was the election monitoring NGO Golos. Some claim that the law was initially aimed specifically at Golos, as the organisation had revealed widespread vote-rigging during the Duma elections in 2011 and presidential elections in 2012.¹⁵ These revelations are considered one of the key factors triggering the massive protests that followed.¹⁶ More surprisingly, the second organisation to be fined for not registering as a foreign agent was the Kostroma Centre for the Support of Public Initiatives.

“We used to organise round-table discussions and in 2013 our speaker was Howard Solomon, the US Embassy’s political officer, who was in Kostroma on an official trip. People asked about many things – a priest asked about religious issues, an activist asked if nuclear plants were being built in the US etc. This round-table proved to be the reason why we were included in the foreign agents registry. We did not expect this as we were a small regional organisation

and we thought they would target all the stronger organisations first. When we were subjected to an inspection a few weeks after the meeting, we thought it was a regular one and didn’t expect anything bad. When I went to pick up the document summarising the inspection, I realised that we had been designated a foreign agent and had to pay a large fine. I was very upset. I called Agora straight away and they were also surprised. They agreed to defend us, for which I am very grateful. It was obviously a political decision. It was very funny. For example, during the trial the prosecutor suddenly said: I suggest adding Putin’s appearance on TV to the case. We were very surprised – had Putin said something about Kostroma? No, he said, and quoted Putin: “The Magnitsky Act is anti-Russian.” What does it have to do with our case? we wondered. He explained: Well, one of the questions that were posed to Howard Solomon at the round-table was about his opinion of the Magnitsky Act.¹⁷ So, you discussed the Magnitsky Act, which means you were questioning it. Thereby, you were putting pressure on Russian foreign policy. However funny it might sound, the court concluded that we tried to influence Russian foreign policy during our round-table.”

Nikolai Sorokin, Kostroma Centre for the Support of Public Initiatives

After sweeping inspections of hundreds of NGOs across Russia in 2013 and additional amendments introduced in June 2014, which enabled the Ministry of Justice to place NGOs on the foreign agents registry without their consent, the list has continued to grow.¹⁸ As of

14 Article 20, “Russian NGOs Included in the Registry of ‘Foreign Agents’ and Background”, 16 February 2016, <http://www.article20.org/ru/node/3898#>. WoxLpGaZ0t8.

15 The Moscow Times, “Golos Under Fire Due to Foreign Agents Rule”, 9 April 2013, <https://themoscowtimes.com/articles/golos-under-fire-due-to-foreign-agent-rule-23124>.

16 BBC, “Russian Election: Biggest Protests Since Fall of USSR”, 10 December 2011, <http://www.bbc.com/news/world-europe-16122524>; Lidia Kelly, Alissa de Carbonnel, “Hundreds of Anti-Putin Protesters Detained in Russia”, Reuters, 5 March 2012, <https://www.reuters.com/article/us-russia-election/hundreds-of-anti-putin-protesters-detained-in-russia-idUSTRE8220SP20120305>.

17 The Magnitsky Act is formally known as the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012. This US law introduces personal sanctions against individuals involved in the death of the auditor Sergei Magnitsky, who discovered massive fraud by Russian tax officials and police officers, and against persons responsible for violations of human rights and the rule of law in Russia. See: <https://www.gpo.gov/fdsys/pkg/PLAW-112publ208/html/PLAW-112publ208.htm>.

18 Civic Solidarity, “Russia: List of NGOs Named ‘Foreign Agents’”, 20 September 2013, <http://civicsolidarity.org/article/676/russia-list-ngos-named-foreign-agents-updated-20-september>; Daria Skibo, “Five Years of Russia’s Foreign Agents Law”, Open Democracy, 14 August 2017, <https://www.opendemocracy.net/od-russia/daria-skibo/five-years-of-russia-s-foreign-agent-law>. According to the report, 29 organisations were added to the list in 2014, 81 were added in 2015, and another 43 were added in 2016.

10 February 2018, it includes 80 organisations.¹⁹ In the past years, 163 NGOs were declared foreign agents; the number has decreased as some have shut down operations or declined foreign funding in order to be taken off the list.²⁰

Most NGOs single out *the law on foreign agents* as the regulation that most significantly affects their working conditions. Some organisations state that they initially thought the law would not apply to them.

“In 2012, when the law was adopted, I was convinced that it did not concern us. We received a grant from the EU and they asked me if the law would influence our work somehow. I said sincerely that it is not about us. We are not engaging in political activity and have no relation to it. I even felt it was strange that they would ask me that.”

Valentina Cherevatenko, Women of the Don Union

Following the amendments in 2014, NGOs were added to the foreign agents registry at a high pace. Many of them work with human rights issues.

“Generally speaking, the state’s ideology is based on the denial of human rights values... All organisations that work in the interest of human rights and advocate their value, they become enemies. Not only because they do something, [but because] they represent what the authorities deny.”

Alexander Cherkasov, Memorial Human Rights Centre

Some NGOs report indications that the political leadership in various Russian regions were given directions from the federal centre on the number of foreign agents to identify within their jurisdiction. It appears that, in regions with few active organisations, almost any independent NGO risked inclusion in the infamous registry. One interviewee explained that the official who delivered their decision even showed regret, explaining that they had to fulfil orders from Moscow. The political activity requirement has thus in practice been interpreted as attempting to influence state policy in a wide range of ways.

The NGOs that Civil Rights Defenders spoke to share experiences of unfair battles with the judiciary during the latter’s process to establish their foreign agent status. Organisations found themselves in a Kafkaesque situation when their work to advance human rights – including, for example, raising awareness of and

investigating the use of torture or providing information on violations of the rights of citizens to the local ombudsman – was identified as attempts to influence state policy and, therefore, regarded as political activity.

“In the decision concerning our organisation, a demonstration we organised against xenophobia was recognised as one piece of evidence of attempting to influence state policy. One can wonder how that should be interpreted, as it implies that the state’s policy is to promote xenophobia, which is not the case.”

Sergei Alexeenko, LGBT Group Maximum

The list of ambiguous decisions is long and the foreign agents law can be used against almost any independent NGO operating in Russia.²¹ The frustration of being stigmatised for protecting citizens’ rights is palpable in all the interviews carried out for this report.

Even the understanding of what constitutes “foreign funding” has been up for arbitrary interpretation. There have been cases of NGOs that solely receive funding from within Russia, which the court still regarded as “foreign” because their Russian intermediate received funding from abroad. Or as another interviewee explains:

“The Ministry of Justice was tasked with making us out to be a foreign agent, but we did not have any foreign funding. The law entered into force on 20 November 2012, and we had some money left in our account that had been transferred to us before this date. Even though the law is not retroactive, they still counted this as foreign funding. I also went to Saint Petersburg to take part in a human rights seminar and got compensation for the tickets from Golos. This was also regarded as foreign funding, as the seminar in Saint Petersburg was supported by a Lithuanian fund. They gave us a fine of 150 000 roubles and labelled us foreign agents.”

Yuri Gurman, Golos Ural

Around a third of the NGOs we met have been levied administrative fines of 300,000 roubles for not entering the foreign agents registry voluntarily. In a few cases, organisations were able to reduce or lift administrative fines by lodging appeals. However, it has been almost impossible to win in the actual substance of the case, i.e. revoking the foreign agent status. In the majority of cases, domestic courts have ruled in favour of the prosecution. On the few occasions that a case has been closed, it has mainly been for procedural reasons.²²

19 The Ministry of Justice of the Russian Federation, “Сведения реестра НКО, выполняющих функции иностранного агента”, (Registry for Non-Commercial Organisations Performing the Function of Foreign Agents), n.d., <http://unro.minjust.ru/NKOForeignAgent.aspx>.

20 Daria Skibo, “Five Years of Russia’s Foreign Agents Law”.

21 The Human Rights Resource Centre, “«Иностранные агенты»: мифические враги и реальные потери российского общества» (“Foreign agents: mythical enemies and real losses of the Russian society”), 2015, http://civicsolidarity.org/sites/default/files/foreign_agents.pdf; NGO Lawyers Club, “Russian NGOs after the Foreign Agents Law: Sustaining Civic Activism in an Adverse Setting”, 2016, http://www.hrrcenter.ru/awstats/2016NLC_report%20on%20FA_Eng.pdf.

22 NGO Lawyers Club, “Russian NGOs after the Foreign Agents Law”.

Around a third of the NGOs that Civil Rights Defenders met with have appealed their cases to the European Court of Human Rights (ECtHR), arguing that designating them foreign agents is a violation of their human rights as protected under the European Convention on Human Rights.²³ The international community has criticised the law for violating Russia's international human rights obligations.²⁴

In June 2016 Russian lawmakers amended *the foreign agents law*, introducing a new definition of political activity that make almost any activity performed by an NGO potentially "political". Despite the general exclusion of NGOs that work in such fields as science, culture, and health care, organisations that make a contribution to these fields have also been targeted.²⁵

4.1.2 Smear Campaigns

The legal clampdown has been accompanied by aggressive campaigns by state-controlled TV broadcasters that often seem coordinated with the work of the judiciary. Many Russian human rights defenders have been subjected to regional as well as nation-wide smear campaigns, portraying them as agents working for foreign governments. About half of the civil society actors that Civil Rights Defenders met with bring up examples of negative encounters with the state-controlled media. Some of them have been harassed by state media workers, who unexpectedly intrude on activists by trying to enter their offices with video cameras during meetings with a diplomat or donor. Others describe how the state-controlled media report on their human rights events in very negative terms. Often, the basis for the reporting about human rights defenders is completely made-up.

“The state uses its propaganda channels, trying to damage our reputation. For instance, when we held a seminar for lawyers in Saint Petersburg about the anti-extremism regulation and hate speech, Channel 5 aired this ridiculous and aggressive report claiming that we were teaching extremism with foreign funding. Our constituents and audience are stable, though, and know what we do. It is still very unpleasant and disappointing.”

Galina Arapova, Mass Media Defence Centre

Organisations bring forward cases of state-controlled media workers asking for interviews under false

pretences. For instance, one interviewee describes a situation in 2015 when their organisation was contacted by employees from Russian state-controlled Channel One, claiming that the broadcaster wanted to report on their important work. However, they later went on to do the exact opposite.

The notion of "traditional values" has been used to discredit NGOs working to advance LGBT rights. In one case, information about the LGBT community in Murmansk, taken partly from interviews and partly from material confiscated by the police from a group of Dutch LGBT activists, was twisted and used in a story on Russia's Channel One in 2013 about the threat from "Western homosexuals who tried to infiltrate Russia". A wire-tapped discussion from a private meeting between donors and representatives from the LGBT community was used as evidence to underpin the perceived threat. The piece was followed by an aggressive debate.

The foreign agents label requires that NGOs inform about their status at all public events and in all written materials. As such, it serves as an additional means to spread suspicion against civil society organisations among the public. NGOs also highlight the fact that the court processes associated with their foreign agent status have often been accompanied by damaging media campaigns. Some mention that they faced problems with state-controlled media outlets even prior to 2012, but that the media has become more aggressive in the past few years as repression has increased.

4.1.3 Neglected by the Media

Due to negative experiences with aggressive media organisations, some civil society actors are very cautious when asked for interviews by anyone other than the independent media representatives they already know.

“We are afraid to communicate with the media, except for media representatives we know to be friendly, and always have to analyse the risks if we are to take part in an interview. We miss out on these opportunities because we are afraid they are going to be used against us.”

Anonymous human rights defender

23 European Court of Human Rights, Application no. 9988/13, "ECODEFENCE and Others Against Russia and 48 Other Applications", communicated 22 March 2017, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-173049%22%5D%7D>.

24 Human Rights Watch, "Russia: Harsh Toll of 'Foreign Agents' Law", 25 June 2013, <https://www.hrw.org/news/2013/06/25/russia-harsh-toll-foreign-agents-law>; Council of Europe, "Council of Europe Commissioner for Human Rights Reiterates His Call to Bring Russian NGO Legislation in Line with European Standards", 9 July 2015, <https://www.coe.int/en/web/commissioner/-/council-of-europe-commissioner-for-human-rights-reiterates-his-call-to-bring-russian-ngo-legislation-in-line-with-european-standards>.

25 The Ministry of Justice of the Russian Federation, Registry for Non-Commercial Organisations.

Some NGOs, especially those working to advance LGBT rights, state that even journalists intending to produce objective reporting are at times limited. They often lack support from their editors, who fear for repercussions that may include heavy fines under *the gay propaganda law* or reprisals from the authorities.

Limited contact with the media is still possible, especially with regional or local media outlets, but self-censorship and pressure on journalists and editors influence their writing. Some NGOs describe how media outlets that prior to 2012 used to report on their work in a positive or neutral manner have become more reluctant. Nowadays, if they report on an NGO event they seldom give credit to the organisation hosting it.

“We also experience an information loss. Nowadays, we are usually not mentioned in the media as often as before, and if they write about our events they seldom refer to us. When they, for instance, wrote about our action with volunteers cleaning windows for war veterans, they did not mention that it was organised by Perm Memorial.”

Robert Latypov, Perm Memorial

In this way, the tightening of freedom of speech in general, harassment by the pro-Kremlin media, and the self-censorship of other media outlets are detrimental to NGOs trying to reach out with their message at a time when it has become increasingly important to interact with the public to counter negative propaganda.

However, social media and independent media still provide a space, albeit limited, where NGOs can have their voices heard. Some NGOs are in the process of developing innovative ways to improve outreach and say that they nowadays focus more on explaining their work to the general public.

4.1.4 Replacing and Dividing

To further undermine the credibility of NGOs and create the illusion of a diverse and lively civil society, the state is creating governmental NGOs, so-called GONGOs.²⁶ While controlled by the state, they imitate civil society groups, including human rights organisations.

“Civil society is currently over-flooded with so-called GONGOs that are imitating the work of human rights and non-profit organisations. They are being registered at a high pace and are promoted everywhere. Many are patriotic groups and it is unclear what they actually do. Meanwhile, the state can in this way claim that ‘civil society’ is growing and even show that they provide

more support. We are de facto working under a regime where we are the ‘real ones’ but the authorities are trying to put us in a corner, and replace us with a big entity, which they call ‘civil’ (society). This might be a big problem for the future.”

Galina Arapova, Mass Media Defence Centre

There are examples of GONGOs whose missions are extremely similar to those of an existing human rights organisation, with the apparent purpose of taking over the work of the NGO.

“People are increasingly afraid to engage in civil-society work. Instead, GONGOs are created. There is, for instance, another organisation apart from Golos that works with election monitoring, whose task it is to say that ‘everything is fine’, while not conducting any activities. At the same time, many activists that understand the situation have more confidence in us as we are independent.”

Nikolai Sorokin, Kostroma Centre for Support of Public Initiatives

There are also a number of NGOs not designated foreign agents, many of whom are receiving increased support from the state. This practice officially divides civil society actors into “good ones” and “bad ones”. The division was legally reinforced in January 2017, when amendments to the NGO law gave civil society organisations that implement “socially valuable services” a right to prioritised support. The amendments excluded NGOs branded as foreign agents from this privilege.

“The state is trying to make civil society into service providers. There is nothing wrong with providing service, but if all civil society actors only provide services and no advocacy, then this is just outsourcing. The state then effectively makes civil society into service organs.”

Sergei Lukashovsky, Sakharov Centre

Many NGOs state that cooperation with other NGOs that are not on the foreign agents registry has become more problematic, as publicly associating your organisation with a foreign agent might negatively influence your access to and support from the state and increase the risk that your own organisation also makes its way onto the registry.

One interviewee compares the current circumstances with the situation a few years back, when the pace at which NGOs were added to the foreign agents registry and the number of unplanned inspections peaked.

²⁶ GONGOs is short for “government-organised non-governmental organisation”. These are set up or sponsored by a government in order to further its political interests and mimic existing civic groups and civil society, or to promote its international or geopolitical interests abroad.

“It seems as if Russia currently keeps exercising control over and foster self-censorship among civil society actors by a stable but low-intense process of adding NGOs to the foreign agents registry. Adding one to two organisations to the registry each month creates constant worry and vulnerability among civil society actors afraid to be labelled foreign agents, as it seems no one is safe”.

Anonymous human rights defender

Numerous organisations working with social and ecological issues or conducting research have ended up on the foreign agents registry. This reinforces uncertainty and fear among NGOs, as it appears the foreign agent label can be applied to anyone.²⁷

4.2 PARALYSED BY BUREAUCRACY

4.2.1 Inspections, Inspections, Inspections

After the adoption of *the foreign agents law* in 2012, the Office of the Prosecutor General and the Ministry of Justice in Russia initiated a wave of unplanned and in many cases unlawful inspections of the offices of hundreds of NGOs in 2013.²⁸ Further amendments to *the NGO law* in 2014 enabled state authorities to perform unplanned inspections of NGOs upon information about suspected extremism or a violation of *the NGO law*. The law on countering extremist activity has historically been misused against human rights defenders, independent journalists, and other critics of the regime to hamper their work and launch criminal charges against them.²⁹

Inspections were followed either by charges against civil society organisations, who were accused of acting as unregistered foreign agents or engaging in extremist activities, or by vaguely worded warnings urging NGOs to amend parts of their statutes or change their activities to avoid ending up on the foreign agents list. In a decision from 2015, the Constitutional Court of Russia stated that certain provisions of the law, including those that regulate the Prosecutor General's inspections, are unconstitutional.³⁰

Groups that Civil Rights Defenders met with share experiences of unplanned inspections, often involving several authorities appearing to be looking for any kind of violation that could authorise them to initiate administrative proceedings against the NGO in question. One interviewee explains that they had been subjected to nine inspections during a period of six weeks. Another interviewee says:

“In 2013, we were subjected to the first inspection, which was comprehensive. I think it was eleven people representing almost all existing state supervisory organs – the fire inspection, the sanitary-epidemiological supervisory body, the tax authority, the Prosecutor General's Office, FSB, the police. They examined everything in the office, and the representative from the Prosecutor General showed us a document directing them to inspect all non-profit organisations that receive foreign funding. After a while, they summoned me and said that the fire inspection had found some violations, and that they would give me a minimum fine of 150 000 roubles. I asked if they were joking. Our office was completely new and I have a contract with a professional company that is responsible for fire safety. [...] In 2014 they came back, and this time they claimed to have found indications that we were a foreign agent.”

Valentina Cherevatenko, Women of the Don Union

During inspections, civil society organisations were obliged to submit a large amount of documentation to the authorities with very little notice, which took financial and human resources away from their core work. Human rights defenders spent hours around their photocopiers, while also trying to work out what the authorities required of them as this was in most cases far from clear. Some organisations appealed the Prosecutor's decision and refused to hand in the required documents, which also proved to be a very time-consuming process.

Checks of NGOs labelled as foreign agents can be initiated any time of year if an authority receives a complaint from a Russian citizen. Many civil society organisations have chosen to liquidate their legal

27 NGO Lawyers Club, “Russian NGOs after the Foreign Agents Law”.

28 International Agora, “Доклад Международной правозащитной ассоциации «АГОРА» о результатах прокурорских проверок некоммерческих организаций в 2013 году” (“Report of the international human rights association Agora on the results of prosecutorial inspections of non-commercial organisations in 2013”), 23 October 2013, <https://www.novayagazeta.ru/articles/2013/10/23/56891-171-i-predostavte-spravku-o-privivke-ot-kori-187>.

29 Human Rights Watch, “An Uncivil Approach to Civil Society – Continuing State Curbs on Independent NGOs and Activists in Russia”, 17 June 2009, <https://www.hrw.org/report/2009/06/17/uncivil-approach-civil-society/continuing-state-curbs-independent-ngos-and>.

30 Constitutional Court of the Russian Federation, Judgement No. 2-P, 17 February 2015, <http://doc.ksrf.ru/decision/KSRFDecision187870.pdf>. The Court held that certain provisions of the law on the Prosecutor's Office of the Russian Federation are unconstitutional as there is no time limit for carrying out the inspections and no deadlines for the audited organisations to fulfil the Prosecutor's demands of submission of the required information. The Court also outlined basic principles and requirements regarding the Prosecutor's inspections, namely, the specific subject of concrete inspections, due justification of initiating a prosecution and informing the NGO, prohibition of inspection regarding the same subject, and other clarifications. Russian Legal Information Agency, “Russian NGOs Challenge Constitutionality of Surprise Inspections”, 10 November 2014, http://www.rapsinews.com/judicial_news/20141110/272545385.html.

entity after being branded as a foreign agent, but the few that keep working under this label have continued to experience unplanned inspections. However, the number of inspections and pace at which NGOs are included in the registry have in general decreased and remain stable compared to the period 2014–2016.³¹

4.2.2 Politics in the Courtroom

In addition to having to defend themselves from being branded as foreign agents in drawn-out court battles, regulations under *the foreign agents law* add further to the costs and workload of NGOs. Civil society organisations branded as foreign agents are subjected to extensive reporting requirements. According to the provisions, organisations must submit financial reports quarterly, reports on their activities twice a year, and an annual audit to the authorities with rigorous requirements for format and language. This does not just increase the administrative burden, but also opens up for misuse by authorities that are always able to find flaws and violations of the complex submission regulations.

Some NGOs were also charged with not branding themselves as foreign agents in the appropriate manner on their websites or in publications – another requirement that is surrounded by vague and biased decisions. For instance, Memorial Human Rights Centre was sentenced for publications they had not even published themselves.³²

“All the reports and audits we need to submit to the authorities – it takes a lot of time. Also, labelling ourselves as a foreign agent. Even if we put this stamp everywhere, it would not provide us with a 100 per cent guarantee. Practice shows that they can always find grounds for an administrative offence, for instance if the director or a staff member publishes a text on social media, and then still accuse you.”

Natalia Taubina, Public Verdict

So far, no human rights defender has been imprisoned under *the foreign agents law*. But there was an attempt to launch criminal charges against the Director of Women of the Don Union, Valentina Cherevatenko, in June 2016. After an international outcry and pressure on the national level, the case was finally dropped in July 2017.³³

At the same time the list of political prisoners that is maintained and monitored by Memorial Human Rights Centre has grown steadily as the level of repression has increased. The list is not exhaustive; in a report from October 2017, the organisation states that it provides a minimum estimate of the number of political prisoners in the country.³⁴ The report also indicates that international and national pressure on individual cases can give results. Memorial shows that the Russian state uses trumped-up charges and allegedly planted evidence to press charges against its critics.³⁵ In January 2017, fabricated criminal charges were brought against the head of the regional office of Memorial Human Rights Centre in Grozny, Oyub Titiev.³⁶

NGOs mention *the gay propaganda law* as an additional tool for forcing them into court battles in a politically biased legal system. As the definition of propaganda has remained vague, it opens up possibilities for arbitrary use against NGOs and human rights defenders working to advance the rights of LGBT persons. The law has mainly been used to hamper public pro-LGBT events and to detain LGBT activists but has in some cases also resulted in administrative charges against human rights defenders.³⁷

For instance, Sergei Alexeenko, director of the LGBT group Maximum, was sentenced under the law partly because of a post he had shared on the social media site *Vkontakte*, which said: “Children! To be gay means to be a person who is brave, strong, confident, persistent, who has a sense of dignity and self-respect.”³⁸ Maximum is one of the civil society organisations that have faced multiple lawsuits because of their human rights work.

31 In 2017, eleven NGOs were enrolled on the foreign agents registry, as accessed on 27 February 2018. The Ministry of Justice of the Russian Federation, Registry for Non-Commercial Organisations.

32 Memorial Human Rights Centre, “Правозащитный центр «Мемориал» оштрафовали на 600 тысяч за две чужие публикации” (“Human Rights Centre ‘Memorial’ fined 600 000 roubles for two ‘foreign’ publications”), 4 September 2015, <https://memohrc.org/ru/news/pravozashchitnyy-centr-memorial-oshtrafovali-na-600-tysyach-za-dve-chuzhie-publikacii>.

33 Front Line Defenders, “Case history: Valentina Cherevatenko”, 25 July 2017, <https://www.frontlinedefenders.org/en/case/case-history-valentina-cherevatenko>.

34 Memorial Human Rights Centre, Golos, Public Verdict, Za Wolnja Rosje, People in Need, “Russia: The State of Civil and Human Rights before the Presidential Election”, 2017, https://memohrc.org/sites/all/themes/memo/templates/pdf.php?pdf=/sites/default/files/zeszyt_novyj.pdf.

35 Ibid.; The Caucasian Knot, “Мемориал» объяснил причины признания Гериева политзаключенным” (“Memorial’ explained the reasons for recognizing Guriyev as political prisoner”), 19 October 2016, <https://www.kavkaz-uzel.eu/articles/291156/>.

36 Civil Rights Defenders, “Russia: Authorities Should Free Chechen Human Rights Defender Immediately”, 10 January 2018, <https://www.civilrightsdefenders.org/news/statements/russia-authorities-should-free-chechen-human-rights-defender-immediately/>.

37 See e.g. LGBT Network, “Elena Klimova Was Accused of Propaganda of Homosexuality Again”, n.d., <https://lgbt.net/en/content/elena-klimova-was-accused-propaganda-homosexuality-again>; Meduza, “A Russian Court Fines an LGBT Rights Activist 50,000 Roubles for Sharing ‘Gay Propaganda’ from BuzzFeed and The Guardian”, 19 October 2017, <https://meduza.io/en/news/2017/10/19/a-russian-court-fines-an-lgbt-rights-activist-50-000-roubles-for-sharing-gay-propaganda-from-buzzfeed-and-the-guardian>.

38 Human Rights Watch, “Russia: Court Rules Against LGBT Activist”, 3 February 2016, <https://www.hrw.org/news/2016/02/03/russia-court-rules-against-lgbt-activist>.

“We have been prosecuted for not voluntarily entering the foreign agents registry, myself under the law on meetings, and, after we liquidated our NGO, then I was prosecuted under the gay propaganda law. We had to go to court and the process lasted a whole year. It took so much resources from us and it was hard to find time to accomplish everything I needed. The charges resulted in a total of 500,000 roubles in penalties. It is the equivalent of two years’ office rent for us. Luckily, we received aid to pay the fines.”

Sergei Alexeenko, LGBT group Maximum

The law on undesirable organisations makes it punishable with up to six years in prison to cooperate with foreign or international organisations branded as undesirable in Russia. It began to be used to target local human rights organisations in 2016.

“During this summer [2017] we became aware of the first sentences against persons and organisations based on violations of this law, but the first case happened back in 2016. It seems that it is not about receiving funds, but about ‘dissemination of materials from undesirable organisations’. For us and others, this is even more puzzling as we were not accused of publishing any material, but simply because we had two links to undesirable organisations on our webpage. I was surprised to hear that we were not the first ones to be targeted.”

Alexander Verkhovsky, SOVA Centre for Information and Analysis

After several trials and with the prospect of high fines, the case of SOVA took an unexpected turn when it was closed due to procedural reasons on 25 December 2017.³⁹ Some human rights defenders fear that this is just the beginning of a much wider state-run campaign in which the law will be used as a means to attack local human rights organisations and other critical actors.

The frustration of having to invest a considerable amount of time in extensive reporting and lengthy court processes – won by the authorities in the majority of cases – not only steers resources away from the organisations’ core work, but also increases stress levels and uncertainty for individual human rights defenders. Almost all groups identify an increased risk of burnout among staff as one major consequence of

the increased administrative burden and the danger of being charged with an administrative or criminal offence.

“We were charged with acting as a foreign agent and went through 16 months of litigation. During this time, we had to carry out all our projects. We eventually lost and had to close down and open up a new entity. That also took a lot of resources. We had to start thinking about burnout prevention. Initially, we were not equipped to handle it at all. Now we have some routines in place to decrease the risk,” states an anonymous interviewee.

4.3 A SHRINKING PUBLIC SPACE

In 2014, amendments were introduced to ban NGOs branded as foreign agents from being involved with political parties and monitoring elections, unless they register as a foreign or international observer.⁴⁰ In addition to the formal restrictions that apply to NGOs branded as foreign agents, the latter are also subjected to repression through a number of informal strategies.

4.3.1 Isolated from the State

Amendments that would ban collaborations between NGOs branded as foreign agents and the authorities have been discussed in the Duma, but not passed at the time of writing.⁴¹ Nevertheless the civil society organisations that Civil Rights Defenders met with had to varying degrees experienced a decline in official collaborations with and access to state authorities. In some cases, all contact had ceased when the organisation was declared a foreign agent. In many cases, an official ban is not needed as self-regulation among officials permeates the system, rewarding officials who follow the unwritten rules and punishing those who oppose them.

“No matter if official orders prohibiting authorities from working with NGOs branded as foreign agents exist or not, they work anyway, unofficially, due to vertical structures in our society. Officials know what is expected of them and act accordingly – even in cases when they are not asked explicitly. You can feel these informal rules everywhere. It is hard to understand if

39 SOVA Centre for Information and Analysis, “Дела против центра «Сова» и его директора прекращены за истечением сроков давности” (“The cases against the Centre ‘SOVA’ and its director are terminated after the expiration of the statute of limitations”), 25 December 2017, <http://www.sova-center.ru/about-us/nashi-slozhnosti/announcement/2017/12/d38562/>.

40 Federal Law No. 355-FZ (24.11.2014), On Amending Certain Legislative Acts of the Russian Federation on the Financial Reporting of Political Parties, Electoral Associations, Candidates for Elections to Public Authorities and Local Self-Government Bodies, <http://pravo.gov.ru/proxy/ips/?docbody=&nd=102362472&rdk=&backlink=1>; Rossiyskaja Gazeta, “ЦИК: Иностранцы не должны быть наблюдателями на выборах” (“CEC: Foreign agents should not be election observers”), 12 September 2014, <https://rg.ru/2014/09/12/agenti-anons.html>.

41 Russian News Agency TASS, “СМИ: КПРФ хочет запретить чиновникам входить в органы управления НКО-иностранцев” (“Media: Communist Party wants to prohibit officials from participation in governing structures of foreign agent NGOs”), 22 December 2014, <http://tass.ru/politika/1663504>.

you don't live here. It is the atmosphere that influences you and the fear of losing your job," an anonymous interviewee explains.

Most interviewees indicate that cooperation with state authorities had been problematic prior to 2012 as well, but that the situation has worsened severely. LGBT organisations note that they have always been more or less completely denied state access. This is also the case for NGOs working with programmes that directly challenge state authorities, with political prisoners, or in republics where repression by the authorities is extremely severe – like Chechnya.

The isolation impacts to varying degrees on organisations' ability to work effectively, depending on the nature of their core work and the extent to which they rely on state structures to secure the rights of their beneficiaries. Advocacy work on national and regional levels has been perceptibly negatively impacted by this development; organisations note that authorities seldom invite them to round-tables and important conferences anymore. It also seems to be getting more difficult to cooperate with local ombudsmen.

“During the inspections, our contribution to the adoption of a law on the regional ombudsman was regarded as ‘political activity’. We took part in productive meetings and round-tables with deputies from the legislative assembly and representatives from the governor’s administration, resulting in the establishment of a regional ombudsman. But since the Tak-Tak-Tak Foundation was included in the foreign agents registry, the ombudsman on various pretexts refuses to attend our meetings and events and does not send his staff.”
Viktor Yukechev, Tak-Tak-Tak Foundation

It has also become increasingly difficult to make officials participate in the organisation's events, where staff would previously present their results and recommendations on how to improve human rights protection or push for state accountability.

Protecting the rights of migrants and refugees has become harder as access to the Migration Board has become increasingly limited. Groups that rely on educational and health institutions in their core work – such as those working to advance the protection of marginalised and minority groups and conducting civic trainings for students and youth – have faced

increased difficulties when attempting to access these institutions. Several interviewees describe positive examples of influence and collaboration prior to 2012. Nowadays, they hear of principals and parents warning students not to take part in their activities.

“Before, we had access to students. Nowadays, we even hear about situations where students are warned by their dean not to take part in our seminars, or that they are summoned to the principal’s office at the exact same time as the seminar is taking place.”
Yuri Gurman, Golos Ural

Or, as another interviewee explains:

“Before, we cooperated with state universities, such as the Russian State University for the Humanities and the Moscow Institute of Open Education (a centre for continuing education for teachers)... Currently, the educational institutions close themselves off from us. Students still come to our exhibitions, but just as private individuals.”
Sergei Lukashovsky, Sakharov Centre

Organisations raising awareness about human rights issues among youths have come across problems of another kind with the authorities in recent years. One interviewee explains that they have experienced numerous checks by authorities assessing whether their activities qualify as public education. This would require a license that under current circumstances is hard to attain. So far, these threats have not materialised, but they could present obstacles to their work in the future.

Groups that monitor the rights of prisoners and detainees and work to prevent the abuse of power by authorities explain that they occasionally face problems when attempting to access prisons and detention facilities to see their clients. It differs between groups; some face more obstacles than others.

Further, organisations who have been designated foreign agents have seen their access to the public commission that oversees forced detention become considerably limited.⁴² Civil society organisations used to either have their own representatives on this body or be able to nominate candidates. Many groups working in this field describe how human rights defenders are increasingly replaced by former members of the police

⁴² The Public Monitoring Commission was introduced by the federal law on public oversight of respect for human rights in places of forced detention and on assistance to inmates in places of forced detention on 10 June 2008, No. 76-FZ, <http://pravo.gov.ru/proxy/ips/?docbody=&nd=102122551&rdk=&backlink=1>. This is a monitoring body active in all regions of the Russian Federation, which acts as a public watchdog in prisons and other places of forced detention. Members of each public monitoring commission are appointed for three years by the Council of Civic Chamber of the Russian Federation. Candidates are nominated by registered public associations and have worked in the area of human rights for at least five years. Members of the Commission are authorised to visit places of forced detention (including prisons) and most of their premises to communicate with detained or imprisoned persons, to investigate their complaints, to request necessary information from the administration of such institutions, and to prepare reports.

and military structures who lack competence and the willingness to safeguard the rights of inmates. Human rights defenders who were interviewed for this report are still trying to build links with the commission and find allies.

Organisations striving to educate the judiciary and law-enforcement bodies about human rights standards have been forced to all but terminate these activities and try to find other ways of getting the information through. Many of them speak of much interest in their training among state officials and representatives of the judiciary, who also turned to them for advice in individual cases, prior to 2012.

“Before the repressive laws were adopted, we used to provide the Judicial Department with information regarding the European Convention on Human Rights and international human rights standards. Rather often, judges would come to our offices, explaining that they lacked knowledge of human rights standards and had requested the Judicial Department to put together a training session, but they refused. So, they came to us for advice. Since the repressive legislation was passed, all cooperation with judges, prosecutors, and police officers has been terminated on their initiative.”
Elena Shakhova, Citizens’ Watch

Civil society organisations that protect the rights of conscripts and soldiers were in most cases already portrayed as enemies prior to 2012 but note that the rhetoric has intensified since then. They face greater obstacles when attempting to cooperate with institutions such as military commissariats – the local administrative agencies working under the Russian Ministry of Defence that are responsible for military registration, training for the military service, recruitment, and mobilisation of soldiers.

Many NGOs manoeuvre through this landscape with the help of personal contacts at key institutions, third-party bodies, and staff members’ affiliations to state institutions. Many civil society organisations have maintained unofficial contact with state representatives and authorities, especially on the local level, which at times has a positive influence on their work. Some officials appear ambivalent towards the extensive pressure put on organisations, and some explain unofficially that they act under orders from “above”, i.e. from the federal power. For instance, one interviewee says that the authorities thanked the organisation in question for starting to work as an unregistered group after being labelled a foreign

agent, because that enabled them to remain in contact. Another interviewee describes how officials still turn to them for advice in certain matters but would never admit to it officially.

This offers some nuance to the image of a bureaucracy that does not appreciate the crucial work performed by human rights organisations. However, the situation varies between regions and depending on the resilience and core work of each organisation. Some organisations state that they no longer have almost any contact with officials.

4.3.2 Pushed Out of the Public Space

Since the demonstrations in 2012, the Russian state has rolled out a campaign to curtail the right to freedom of assembly. The means by which the state has made the organisation of public meetings more difficult include raising the administrative penalty for organising or taking part in non-authorized meetings, while simultaneously granting fewer permissions, and not ensuring safety during meetings.⁴³

Many NGOs that use public actions to raise awareness of their cause state that they no longer organise demonstrations or pickets, either because they cannot guarantee the safety of the participants or because the authorities will not allow the event to proceed.

“We made this public action with a 127-metres-long quilt made from pieces of cloth covered with messages about reasons to oppose an intolerant society and distributed flyers against fascism. We don’t do this kind of thing anymore. One reason is that we have fewer staff and less funding, but it is also because these types of activities nowadays require some sort of approval from the authorities and there is a big risk that participants may be detained and even accused of extremism. I can’t risk people’s lives. I have discussed it with the authorities, but they say we have to purchase security for the event ourselves. We simply don’t have enough money for that.”
Robert Latypov, Perm Memorial

Even when the decision about an event is affirmative, sometimes the location is changed to one on the outskirts of the city where almost no one will be able to hear the message. Human rights defenders working to advance LGBT rights come across decisions in which the authorities refer to the gay propaganda law as a reason for rejection. At public pickets aiming to raise awareness

43 Memorial Human Rights Centre, Golos, Public Verdict, Za Wolnja Rosje, People in Need, “Russia: The State of Civil and Human Rights”.

about LGBT rights, the authorities have been known to detain LGBT activist instead of their assailants.⁴⁴ Those that defy all risks to keep on organising public rallies and pickets report that they occasionally need to purchase security from private companies as the authorities refuse to provide protection.

In this way, the authorities limit organisations' right to freedom of assembly, which marginalises NGOs further by keeping them out of the public space. It forces many to either organise non-authorized meetings and potentially face administrative charges, or dedicate a considerable amount of resources to fighting the authorities in administrative courts in order to be able to lawfully go ahead with an event. Under these conditions, many organisations choose not to take the risk or make the effort. Some of the organisations state that they will continue, no matter the risks involved, and some succeed despite all obstacles.

Interviewees explain that they occasionally face problems when attempting to rent event facilities, as they are increasingly denied access to state-controlled venues, including museums and libraries, or receive indications that the authorities put pressure on owners of private venues not to host such events. This becomes particularly problematic in smaller cities, where there are fewer options available. Some human rights defenders also refer to a fake bomb-threat, which obliged them to wait several hours for the police to search the premises before continuing with the event.

4.3.3 De-Institutionalising Critical Voices

With the aim of surviving by avoiding large fines that could lead to bankruptcy, heavy administrative burdens, and criminal charges, several NGOs branded as foreign agents have decided to liquidate their organisations and find other ways of operating.

“The repressive environment has led to a large part of civil society – those branded as foreign agents – being forced into some sort of legal grey area. In 2012, most NGOs were officially registered and had a legal status; funding was transparent and stable. Having to adapt to the new repressive setting, many have been forced into this grey area for the sake of their own survival. It means having to create new additional structures in the legal field for ensuring the implementation of projects and programmes. This also requires additional resources and is a challenge for small organisations.”
Anonymous human rights defender

Some have started to work as unregistered groups without proper legal status or to find other ways of manoeuvring through the repressive social landscape. Some see advantages to working as an unregistered group under the current circumstances, while others raise concerns about how it limits them in their work. Without legal status, an organisation cannot apply for state grants, faces restrictions when applying for foreign funds, and may have difficulties inviting professionals to key meetings.

There are also cases of recently established organisations that have failed to register after facing obstacles with the authorities, and organisations that do not register out of fear of ending up on the foreign agents registry.

“If the law on foreign agents didn't exist, we would have registered our organisation a long time ago. It would be so much easier for us to do our work and we would lose less resources. We are thinking about how we can register our organisation as it has become increasingly difficult to work without a legal status.”
Anonymous human rights defender

Another interviewee states that:

“We wanted to register our new NGO, but we were denied, with the reason that our Charter had not been correctly written, even though it had been prepared by an organisation that was proficient in this matter and they were surprised by the comments from the Ministry of Justice. The same organisation corrected the Charter against all the claims of the Ministry of Justice and we filed the registration documents again. But for the second time, the Ministry of Justice of the Russian Federation in the Sverdlovsk region refused, claiming again that some part of the Charter was incorrect. We changed it all on the basis of the Ministry of Justice's recommendations and filed it for the third time. But we were refused again, with reference to the same text that the officials had checked three times – there was apparently still some mistake, due to some comma or similar. We realised that they didn't want to register us and we took the case to court, but the court did not satisfy our claims. In court, the representatives of the Ministry of Justice openly stated that they can discover violations in the text of our Charter thousand times and on this basis always refuse to register our NGO.”
Alexei Sokolov, Legal Basis

In this way, many newly established organisations have stepped directly into the grey area. One interviewee

⁴⁴ LGBT Group Coming Out, “Strategic Litigation as a Method for Defending and Advancing the Rights of LGBT People”, 2016, <http://comingoutspb.com/upload/iblock/k/499/499980e3e870d6f9e2d4816b02ad2012.pdf>.

explains that after they were forced to close down their NGO, and started working as an unregistered group, the pressure from the authorities decreased. The interviewee concludes that the real intent of the authorities must have been to shut down their organisation.

A few interviewees see this development as something inevitable, a matter of adjustment and finding new ways forward in the new environment, which at times makes the work more time-consuming but still manageable.

“We don’t need to be so afraid of de-institutionalisation. It is a reality and it also has its strengths. This is my subjective opinion. Many NGOs have not been preserved in their prior form, but it is not as bad as it seems. We have become less formal and more inclusive and flexible, which is good in a society with as high levels of political uncertainty as we have in Russia today.”

Igor Kochetkov, Russian LGBT Network

4.4 SECURITY

4.4.1 Threats and Physical Attacks

Most organisations observe that the repressive environment has impacted negatively on their security in different ways and to varying degrees, depending on the region where they operate and their core activities. One pressing issue is the physical safety of human rights defenders, which has deteriorated as levels of repression have increased. There had been attacks prior to 2012, particularly against human rights defenders active in North Caucasus, and against those working with high-risk cases, but they have become more frequent since.

About one third of the NGOs share experiences of staff or volunteers who have been physically harassed or had their office or apartment attacked by pro-state activists or unidentified individuals. The number and severity of attacks differ between the regions. Some regions, such as the North Caucasus, which is one of the most dangerous places to conduct human rights work in Russia, have had more cases of severe attacks against and harassment of human rights defenders. In many republics in the North Caucasus, even the family members of human rights defenders are systematically threatened.

“In the North Caucasus, it is not just human rights defenders who are affected, but also their children, parents, and other family members. For instance, children are told that ‘soon your father will be shot’ or

receive other threats. So, there is also pressure within the family at times to stop conducting human rights work.”

Magomed Mutsolgov, Mashr

The gravity of the attacks also appears to depend on the NGO’s mission. Among the organisations that Civil Rights Defenders spoke to, those working to advance LGBT rights; criticizing issues that are the priority of the state, such as the annexation of Crimea; or working to prevent torture and the abuse of power are subjected to threats and physical attacks to a higher degree. For those working to advance LGBT rights, the rise of homophobia since the adoption of the *gay propaganda law* plays an evident role.

Human rights defenders share experiences of pro-Kremlin and patriotic groups interfering with their actions or showing up to their events to harass the participants or organisers. Civil society actors provide examples that strengthen suspicions that pro-state groups cooperate with the authorities. Though many maintain that it is hard to prove a direct link, the fact that the authorities fail to take action against the assailants supports this perception.

“We received several fines for not labelling ourselves as a foreign agent because someone went to the Prosecutor’s office and asked them to check up on us. Many of those people work for the pro-Kremlin movement. The Kremlin does not ask directly, but creates an atmosphere where people feel they do a good thing by reporting us or shouting at us when we organise a human rights event. This is how they create the impression that many people are against human rights activists. [...] For instance, we organised a competition among children with narratives about their repressed relatives. We were going to give a prize to the winner in Moscow, but during the event children and staff were attacked by pro-state activists. They threw a green-coloured liquid at participants, simply because the event was organised by Memorial.”

Natalia Sokolova, Memorial Human Rights Centre

Police authorities seldom take prompt and sufficient action to investigate attacks on human rights defenders and thus enable perpetrators to act with impunity. This, in turn, indirectly gives the green light for further harassment and attacks. The Joint Mobile Group, renowned for investigating and documenting grave human rights violations in Chechnya, has on several occasions been attacked. Despite numerous attacks, no perpetrator has to this date been brought to justice.

Another example is the gas attack on the community centre at the House of Equality in Murmansk in 2015,

when two people – including one human rights defender – had to be brought to hospital because of their injuries. Despite several appeals for action, including to the local ombudsman, the police refused to initiate criminal proceedings. The case is currently appealed to the ECtHR.

4.4.2 Surveillance and Harassment

Though many organisations lack hard evidence of being surveilled, indicators that they might be and the experience of others create a fear of surveillance that limits them in their actions.

Suspicious of being under surveillance by security services are common. Human rights defenders bring forward examples in which it is evident that the authorities must have tapped the offices or phones of an organisation to acquire the information they subsequently acted on. On one occasion, officials from the Federal Security Service (FSB) even informed the human rights defender in question that his phone would be tapped. In some cases, FSB officials do not try to hide the fact that they surveil a person; some civil society activists are even in direct personal contact with their “curator” at the FSB.

One interviewee describes how a neighbour called him on election day and warned that he was being followed. The neighbour had noticed a car parked outside the interviewee’s house; a man had stepped out of the vehicle and checked the interviewee’s car before returning to make a phone call. The interviewee went downstairs to discover that the car remained parked outside and that a man was trying to get into the building. At this point, the interviewee called his curator at the FSB to ask who the intruder was. The curator attempted to identify the plates on the car and informed the interviewee that they belonged to a truck. The latter asked why there was a vehicle with fake plates parked outside his house – did they intend to blow something up? At this, the curator responded that it was for the sake of his own security.

Some interviewees mention cases of physical surveillance:

“When our attorneys are dealing with highly sensitive cases and travelling to certain regions, they are under physical surveillance by the FSB. The FSB personnel try to do it discreetly, but they don’t succeed so well.”
Anonymous human rights defender

Around a fifth of the NGOs speak of increased harassment by state authorities against staff members, who are unlawfully detained, summoned to unofficial

meetings, or interrogated. Two NGOs know that they have been infiltrated by the authorities. Another two are aware of cases when staff members have been approached by security service personnel who attempt to recruit them as informants. A few interviewees mention examples of being harassed by border guards at airports.

“Many civic activists and opposition members are regularly stopped by border control for additional checks when travelling out of the country. When you present your passport, a border guard officer sees a special red notice in your file on the screen. They tell you to wait on different pretexts, like ‘something is wrong with your passport’ or ‘a person with a similar name is wanted for a crime’. The head officer of that shift takes your passport and calls someone to inform them that you’re crossing the border and asks whether you are allowed to leave the country. It may take more than an hour for them to get permission. Sometimes an FSB officer comes to question you about where you are going and for what purpose, where you work, how often you travel abroad. They may ask you to open your computer and mobile phone and search you. It has happened to me several times when I have crossed the border. Some of my colleagues had their computers, telephones and flash cards taken away for ‘inspection for possible possession of extremist materials’. Some have missed their flights and were not able to travel. Most often, this happens to activists who are going to international events and those who have previously been fined for participation in protests and demonstrations. Activists involved in election observation are targeted in particular. On the way home, they may search you at the customs desk and ask about printed materials, electronic files, and money that you carry. This practice usually intensifies in the months leading up to elections in Russia and on the eve of major international events. We have learned that there is a database of people suspected of extremism, and many thousands – at least a dozen thousand – civic and opposition activists are in that database. It is maintained by the Ministry of the Interior and is installed in all international airports in Russia, allowing the authorities to monitor the movement of activists and prevent them from traveling when needed.”
Yuri Dzhibladze, Centre for the Development of Democracy and Human Rights

4.4.3 Smear Campaigns and Online Harassment

Pro-Kremlin trolling fuels the overall oppressive atmosphere in which civil society organisations are portrayed as enemies. The existence of a professional troll army went largely unnoticed in the West until the

summer of 2015, when a former employee of one of the secret troll factories successfully sued her employer.⁴⁵ But trolls that attack critics of the regime have been an issue in Russia for much longer. One interlocutor said that they have experienced trolling in their news for many years, but that the rhetoric has become more aggressive since 2012–2013.

The majority of organisations describe the experience of trolling and threats on social media as an additional difficulty they are forced to deal with, but it does not seem to pose a serious threat to their work. Threats seldom materialise, though they create psychological pressure on targeted human rights defenders. One interviewee describes how someone threatened on social media to report the organisation to the authorities, which would enable the latter to initiate inspections. This seems to be a common feature, as many human rights defenders suspect this to be a pretext for the authorities to take actions against them.

Another issue, mentioned by a few of the organisations, is their experience of attempted and successful hacking of email or social media accounts. Some have also had their websites closed down.

“In 2015, Channel 5 aired a programme that was called ‘Enemy of the State’, and a report to one of our donors suddenly appeared in the piece. I don’t know how they got access to these documents. It was a picture from a computer screen. Whether they broke into our offices or got it some other way, I don’t know.”

Anonymous human rights defender

Although it has not been possible to establish how the documents were obtained, it is evident that they were used in an attempt to hurt the organisations in question and feed the image of them as spies to the general public. Or, as another interviewee explains:

“My email correspondence was hacked once and published online in an attempt to smear us. It was unpleasant to see my private issues out in public. These types of incidents have increased since 2012, though I cannot say that it was orchestrated by the state. However, there was nothing really serious in there, so ultimately they did not succeed.”

Sergei Davidis, Memorial Human Rights Centre

4.4.4 Personal Implications

Pressure on both a personal and a professional level is another experience shared by some of the groups. Staff,

especially those working for state institutions, receive threats in their workplace about having their human rights work or positions phased out. A few of them have also lost their jobs or been demoted. Others describe being pressured by other authorities because of their human rights work, as part of the manifold threats they face. For instance, one organisation explains that their employees have been subjected to a variety of pressures by the authorities. On one occasion, social services tried to take away the children of one of their lawyers, claiming that she did not take good care of them.

Directors of NGOs are under great psychological stress. Bearing the ultimate responsibility for the organisation puts them in a particularly vulnerable situation, as they risk both administrative and criminal charges (see also section 4.2.2). Meanwhile, they have to stay strong for the sake of their staff; one interviewee explains that the team becomes afraid if they perceive fear in their leader.

The increased security threats force organisations into protection mode, as they are forced to invest time and effort to increase digital and physical security. Groups that Civil Rights Defenders met with share examples of steps they have taken to make the work environment safer.

“We have improved our digital and physical security a lot and I always have a lawyer on hold. For instance, when the FSB summons me for an inquiry about foreign funds or donors, or when I feel that something is wrong, I always bring my lawyer.”

Elena Shakhova, Citizens’ Watch

Another NGO explains that simply having to apply additional security measures adds further psychological stress, as it creates the feeling that one is “doing something wrong” when this is not actually the case.

“It impacts on the psychological climate and evokes latent paranoia in the organisation. It’s this strange situation when you feel as though you were a spy. It is awful as we are not doing anything wrong, rather the opposite – we are doing something very useful. Despite this, we still feel as though we were hunted and have to hide. Having to keep confidential what you write in your correspondence, or to encrypt your flash drive – it is really not a nice situation. I understand that it is a question of security, but psychologically speaking it is terrible.”

Galina Arapova, Mass Media Defence Centre

45 BBC, “Ex-Russian ‘Troll’ Wins Lawsuit against Propaganda ‘Factory’”, 18 August 2015, <http://www.bbc.com/news/world-europe-33972122>.

4.5 CUTTING OFF THE CASH FLOW

The Russian authorities have to a large extent focused their repressive measures on stripping NGOs of foreign funding. *The law on foreign agents* is focused on funding from abroad, and *the law on undesirable organisations* even more so. The Russian authorities have to a certain extent been successful as financial resources for Russian NGOs have diminished considerably since 2012. Almost all organisations that Civil Rights Defenders met with mentioned the negative impact of the repressive environment on their financial sustainability. In addition to the flight of donors, the costs of numerous trials, audits, administrative expenses, and fines, as described above, constitute a major threat to the already stretched budgets of most NGOs. Some organisations have also decided to abstain from foreign funding to avoid ending up on the foreign agents list or to be taken off it. As a result, some of them have lost their office space and had to let staff members go.

For the safety of interviewees all quotations in this section have been rendered anonymous, as Russian authorities pay special attention to issues regarding financial support.

4.5.1 Donor Drain

There are only limited opportunities for NGOs, especially those working to advance human rights and democracy, to fundraise within Russia. Support from international donors is thus crucial for their survival. However, the donor community and foreign governments have gradually left or scaled down funds to support civil society actors in Russia, especially after *the law on undesirable foreign organisations* was introduced in 2015.

The law targets local NGOs and actors, cutting them off from cooperation with international partners. Conducting activities for an organisation labelled as undesirable can lead to administrative punishment and up to six years in prison. Staff working for an undesirable organisation are banned from entering Russia and banks are forbidden from providing services to such organisations.

In the summer of 2015, the Federation Council adopted a list of potentially undesirable foreign organisations, mostly American. Some of them, such as the National

Endowment for Democracy (NED) and the Soros Foundation, were eventually branded as undesirable, which forced them to leave Russia. Others, such as the MacArthur Foundation, closed their Moscow office and left the country after seeing their name on the list of potentially undesirable organisations.⁴⁶ As of 1 March 2018, 11 organisations have been declared undesirable in Russia.⁴⁷

Many of the NGOs that Civil Rights Defenders met with have lost their main funders due to the flight of donors and have been forced to scale down their activities, in some cases working solely on a voluntary basis. While a few of them have been able to find new sources of funding, many others are struggling to survive.

“Our team currently consists of seven people and one lawyer. Everyone is working for free. We are a group of people united around our commitment to human rights. If we regained funding, though, we would develop and there is much more we could achieve. For instance, we had a case with a client who was in hospital and who was denied access to his lawyer. Our lawyer managed to appeal the refusal and made them change their decision. We could take on so many more cases, both on a national level and for appeal to international courts if we had the funds.”

Organisations based in certain regions face particular difficulties; some are currently operating mainly on a voluntary basis. Many of the organisations that Civil Rights Defenders met with understand the complexity of the situation and the risks that donors who continue to support democratic voices and actors in Russia face. Nevertheless, many are frustrated and feel betrayed by donors who leave them at a time when their support is needed the most – not just financially, but also morally.

“Most donors have withdrawn from Russia – especially the leading ones, who have played a key role in supporting pro-democracy activists and organisations for more than two decades. For instance, the Ford Foundation, George Soros’ Open Society Foundations, the MacArthur Foundation, the Mott Foundation, they have all left Russia. It is partly due to the pressure from the law on undesirable organisations, which particularly targeted Soros and NED. But some of those who were not included on such lists simply gave up and left. That is so wrong. There is not much hope for us if we receive no support.”

46 Alec Luhn, “American NGO to Withdraw from Russia after Being Put on ‘Patriotic Stop List’”, The Guardian, 22 July 2015, <https://www.theguardian.com/world/2015/jul/22/american-ngo-macarthur-foundation-withdraw-russia-patriotic-stop-list>.

47 Ministry of Justice of the Russian Federation. “ПЕРЕЧЕНЬ ИНОСТРАННЫХ И МЕЖДУНАРОДНЫХ НЕПРАВИТЕЛЬСТВЕННЫХ ОРГАНИЗАЦИЙ, ДЕЯТЕЛЬНОСТЬ КОТОРЫХ ПРИЗНАНА НЕЖЕЛАТЕЛЬНОЙ НА ТЕРРИТОРИИ РОССИЙСКОЙ ФЕДЕРАЦИИ” (“List of foreign and international non-governmental organisations, whose activities are considered undesirable in the territory of the Russian Federation”), n.d. <http://minjust.ru/ru/activity/nko/unwanted>. The list includes the National Endowment for Democracy, OSI Assistance Foundation, Open Society Foundations, U.S. Russia Foundation for Economic Advancement and the Rule of Law, National Democratic Institute for International Affairs, Media Development Investment Fund Inc., International Republican Institute, Open Russia, Institute of Modern Russia, Open Russia Civic Movement, and the Black Sea Trust of Regional Cooperation.

One reason for leaving, voiced by members of the donor community, is the perception that their funds will endanger local human rights organisations. But civil society organisations are urging donors to let local NGOs decide for themselves whether they are willing to take the risk.

“Many donors have ended their funding schemes, claiming that it would be too high a risk for NGOs, but we have to decide for ourselves. We decide whether we want to risk it or not. It is not up to the donor to make that decision.”

All groups that Civil Rights Defenders met with state that they are ready to continue their work despite all risks and that having no funds will simply make this a lot harder. Some NGOs, especially those operating in the North Caucasus, stress the importance of moral support, capacity building, and relationships with peers from abroad over funding.

Another problem raised by several civil society actors is that many of the donors that have closed down their programmes in Russia also provided institutional or core support to local NGOs. This kind of support has become increasingly important under the current circumstances of constant change and high levels of political uncertainty. Currently, many donors only provide short-term project-based funds, which limits NGOs that are trying to adapt to the changing environment and makes it harder to show results. Additionally, operating solely on short-term grants can be the cause of further stress within the organisation:

“The psychological stress is worse than the physical, as it is present every day. Also, donors don’t want to work with us for more than one year at a time, as they are afraid that their funds will be frozen. We understand that, but it adds to all the other stress that we face. Already when we were granted funds in 2017, I had to start worrying about securing grants for 2018. Everything is so unpredictable. We keep on working and see good results, but it is just very hard in this context.”

For groups that lack legal status, it has become harder to apply to donors for grants, as many are not ready to accept applications from groups without registration. Under current conditions, it is crucial that donors use

a flexible approach in their support of the Russian civil society.

4.5.2 Few Internal Sources of Funding

The Russian state has developed structures to award grants on both national and regional levels, partly as a way of showing that Russian NGOs have access to funding opportunities within Russia and are not in need of foreign grants. Most of the grants from state institutions are awarded to patriotic groups and organisations loyal to the state, even though NGOs designated foreign agents have occasionally been granted funding.⁴⁸ While a few of the NGOs that Civil Rights Defenders met with continue to apply for national and local grants, most of them see no point in applying. In addition, organisations working as unregistered “initiative groups” cannot apply for these grants due to their lack of legal status.

Only very few of the NGOs that Civil Rights Defenders met with and which had applied for presidential grants received any support in 2017. This despite the fact that some of them were granted funds during the period when Elena Pamfilova – the current chair of the Central Election Commission – was in charge of the distribution of grants for work in the area of human rights through the organisation Civic Dignity. Several human rights defenders explain that it has become harder to be successful since the system was reformed into one grant-awarding body in 2017. In 2017, three NGOs branded as foreign agents received grants in the first cycle, while none of the 16 applying in the second round received any support, and four NGOs excluded from the foreign agents registry were successful.⁴⁹ Some human rights defenders also note that applying for state grants comes with great risk, as authorities can use the complex conditions and requirements regulating the funds against the organisation.

According to many interviewees, corporations and enterprises in Russia are afraid to support NGOs branded as foreign agents because it may impact negatively on their businesses given the current climate of repression. As the economic situation in Russia has deteriorated due to low oil prices and sanctions against the country after the annexation of Crimea, it has become increasingly difficult for NGOs to receive even smaller anonymous donations from local businesses.

48 See e.g. Article 21, “Under Attack. Freedom of Association in the Russian Federation”, 16 February 2017, <http://www.article20.org/ru/node/6794#.WpXa35Pwau4>; the Fund of Presidential Grants, “ПОБЕДИТЕЛИ КОНКУРСА” (“Winners of the competition”), 2017, <https://президентскиегранты.рф/Project?orderStatus=16&grant=2>.

49 Meduza, “Президентские гранты получили три «иностранных агента»” (“Three ‘foreign agents’ received presidential grants”), 1 August 2017, <https://meduza.io/news/2017/08/01/prezidentskie-granty-poluchili-tri-inostrannyh-agenta>; Kommersant.ru, “На президентские гранты претендуют 16 иноагентов” (“16 foreign agents apply for presidential grants”), 10 October 2017, <https://www.kommersant.ru/doc/3435144>; Vedomosti, “Президентские гранты получили байкеры и бывшие иностранные агенты” (“Banks and former foreign agents received presidential grants”), 22 November 2017, <https://www.vedomosti.ru/politics/articles/2017/11/22/742730-inostrannyh-agentov-prezidentskie-granti>; Tass, “Фонд президентских грантов назвал победителей второго конкурса 2017 года” (“The Presidential Fund has announced the winners of the second round in 2017”), 22 November 2017, <http://tass.ru/obschestvo/4751322>.

To compensate for the losses, many groups have started to work out strategies for crowdfunding or receive support from their local communities. But the lack of an established tradition of charity and member-based organisations in Russia, in combination with low income levels, makes these avenues less workable.

“Crowdfunding only works in some areas, for instance, to raise money for sick children. It is harder to make people donate to a human rights event. It requires a change in attitude among people. The financial situation is very difficult for us. Before, we managed to get support from a small-scale business, but as the economic situation in the country has worsened, this is becoming harder. If I really wanted to, I probably could work with crowdfunding and raise some funds, but it would take up all my time. Sometimes crowdfunding can also be dangerous as it attracts the attention of the authorities.”

Some organisations believe that alternative internal funding options such as crowdfunding are one of the most important areas of development for civil society today and provide examples of when it has worked on a small scale. In the beginning of 2017, the independent newspaper Novaya Gazeta published an article about a wave of unlawful detentions, torture, and murders of LGBT persons in Chechnya. As a response, organisations such as the Russian LGBT Network managed to raise substantial financial support to evacuate victims. Partly with these funds, they managed to save 106 people from Chechnya and helped another 88 to leave the country.⁵⁰ Maxim Lapunov was the first and, at the time of writing, only victim who dared to file an official complaint with the assistance of lawyers from the Committee Against Torture.⁵¹

Occasionally, NGOs face discrimination from private companies whose services they buy. As one interviewee explains:

“Far from all auditors want to work with us as we are a ‘foreign agent’. It is the auditor who is required to hand in a report to the state authorities overseeing financial matters – that is, Rosfinmonitoring – which they are reluctant to do. Even if you manage to sign a contract, the audit firm usually sets a higher price if you are a foreign agent. We had to pay much more, but it is still less than the fine would be if we submitted our report late, so we had to do it.”

Another interviewee mentions increased costs for banking services but explains that these are limited to the banks that actually dare to handle their accounts.

4.6 NEW ENVIRONMENT, NEW CHALLENGES, AND NEW SOLUTIONS

4.6.1 Adapting and Surviving

NGOs continue to protect the rights of Russian citizens and those residing in the country temporarily, finding new ways to do so under repressive conditions and with reduced resources. All of the organisations that Civil Rights Defenders met with are prepared to continue despite the risks. Many have well-thought-out strategies for advancing or at least surviving in the new repressive environment. However, most NGOs point out that long-term funding will be critical for their ability to adapt or at least continue their work. Organisations that have decided to abstain from foreign funding say that what is most important is moral support.

Some human rights defenders are sceptical of possibilities for the development of civil society under current circumstances. For them, the most important thing is to sustain NGOs during times of repression in order to avoid the loss of experience and complete destruction of the civil society sector working to advance human rights and democracy.

“The main question is whether we can preserve the experience that Russian civil society organisations have gained in the last 20–30 years, or ensure that if an opportunity for a major positive change in the country occurs again, we will not end up in the same situation as during the democratic transition in the 1990s, when we had a lot of freedom but very little experience and no organisational structure. It all depends on the future actions of the authorities, of course, but equally so on the possibility of receiving enough resources and support to sustain human rights actors in these difficult times.”

Yuri Dzhibladze, Centre for the Development of Democracy and Human Rights

Others have a more positive attitude to development, saying that NGOs just need to adapt to the new circumstances and find innovative methods and new ways of working, which many groups are already moving towards:

50 Russian LGBT Network, “On the Funds Spent by the Russian LGBT Network to Help the Victims of the LGBT Persecutions in Chechnya in 2017”, n.d., <https://lgbtnet.org/en/content/funds-spent-russian-lgbt-network-help-victims-lgbt-persecutions-chechnya-2017>.

51 Andrew Roth, “A man tortured in Chechnya for being gay dares to go public with his case”, The Washington Post, 16 October 2017, https://www.washingtonpost.com/world/europe/a-man-tortured-in-chechnya-for-being-gay-dares-to-go-public-with-his-story/2017/10/16/86ce1d7a-b277-11e7-9b93-b97043e57a22_story.html?utm_term=.09d6757e1b01

“In 2013–2014 we were under attack for about two years under the foreign agents law, which led to the liquidation of our NGO. At the same time, we had already developed a new structure and therefore it didn’t impact much on our work. The main obstacle that we faced in the last five years was foreign donors leaving Russia. We understand though that things are much harder for other NGOs.”

Pavel Chikov, International Human Rights Group Agora

Interviewees also provide examples of carrying on through particularly challenging periods, showing the strength and commitment of Russian civil society actors:

“We have lost 30–40 per cent of our budget due to the flight of donors and because one of them was declared undesirable in Russia. In 2014–2015, we had plans to develop our work in certain regions but had to change our strategy and focus on sustaining our work instead. We succeeded, and in 2016 we made some progress again, but we lost two years of work.”

Anonymous human rights defender

4.6.2 Devoted Staff Stay

Almost all organisations explain that they would not have problems finding appropriate staff if they had funding. Difficulties recruiting seem to depend to a large extent on lost funds, as NGOs find it difficult to pay their lawyers, staff members, and, particularly, specialists for their work. Very few NGOs have experienced staff leaving the organisation due to the increased pressure.

However, many interviewees mention that applicants sometimes turn down job offers as they fear for their future careers and dread the struggle that comes with engaging in human rights work. One interviewee explains that, prior to 2012, staff from their organisation were almost regarded as heroes among law students for their human rights litigation work, whereas in the current climate many are more careful because of the risks. At LGBT organisations, staff members who have children face increased risks under *the gay propaganda law* and for publicly being “outed”, which makes recruitment more difficult.

A positive side effect of the difficulties is that the staff members they manage to recruit in such difficult times tend to be the most courageous and committed. Others are not willing to take the risk. Some interviewees mention that the foreign agent status has in some ways become an informal quality check within the human rights community. It is an indication that an organisation is performing effective and useful work,

as the authorities and the state would otherwise not bother to target them.

Unpaid staff, volunteers, students, and consultants willing to work for a very low salary or for free have saved many organisations, particularly in certain regions. A positive consequence seems to be the influx of students and younger people engaging in human rights work.

Sergei Lukashevsky from the Sakharov Centre also raises the problem that a lack of funding presents for the development of younger activists:

“One factor that will determine whether civil society will develop or not is financial stability. We have many young people who want to work for us, but to develop their skills I need to know that I can pay them for some years ahead. Otherwise I will have to use experienced experts.”

4.6.3 Victims Are Not Afraid

As the country is continuing down an authoritarian path, the need for human rights protection for society at large increases. NGOs deem their work to be needed more than ever in today’s deteriorating human rights situation, though they also acknowledge that the short-term impact might be limited given the obstacles they face.

For instance, groups describe how militarisation and patriotic tendencies have led to increased harassment of those who object to military service for reasons of conscience, how a rise in homophobia has led to increased numbers of attacks against LGBT people, how educational materials are becoming increasingly patriotic, how individuals who post information on social media are being targeted more frequently, how there has been an increase in the unlawful detention of participants in public rallies, how citizens’ access to the authorities is being limited, how knowledge of human rights is almost non-existent in legal education, and how cases of torture and abuse of power by the authorities continue to be a wide-spread problem.

NGOs describe situations when their beneficiaries have been warned not to take part in their activities. Those working with LGBT rights face particular difficulties when attempting to provide aid to minors because of *the gay propaganda law*, which forbids “propaganda of non-traditional sexual relations, aimed at minors”. Yet, most organisations have not noticed a substantial decline in the number of beneficiaries turning to them. Only a few have experienced a decline, while some have even noticed an increase. Once people decide to turn to NGOs, they almost never decline aid or decide not

to take part in activities because they find out that the organisation has been labelled a foreign agent.

“We always publish this obligatory phrase on our website and on the programme of our training: ‘On 20 February 2017, the Foundation for Promotion of Mass Communications and Education in the Sphere of Law, Tak-Tak-Tak, was included in the registry of NGOs acting as foreign agents. The Tak-Tak-Tak Foundation is obliged to include this line to fulfil the requirement in the existing legislation, but declares that it considers the decision of the Ministry of Justice to be unreasonable and disputes it in court.’ We announce this prior to every event we organise, but not even once has anyone declined attending. Participants usually say that they know us and what we are working for and that they don’t care what they [the authorities] call us.”
Viktor Yukechev, Tak-Tak-Tak Foundation

Or, as another interviewee explains:

“As victims of human rights violations is our main target group, they don’t care if we are a ‘foreign agent’ if they decide to fight for their rights.”
Natalia Sokolova, Memorial Human Rights Centre

An organisation working to raise awareness of victims of Soviet repression says that the number of beneficiaries taking part in their events has doubled. Despite the fact that the teachers they educate are warned not to associate with them, many keep on coming. Another group that, among other things, provides aid to other civil society organisations, such as training in institutional fundraising and support with registering procedures, has seen a sharp decline in the number of organisations turning to them. They add that, before, NGOs used to “stand in line” for consultations. However, they still get requests and because of the new repressive climate less experienced groups are in need of advice on how to manoeuvre in the current environment.

Many groups mention that it has become more difficult to reach out to new beneficiaries, as the overall access to communication channels and institutions has become increasingly limited due to their foreign agent status or *the gay propaganda law*. NGOs also assume that the foreign agent rhetoric has a negative effect on some of their potential beneficiaries. Several organisations are in the process of developing new methods for reaching out to beneficiaries and interacting with the general public to better inform about the work they actually carry out.

The North Caucasus is a region that has experienced a decline in requests from beneficiaries. One interlocutor states that:

“Before, victims would see NGOs as all but the only intermediate that could help them deal with the authorities when their rights had been violated. Now, they see the extensive pressure on NGOs branded as foreign agents, and many are too afraid to ask for aid.”
Anonymous human rights defender

Many applicants from Chechnya require relocation outside the region for security reasons if they are to go forward with a legal case. This is very time- and resource-consuming for NGOs.

4.6.4 Results Despite Repression

Despite the repressive climate, organisations continue to conduct professional and effective human rights work and achieve tangible results. In response to the limitations outlined in this report, most organisations have not changed their core activities, though some undertake them on a smaller scale than previously. The fact that they manage to sustain their organisations and maintain the work is in itself an accomplishment. In addition, NGOs also share ideas on how they can develop their activities under the current circumstances. One interviewee states that:

“The impression that everything here is bad and that there is nothing we can achieve is completely wrong. We see results from our work. This trend, that the state is becoming less accessible to its citizens, makes our work even more important. We improve the openness and transparency between citizens and the state, and work with real people who can’t protect themselves. Our project has made progress in this regard. Our lawyers have responded to 60 cases of violations of citizens’ rights in the last year, and we also see an increase in local institutions using our services. Today, about 1,000 local authorities use our services to improve openness towards citizens.”
Anonymous human rights defender

In the past few years, organisations have to the best of their abilities continued to monitor and raise awareness about the human rights situation in a range of areas. This is crucial in areas where the state does not keep records and rarely responds to violations. This has, in turn, laid the foundation for several reports that shed light on the human rights problems in the country and joint calls for action, both on the national and international level.

For instance, several NGOs have jointly and successfully submitted alternative reports to relevant UN committees when Russia’s fulfilment of its human rights obligations has been reviewed. These have resulted in recommendations issued to Russia on

how to improve human rights protection. In the 2013 Universal Periodic Review (UPR), Russia accepted 30 recommendations aimed at advancing the protection of the rights of its citizens.⁵² Civil society actors have submitted several alternative reports in 2017 that call for actions within areas such as the rights to freedom of assembly, association, and speech.⁵³ Even though Russia rarely follows through on the recommendations it has accepted, these serve as a way to attract attention to human rights violations in the country.

Despite the difficulties they face when attempting to organise events, many civil society organisations continue to offer platforms for discussion and expression of a variety of pressing issues. Obstacles have been overcome to organise public LGBT events, such as the Queer Culture Festival in Saint Petersburg.⁵⁴ Despite decreased access to educational institutions, groups have established and continued to organise human rights schools for students and youth, which are well-attended. Even the organisations whose resources have become increasingly limited have managed to sustain parts of their core work.

“According to research we produced together with the ombudsman in the Sverdlovsk region a few years back, the competence of law students in human rights law and standards was almost non-existent. There is almost no information about human rights in the courses or in the preparatory programmes. Where are students supposed to learn about human rights if we do not teach them? Apart from strategic litigation, we used to work to increase competence and skills in human rights practice among students, but our work has been limited by a lack of funds. Twice a year we still organise our human rights school for lawyers and it is always full. We have lost staff, but if we regained our funds we could re-activate them again, and there is so much more we could achieve.”

Anonymous human rights defender

Many organisations explain that they see potential in and interest from the younger generation. Several organisations have noted an increase in visitors to their websites and social platforms. Within investigative

journalism, the Tak-Tak-Tak Foundation has been recognised with awards for disclosing corruption and holding officials accountable.⁵⁵

At a time when the human rights situation is deteriorating, human rights organisations have continued to provide high-quality professional legal aid and psychological consultations to thousands of victims across Russia, who have suffered abuse through the illegal action of law enforcement officers or been targeted by repressive legislation. In 2017, the work of just one organisation, Public Verdict, resulted in 4,379,000 roubles (62 000 euro) awarded in damages by domestic courts to citizens across Russia who suffered at the hands of the authorities.⁵⁶ Some NGOs that Civil Rights Defenders met with experience an increase in victims turning to them for legal consultations and aid. Several have developed guidelines for citizens, migrants, and other marginalised groups on how to respond when their rights are violated.

Even in the North Caucasus, human rights defenders achieve tangible results despite the repressive climate:

“In Dagestan, the authorities created a so-called ‘preventive list’ and registered thousands of people. The instruction for who to register on the list was kept secret. The reason could be anything – that someone had the wrong kind of beard, for example. These people were supposed to be subjected to special checks at checkpoints; they were supposed to inform the police before leaving their homes for more than 24 hours; they had their fingerprints taken and were photographed on a regular basis. We started a campaign against this. We created step-by-step instructions for the victims on how they should defend themselves, take their cases to court etc. Our lawyers filed complaints about the illegal actions of the police and we managed to create a positive legal precedent. As a result, in the spring of 2017 we managed to change this practice. Not completely – it still happens from time to time, but not on a massive scale as before. We tried to get the secret instructions released through the court, but, instead of sharing them with us, the authorities abolished them.”

Oleg Orlov, Memorial Human Rights Centre

52 See Annex 2 for recommendations accepted by Russia in the 2013 UPR. The UPR is a process that involves a periodic review of the human rights records of all 193 UN member states. The UPR is a state-driven process, under the auspices of the Human Rights Council, which provides the opportunity for each state to declare what actions they have taken to improve the human rights situations in their country and to fulfil their human rights obligations.

53 See e.g. Civil Rights Defenders, “Russia: Amid Repression, Civil Society Sends a Clear Message Demanding Human Rights”, 25 October 2017, <https://www.civilrightsdefenders.org/news/russia-amid-repression-civil-society-sends-clear-message-demanding-human-rights/>.

54 The festival QueerFest in St Petersburg offers cultural and educational events about human rights, identity, gender, and sexuality. The festival takes a strong stance against xenophobia, sexism, discrimination, and violence. See <http://queerfest.ru/en/>.

55 Tak-Tak-Tak, “«Черные дыры» бюджета регионального здравоохранения” (“‘Black holes’ of the regional health budget”), 10 November 2015, <https://taktaktak.ru/blog/special/2015/11/chernyie-dyryi-byudzhet-a-regionalnogo-zdravoohraneniya/>; Tak-Tak-Tak, “Орден имени А.Д. Сахарова «За мужество» присужден Фонду «Так-так-так»” (“The Order of A.D. Sakharov ‘For Courage’ awarded to the Tak-Tak-Tak Foundation”), 3 January 2018, <https://taktaktak.ru/blog/posts/2018/01/orden-imeni-a-d-saharova-za-muzhestvo-prisuzhden-fondu-tak-tak-tak>.

56 Public Verdict’s Facebook Page, 26 December 2017, <https://www.facebook.com/fondov/photos/a.154756814619257.35686.108044812623791/1573860439375547/?type=3&theater>.

Organisations have used international mechanisms to fight impunity by appealing to the ECtHR when all domestic remedies have been exhausted. Russia's reluctance to take action against perpetrators in ECtHR judgments remains a problem, though the Russian state usually pays compensation to the victims. From 2015 to 2017, the work of the Committee Against Torture resulted in 230,000 euros in damages awarded to victims by the ECtHR, according to Olga Sadovskaya, deputy chair of the organisation. In a joint effort in 2015, human rights groups won an important case in the ECtHR, defending the journalist Roman Sakharov, who had been subjected to surveillance and suffered the absence of judicial oversight over secret service operations.⁵⁷

4.6.5 Development, Cooperation, and Prospects

As a response to the repressive environment, some NGOs have developed and expanded their programmes by, for instance, strengthening existing work on protecting the right to freedom of assembly. Authoritarian regimes in the post-Soviet sphere are learning repressive tactics from each other. Therefore, some NGOs, such as the Centre for the Development of Democracy and Human Rights, have strengthened their work in the region to find common strategies to counteract this negative trend. The number of LGBT organisations and initiatives has grown amid increased state repression and homophobia in society. They have also become an integral part of the Russian human rights community.

The repression appears to have brought human rights defenders closer together. Many groups note that cooperation between NGOs branded as foreign agents has increased. Organisations see a greater need than before to exchange information and provide support to each other. One example is the way in which stronger Moscow-based NGOs – such as Public Verdict – and organisations in other regions – such as Agora International Human Rights Group – have initiated or strengthened programmes that provide legal aid and consultations to human rights defenders and NGOs targeted by repressive legislation across Russia.

As more organisations have become increasingly dependent on volunteers, there have been an influx of young people willing to engage in their work. Involving the younger generation in human rights work is critical for the survival and development of Russian civil society, as many interviewees point out. During 2017,

many youths took to the streets, undeterred by the risk of being detained or charged with heavy fines. One interviewee notes that this is a positive trend:

“There is a new generation of active people. These youths have a chance to live in better times than we do. They have nothing to compare the current situation with and that is why they are ready for change. They are ready to put forward improvements and face repression. Legal education, skills, and consciousness are on the rise, compared to the average level five years ago. They know better how to defend themselves and how to behave with law enforcement officers. They are not scared of getting arrested or persecuted. Overall, existing civil society – the one that has survived – is actively raising experience and adaptive skills. Those that are still in the field and smaller groups at the grass-root level are more resilient and sustainable than we all used to be. They know how to deal with the risks, the lack of funds, and the environment. And they are more effective and better at dealing with their target groups and tasks.”

Pavel Chikov, International Human Rights Group Agora

Some human rights defenders have the impression that the foreign agent label is not as stigmatising as when the law on foreign agents was introduced. For instance, one interviewee explains that it seems as though people recognise that organisations continue to conduct important work, despite being labelled a foreign agent. However, many stress that there are no signs of the repressive circumstances changing anytime soon – rather the opposite. While civil society actors' perceptions about the future prospects for civil society development vary, they all agree that the future is highly unpredictable but that they are, in the face of all risks, committed to continuing the struggle.

“It is wrong to believe that Russia is dead and that you can cross her out and not think about it. This is politically short-sighted because it allows our leaders to become politically dangerous. The support of civil society is the most important thing today, because its activities inhibit and counteract this negative trend. The political means of fighting for rights do not matter as much today, because even with fair elections, two thirds will vote for Putin – because without a change in mentality, there will be no change for the better. Also, Russia is closer to Europe and America than other parts of the world. We should not forget that.”

Andrei Suslov, Perm Centre for Civic Education and Human Rights

⁵⁷ Judgement of the European Court of Human Rights, Zakharov v Russia, Application No. 47143/06, 4 December 2015, [https://hudoc.echr.coe.int/eng#{"appno":\["47143/06"\],"itemid":\["001-159324"\]}](https://hudoc.echr.coe.int/eng#{).

5. RECOMMENDATIONS

CIVIL RIGHTS DEFENDERS CALLS ON EU GOVERNMENTS TO:

- Continuously demand that Russia repeals or amends all laws and regulations that are incompatible with international human rights standards, including provisions that restrict the peaceful exercise of the right to freedom of association;
- Substantially increase the funding to Russian human rights defenders and other civil society actors in recognition of the connection between human rights and security;
- Continuously call on Russia to unconditionally release all human rights defenders and other persons detained for peacefully exercising their rights to freedom of expression, assembly, and association, and end all forms of harassment and intimidation against them. EU governments must make sure that such violations are not repeated by calling on Russia to implement fair trial standards as guaranteed under the European Convention on Human Rights and in accordance with relevant judgements of the European Court of Human Rights;
- Continuously call on Russia to effectively investigate all attacks on and intimidation of human rights defenders and other civil society activists, and end widespread impunity for such actions by bringing suspected perpetrators to justice. According to the practice of the European Court of Human Rights, by not investigating such attacks Russia is in breach of Article 3 of the European Convention;
- Actively implement the EU's guidelines on human rights defenders by providing effective and timely support and protection for human rights defenders, journalists, and other activists. Embassies of EU states have a key role to play in cooperating closely with human rights defenders;
- Constantly monitor and report on the human rights situation in Russia;
- Mainstream human rights in and across all sectors of bilateral or multilateral relations with Russia;
- Bring up human rights concerns in all contact with Russian officials and help raise the status of human rights defenders and other civil society groups by meeting with them in person;
- Issue long-term visas to human rights defenders at risk and their family members, so that they can leave Russia temporarily in case of emergency.

CIVIL RIGHTS DEFENDERS CALLS ON STATE AND PRIVATE DONOR INSTITUTIONS TO:

- Provide long-term support, preferably core funding, to local and international organisations that are defending human rights in Russia;
- Operate with a flexible approach when providing funding;
- Continue strengthening the capacity of human rights defenders and civil society organisations working in various fields in Russia;
- Consult with Russian civil society organisations on how to minimise the impact of Russian legislation that is inconsistent with international human rights standards before making major decisions that concern funding to Russian organisations;
- Provide platforms or support initiatives for experience exchange and joint actions engaging human rights defenders in Russia and abroad;
- Employ Russian-speaking staff with in-depth knowledge about the Russian situation and the conditions in which organisations are operating.

ANNEX 1:

INTERNATIONAL HUMAN RIGHTS INSTRUMENTS RATIFIED BY RUSSIA

No	Treaty	Date of signature	Date of Ratification /Accession
1.	International Covenant on Civil and Political Rights (ICCPR)	18 March 1968	16 October 1973
2.	Optional Protocol to the International Covenant on Civil and Political Rights: 1976	N/A	01 October 1991
3.	International Covenant on Economic, Social and Cultural Rights (ICESCR)	18 March 1968	16 October 1973
4.	International Convention on the Elimination of all forms of Racial Discrimination (ICERD)	7 March 1966	4 February 1969
5.	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	17 July 1980	23 January 1981
6.	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women	12 April 2001	19 June 2004
7.	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	10 December 1985	3 March 1987
8.	Convention on the Rights of the Child (CRC)	26 January 1990	16 August 1990
9.	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (CRC-OPAC)	15 February 2001	24 September 2008
10.	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	26 September 2012	24 September 2013
11.	Convention on the Rights of Persons with Disabilities (CRPD)	24 September 2008	25 September 2012
12.	Convention Relating to the Status of Refugees (1951 Refugee Convention) and the 1967 Protocol	13 November 1992	1 February 1993

REGIONAL HUMAN RIGHTS INSTRUMENTS RATIFIED BY RUSSIA

No	Treaty	Date of signature	Date of Ratification /Accession
1.	The Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, ECHR)	28 February 1996	5 May 1998
2.	Framework Convention for the Protection of National Minorities (FCNM)	28 February 1996	21 August 1998
3.	European Charter for Regional or Minority Languages (ECRML)	10 May 2001	–
4.	Criminal Law Convention on Corruption	27 January 1999	4 October 2006

ANNEX 2:

RELEVANT UNIVERSAL PERIODIC REVIEW (UPR) RECOMMENDATIONS FROM THE SECOND CYCLE UPR (2013) ACCEPTED BY THE RUSSIAN FEDERATION

No	Recommendations	Recommending States
1	140.24. Work on rights-related legislation with its Constitutional Court and Human Rights Commissioner to ensure legislation aligns with Russia's international obligations;	Australia
2	140.28. Intensify efforts in improving and strengthening its human rights institutions;	Nigeria
3	140.29. Continue measures to strengthen national institutions for the protection and promotion of human rights and freedoms;	Uzbekistan
4	140.32. Develop, in close cooperation with civil society, a concept to increase the knowledge and awareness in society, and in particular within State institutions, about human rights obligations of the State and rights of the people;	Germany
5	140.33. Continue facilitating positive activities by youth associations, including voluntary work;	Venezuela (Bolivarian Republic of)
6	140.56. Continue the policy of expanding opportunities in the existing legislation and mechanisms of influence of civil society in decision-making process;	Kazakhstan
7	140.60. Give continuity to legislative and institutional reforms for the promotion and protection of human rights;	Nepal
8	140.144. Continue its efforts to further guarantee freedom of expression;	Japan
9	140.148. Pay particular attention to the issue of protecting journalists and those working for the mass media in order to ensure the freedom and the legitimacy of their activities;	Algeria
10	140.149. Intensify efforts to investigate cases of violence and intimidation against journalists and ensure that perpetrators are held to account;	Austria
11	140.150. Investigate thoroughly, promptly and impartially all allegations of intimidation and violence against journalists and human rights defenders and bring the perpetrators to justice;	Ireland
12	140.152. Take necessary measures to ensure that legal provisions do not create disproportionate restrictions to exercise freedom of assembly and expression;	Latvia
13	140.154. Adopt legislation assuring that LGBT people can freely exercise their rights to freedom of expression and peaceful assembly;	Germany
14	140.156. Continue its efforts to provide more freedom of action to civil society organizations and human rights activists so that they may continue to promote and protect human rights;	Mauritania
15	140.157. Ensure that all persons, including human rights defenders and members of civil society, can exercise their legitimate activities without fear of reprisals in conformity with international law and standards;	Switzerland

No	Recommendations	Recommending States
16	140.159. Take measures to foster a safe, respectful, enabling environment for civil society, including through adopting laws and policies that support the rights to peaceful assembly, association, expression and information, and through promptly investigating and prosecuting attacks on journalists and members of civil society organizations;	Canada
17	140.160. That any sanctions for violations of freedom of assembly are proportionate and do not create undue obstacles to freedom of assembly;	Hungary
18	140.164. Intensify cooperation with the Council of Europe, in particular the Venice Commission, in properly implementing freedom of association and assembly;	Austria
19	140.166. Continue efforts aimed at finding effective measures to protect human rights defenders;	Botswana
20	140.167. Ensure that all human rights defenders are able to conduct their work in line with the provisions of the United Nations Declaration on Human Rights Defenders (A/RES/53/144);	Poland
21	140.170. Ensure that the laws concerning non-governmental organizations do not impose undue obstacles for their functioning;	Latvia
22	140.173. Consider and adequately address certain legislative and administrative measures which could negatively affect the legitimate activities of NGOs;	Republic of Korea
23	140.185. Implement its legislation to protect whistle-blowers in a transparent, consistent and unbiased manner;	Australia
24	140.186. Investigate promptly, effectively and impartially all reports of attacks on or threats against human rights defenders, lawyers, journalists and civil society activists, and identify those responsible and bring them to justice;	Norway
25	140.187. Effectively investigate all cases of violence against human rights defenders, in order to hold the perpetrators accountable;	Poland
26	140.188. Expedite impartial investigation and provide them with sufficient means to elucidate aggressions against, or murders of, journalists, then bring the perpetrators of those crimes to justice;	France
27	140.189. Ensure due investigation and prosecution of all alleged attacks against human rights defenders and independent journalists;	Slovakia
28	140.190. Effectively and promptly investigate all reports of attacks or threats against human rights defenders and journalists and bring perpetrators to justice;	Czech Republic
29	140.191. Investigate all cases of aggressions or threats against human rights defenders, journalists, and civil society activists;	Netherlands
30	140.192. Investigate with due diligence any complaints filed by journalists and human rights defenders for harassment or repression based on their work or activity, and bring to justice and punish perpetrators, if any;	Spain

ANNEX 3:

SELECTED REPRESSIVE LEGAL CHANGES, 2012–2017

Amendments	Federal Law	Punishment For Violations
	<p>On non-commercial organisations No. 7-FZ (12.01.1996) Often referred to as the NGO law</p> <p>On public associations No. 82-FZ (19.05.1995)</p>	<p>Code of the Russian Federation on Administrative Offences (hereafter Code on AO) No. 195-FZ (30.12.2001)</p> <p>Criminal Code of the Russian Federation (hereafter Criminal Code) No. 63-FZ (13.06.1996)</p>
Amendments often referred to as <i>the law on foreign agents</i>		
No. 121-FZ (20.07.2012)	The law requires NGOs that receive foreign funding and conduct broadly defined political activities to register and identify themselves publicly as “foreign agents”. All publications and materials distributed by the organisation should be labelled as “foreign agent’s materials”. NGOs that act as foreign agents should submit to the authorities a full report on their activities once every six months; a financial report, including the amount of money and other assets received from foreign sources and their purpose and usage, every quarter; and an annual audit report.	The financial penalty of violations of the foreign agents legislation is up to 30,000 RUB for individuals and up to 300,000 RUB for organisations in case of failure to fulfil the reporting requirements. In case of failure to register voluntarily or distribution of materials without the correct labelling, fines of up to 300,000 RUB for individuals and up to 500,000 RUB for organisations are imposed. Wilful non-fulfilment of obligations under the foreign agents legislation may lead to up to two years’ imprisonment. Articles 19.75-2, 19.34, of the Code on AO, 330.1 of the Criminal Code.
No. 18-FZ (21.02.2014) No. 147-FZ (04.06.2014)	All NGOs may be subjected to unplanned inspections by the authorities without notification if the authorities have received information from other sources about a potential violation of the legislation regulating an NGO’s activity, indications of extremist activities, or that the NGO is performing the function of a foreign agent without being registered. Further, the Ministry of Justice can register organisations as foreign agents without a court decision.	
No. 43-FZ (08.03.2015)	An NGO registered on the foreign agents list has the right to submit an application to initiate inspections in order to be taken off the list if it has not received foreign funding or performed any political activities for a one-year period (three years for NGOs which have previously been excluded from the foreign agents list, three months for NGOs that abstain from foreign funding since being included on the foreign agents list and return any funding to its foreign source).	
No. 179-FZ (02.06.2016)	The law introduces a definition of “political activity” that includes a great variety of activities, such as participation in the organisation of public assemblies, events, public debates, or discussions; observation during elections; public appeals to authorities; dissemination of opinions on government policy and decisions; and influencing the forming of public opinion through, for example, research, conducting and publishing the results of opinion polls, and other activities. It excludes activities that fall within science, culture, art, public health, social services, the protection of mother- and childhood, social support to people with disabilities, propaganda about healthy lifestyles, sport, and charity.	
No. 287-FZ (03.07.2016) No. 449-FZ (19.12.2016)	The law introduces a new legal status for NGOs “implementing socially valuable services”. NGOs with this status have a right to receive prioritised support from the state. To acquire this status, NGOs must not have the status of non-commercial organisation that performs functions as a foreign agent.	

Amendments	Federal Law	Punishment For Violations
	<p>On mass media No. 2124-1 (27.12.1991)</p> <p>On information, information technologies, and the protection of information No. 149-FZ (27.07.2006)</p>	
Amendments often referred to as <i>the foreign agents media law</i>		
No. 327-FZ (25.11.2017)	A set of vaguely worded amendments to the law on Information, information technologies, and protection of information and the law on mass media have further restricted freedom of expression in Russia. The media law amendments bestowed Russian authorities with the power to arbitrarily designate foreign nationals or any “foreign-based entity or person who receives foreign funding and engages in publication and distribution of print, audio, video, and/or other informational materials” a so-called foreign agent, and include them on the Justice Ministry list.	The media law amendment stated that foreign news outlets or online resources designated foreign agents have the same rights and obligations – and face similar punishment for violations – as Russian NGOs included on the similar foreign agents list.
Amendments often referred to as <i>the Lugovoy law</i>		
No. 398-FZ (28.12.2013)	<p>Roskomnadzor may, at the request of the Prosecutor General and without a court decision, require an Internet service provider to immediately restrict access to web pages containing calls to riot and participation in extremist activity* or public events that violate the law.</p> <p>*The federal law on countering extremist activity (No. 114-FZ, 25.07.2002) defines “extremist activity” through a list of actions, the vague definitions of which provide opportunities for arbitrary use against organisations and ordinary citizens. For example, the list of actions includes incitement to social and religious hatred; producing, storing, or distributing extremist materials; as well as violations of the foundations of the constitutional order and of the integrity of the Russian Federation.</p>	
Amendments often referred to as <i>Yarovaya’s package or Yarovaya’s law</i>		
No. 374-FZ (06.07.2016)	The so-called “Yarovaya’s package” contains amendments to several counter-terrorism laws that, for example, required local Internet service providers, mobile network operators, and online messenger apps to store the contents of users’ calls, texts, photo and video messages, and network traffic for up to six months, and their metadata for up to three years. Internet service providers must provide information on pseudonyms, dates of birth, full personal details, and passport data to certain authorities upon request. Providers of encryption services are obliged to provide state organs with a possibility to de-code users’ messages.	<p>The violation of these obligations is punishable by up to 50,000 RUB for individuals or up to 1 million RUB for organisations.</p> <p>Article 13.31 of the Code on AO.</p>

Amendments	Federal Law	Punishment For Violations
	On sanctions for individuals violating the fundamental human rights and freedoms of citizens of the Russian Federation No. 272-FZ (28.12.2012)	
	Often referred to as <i>the Dima Yakovlev law</i>	
	This federal law, adopted through serious procedural violations, prohibits the adoption of Russian orphans by USA citizens and sets up a legal framework for restrictions of the activities of non-commercial organisations. Specifically, the law states that in the case of non-profit organisations that carry out political activities in Russia and receive money or other assets from US citizens or organisations, projects, programmes, and other activities within the territory of Russia that are deemed to pose a threat to the interests of the country are to be suspended. Once a non-commercial organisation whose activities have been suspended under this law stops accepting funding from US citizens or organisations or ceases its activities threatening the interests of the Russian Federation, the organisation can resume its activities by decision of the authorised federal entity.	Violations of this law are punishable by administrative fines of up to 50,000 RUB for individuals and up to 100,000 RUB for organisations. Article 20.33 of the Code on AO.
Amendments often referred to as <i>the law on undesirable organisations</i>		
No. 129-FZ (23.05.2015)	The new law creates a list of “undesirable organisations” whose activity is prohibited in the Russian Federation. Any foreign or international organisation that “poses a threat to the foundation of the constitutional order of the Russian Federation, the defence capability of the country or the security of the state” can be listed as “undesirable” by decision of the Prosecutor General of Russia and Ministry of Foreign Affairs. An organisation that has been included on the list is prohibited from performing transactions through Russian banks; distributing any informational materials, including materials that can be distributed via the Internet; and implementing any projects or programmes in territories belonging to the Russian Federation. Foreign citizens may be banned from entering the country for participating in the activities of undesirable organisations.	Performing the activities of an undesirable organisation or participating in such activities is punishable by administrative fines of up to 50,000 RUB for individuals and up to 100,000 RUB for organisations. In the case of repeated violations, individuals risk up to 6 years’ imprisonment. Articles 20.33 of the Code on AO, 284.1 of the Criminal Code
	On assemblies, meetings, demonstrations, marches, and picketing No. 54-FZ (19.06.2004)	
No. 65-FZ (08.06.2012)	The law introduces a number of amendments restricting the right to freedom of peaceful assembly and dramatically increases the fines for violations of the law. In response to protest walks, which previously did not fall under the legal definition of a “meeting”, amendments to the Code on AO have made it possible to fine the organisers of mass simultaneous presence and/or movement of citizens in public places that result in a breach of public order. The amendment prohibits the organisation of public events by persons who have been convicted of certain administrative offences twice or more during a one-year period after the execution of punishment. It not only obliges the organiser of a public event to determine the number of potential participants in the notification to the authorities, but also imposes a liability for preventing participants from exceeding this number in order to avert a threat to the public order and other risks. Amendments also introduce “specially designated places” for public events, as determined by the regional authorities. Participants in events may not hide their faces. Single pickets, united by a common concept and organisation, could be considered a public assembly by court decision.	Violations of the numerous rules that regulate public assemblies are punishable by administrative fines of up to 600,000 RUB for individuals and up to 1 million RUB for organisations, or up to 5 years’ imprisonment in case of repeated violations. Articles 5.38, 20.2, 20.2.2 of the Code on AO, 212.1 of the Criminal Code

Amendments	Federal Law	Punishment For Violations
	On the protection of children from information harmful to their health and development No. 436-FZ (29.12.2010)	
Often referred to as <i>the gay propaganda law</i>		
No. 135-FZ (29.06.2013)	<p>The law adds propaganda about “non-traditional sexual relations” to the list of information prohibited from distribution among minors. The vague definition of propaganda allows for arbitrary use of the law.</p> <p>According to Article 6.21 of the Code on AO, propaganda of non-traditional sexual relations among minors should be understood as “distribution of information that is aimed at the formation among minors of non-traditional sexual attitudes, attractiveness of non-traditional sexual relations, misperceptions of the social equivalence of traditional and non-traditional sexual relations, or impose information about non-traditional sexual relations that evokes interest in such relations”.</p>	<p>Propaganda about “non-traditional sexual relations” among minors through the distribution of information is punishable by administrative fines of up to 200,000 RUB for individuals and up to 1 million RUB for organisations in cases in which the media or Internet has been used for the distribution of “propaganda”. Legal entities can be forced to suspend activities for up to 90 days.</p> <p>Article 6.21 of the Code on AO</p>
	Criminal Code of the Russian Federation No. 63-FZ (13.06.1996)	
<i>The re-criminalisation of libel</i>		
No. 141-FZ (28.07.2012)	The law reinstates criminalisation of certain kinds of libel eight months after it was decriminalised.	<p>Libel committed against certain officials in relation to preliminary investigations, the administration of justice, or the execution of a judgment, and libel linked to charges of committing a serious crime etc. are punishable by up to 5 million RUB or by up to 480 hours of community service.</p> <p>Article 128.1, 298.1 of the Criminal Code</p>
<i>The treason law</i>		
No. 190-FZ (12.11.2012)	The amendment broadens the definition of state treason to include any assistance (not only hostile, as previously) to a foreign state, international or foreign organisation, or their representatives in activities threatening the security (not just external, as previously) of the Russian Federation.	<p>State treason is punishable by imprisonment from 12 up to 20 years and a fine of up to 500,000 RUB.</p> <p>Article 275 of the Criminal Code</p>



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