

CIVIL SOCIETY UNDER ATTACK

Freedom of Association
in the Russian Federation since January 2015

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RIGHTS IN RUSSIA

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RIGHTS IN RUSSIA is a UK charity working to provide information in English about human rights in the Russian Federation. Since 2010 its website has provided translations of numerous articles and reports about the fate of civil society and NGOs in the Russian Federation. In June 2016, Rights in Russia and Article 19 co-hosted an evening with Galina Arapova of the MASS MEDIA DEFENCE CENTRE at Pushkin House (London). In October Rights in Russia and the EU-Russia Civil Society Forum (Berlin) co-hosted an evening with Grigory Melkonyants of GOLOS and Valentina Cherevatenko of the WOMEN OF THE DON at the Free Word Centre.

<http://rightsinrussia.info>

“Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association.”

ARTICLE 20

The Universal Declaration
of Human Rights
(1948)

1. 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.

2. No one may be compelled to join any association and remain in it.

ARTICLE 30

The Constitution
of the Russian Federation
(1993)

CONTENTS

Foreword	1
Map.....	2
FREEDOM OF ASSOCIATION IN RUSSIA	
1. Background	4
2. Interference by the State	-
3. Legislative developments	10
4. A “chilling effect”	15
5. Taxation of foreign donations.....	18
6. Pressure on organisations and individuals	19
7. Sources of funding	27
8. Crimea.....	31
CONCLUSION	
Some Russian NGOs	33

FOREWORD

OVER ONE HUNDRED OF RUSSIA'S NON-GOVERNMENTAL ORGANISATIONS are today officially classified as active "foreign agent" NGOs.

This disparaging epithet and the accompanying restrictions were imposed because, according to the July 2012 law, they receive foreign funding and engage in "political activities". The persecution of NGOs is the latest phase of a wider attempt to roll-back more than two decades of recent Russian history.

Voluntary registration as a "foreign agent" was resolutely ignored, by Russia's NGOs, to begin with.¹ Not until mid-2013 did the first organisation comply.² Thereafter registration was enforced by the Ministry of Justice and in 2015 the number of NGOs classified as "foreign agents" increased dramatically. That year restrictions were also imposed on the operation within Russia of "undesirable organisations", foreign funders and bodies supporting local NGOs.

As of 22 September 2016 more than twenty of the 144 "foreign agent" NGOs named by the Ministry of Justice over the past three years have ceased to exist as organisations. A further 16 were listed as no longer fulfilling the "obligations of a foreign agent". Whatever their current status all 144 NGOs were still recorded on the Register.³

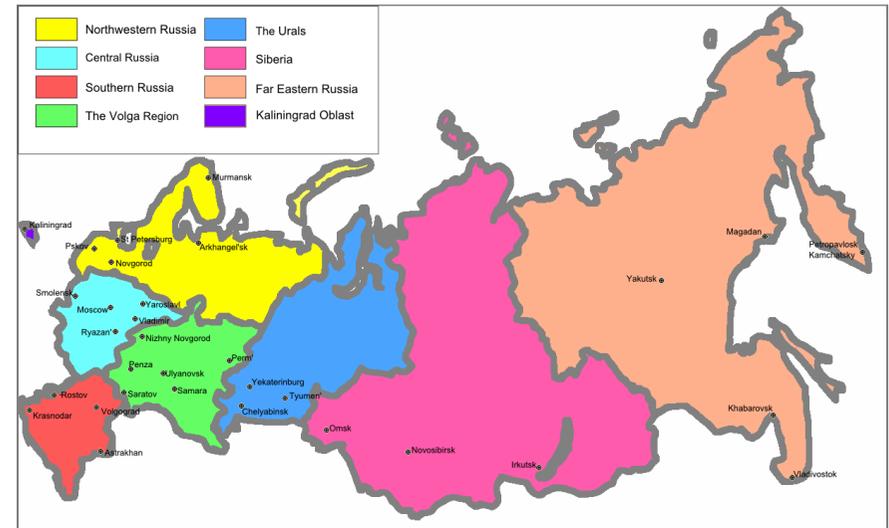
Rights in Russia
September 2016

¹ See comment by Lev Ponomarev, "Foreign Agents Dead End", Rights in Russia website, 18 May 2013 (source **Moskovsky Komsomolets**), in English.

² "Russia: Government vs. Rights Groups – the Battle Chronicle", Human Rights Watch, 4 October 2016 (in English).

³ "The activities of non-commercial organisations", Information portal of the Russian Federation Ministry of Justice <http://unro.minijust.ru/NKOForeignAgent.aspx>.

THE RUSSIAN FEDERATION



The Eight Federal Districts

- CENTRAL RUSSIA – Moscow * Voronezh *
- VOLGA REGION – Nizhny Novgorod *
Perm * Yoshkar-Ola * Samara * Saratov *
- NORTHWEST RUSSIA – St Petersburg *
Kaliningrad * Murmansk * Arkhangelsk *
- SOUTHERN RUSSIA – Novocherkassk *
- NORTH CAUCASUS – Ingushetia * Kabardino-Balkaria *
- THE URALS – Chelyabinsk * SIBERIA – Novosibirsk *
- FAR EASTERN RUSSIA – Island of Sakhalin *

FREEDOM OF ASSOCIATION IN RUSSIA

Olga Gnezdilova

SINCE THE SUMMER OF 2012 dozens of laws, restricting freedom of speech and the participation of ordinary citizens in running their country have been passed in Russia. The unfettered power of the authorities has wrecked a system of checks and balances that had hardly begun to take shape. Part of that system is civil society.

Among the laws are those concerning “foreign-agent” NGOs. To date, one hundred and forty of the most successful and best-known Russian NGOs, at regional or national level, have been included in the Register of “foreign agents”.⁴ To enforce compliance they were subjected to large fines and numerous inspections; as a result many ceased their activities.

The organisations facing this persecution were, for the most part, those that criticised the lack of respect for human rights in Russia, exposed the State’s failure to meet its social obligations, and highlighted environmental issues. Other stigmatised NGOs defend the rights of vulnerable groups, e.g. LGBT organisations.

“In effect, the authorities have equated their critics with Enemies of the State,” commented Tatyana Lokshina, Russia programme director for Human Rights Watch.⁵ The Russian authorities, she continued, “have been trying by all possible means to drown out their voices or to render them unlawful.” As a court of last appeal, fifty Russian NGOs turned to the European Court of Human Rights (ECtHR) in Strasbourg, filing complaints about the unwarranted interference of the State in their right to freedom of assembly and association. At the time of writing the ECtHR had yet to deliver a verdict on a single one of these appeals.⁶

⁴ RF Justice Ministry <http://unro.minjust.ru/NKOForeignAgent.aspx>.

⁵ “Human Rights Watch criticises Russian authorities for policy towards NGOs”, Interfax news agency, 20 January 2015.

⁶ “LGBT activists in Arkhangelsk [Perspective] do not wish to be foreign agents”, **Vedomosti** daily newspaper, 10 September 2015.

1. BACKGROUND

It is difficult to establish how many NGOs are functioning in Russia today. Maria Kanevskaya, director of the CENTRE FOR HUMAN RIGHTS RESOURCES, estimates that the total currently active is around 1,500.⁷ The list of NGOs registered in the Russian Federation numbers more than 441,000 “non-commercial” organisations.⁸ Yet in 2014 the RF Financial Monitoring Agency (Rosfinmonitoring), which oversees the accounts of such organisations, had only 4,124 NGOs “on its books”. Less than 1% of all registered organisations, in other words, had drawn up a budget for their activities.

This should not be taken to mean it is easy to set up an NGO in Russia. The process remains complicated and long drawn-out. Official figures for 2015 indicated that of 70,000 applicants to the Ministry of Justice only 16,000 were registered as NGOs that year.⁹

2. STATE INTERFERENCE

Inspections

In January 2015 officials of the Prosecutor’s Office came to inspect the Moscow branch of TRANSPARENCY INTERNATIONAL. They demanded that 500 pages of documents, many requiring translation into Russian, be prepared over the weekend.¹⁰

In May 2015, responding to a decision by the RF Constitutional Court that the deadlines for inspection by the Prosecutor’s Office required more precise regulation, the Prosecutor-General’s Office issued an order to its

⁷ “Since beginning of 2015 dozens of NGOs declared foreign agents”, **Kommersant** daily newspaper, 18 May 2015.

⁸ The term used in Russian for NGO is “nekommercheskaya organizatsiya” (NKO) or “non-commercial organisation”.

⁹ “Excess to requirement – how State regulates non-commercial [non-governmental] sector,” **Forbes** (Russian) magazine, 4 March 2015.

¹⁰ “New season for inspections by Prosecutor’s Office begins”, Moscow Helsinki Group, 31 January 2015.

subordinate organisations at every level. This has not led to an improvement for the NGOs being inspected.¹¹

Subordinate bodies of the Prosecutor's Office were told to be guided by "reasonable principles" when determining how long NGOs would be given to present documents. No specific deadlines were laid down, however. In the interests of State security the deadline might be less than one day. Now the Prosecutor's Office was obliged to inform an NGO that it will conduct an inspection no less than a day before it begins. The period for inspection was established as 20 working days, with the possibility of extension for up to six months. The latter deadline, furthermore, might not necessarily be final.

In September 2015 officials of the Prosecutor's Office came to the RAINBOW WORLD community centre in Perm (Volga Region) after they received information that an "LGBT group is to be found" at the centre.¹²

Inspections by the Fire Service continued to play a major role in the existence of Russia's NGOs. In August 2015 CITIZENS' WATCH was made to pay a fine of 150,000 roubles by the fire service of St Petersburg's central district.¹³ Following the premiere of the "Bolotnaya Square Case" at TEATR.DOC officials from the Prosecutor's Office and the Fire Service visited the theatre's premises. During the premiere itself police were present, together with sniffer dogs and their handlers.¹⁴ (The play covers the Moscow protests in early June 2012 and the trials since held of many participants.)¹⁵

Fines for refusing to register as a "foreign agent"

Taking into account appeals to a higher court, fines levied on NGOs in 2015 for their refusal to register as foreign agents ranged from 50,000 to

¹¹ Order No 265, 28 May 2015, Prosecutor General's Office.

¹² "Rainbow World community centre in Perm receives a visit", Article 20 website, 29 September 2015

¹³ "Citizens' Watch fined by Fire Service", Article 20 website.

¹⁴ "Teatr.doc under inspection", Yodnews, 7 May 2015.

¹⁵ See Alexander Podrabinek, "Bolotnaya Trial: Defendants plead Not Guilty", Rights in Russia website, 26 June 2013 (in English).

300,000 roubles. Some NGOs were fined 300,000 roubles: the SAKHAROV CENTRE (Moscow)¹⁶; the PERM-36 MUSEUM (Volga Region; its director Robert Latypov was separately fined 100,000 roubles)¹⁷; ECO-LOGIC (Rostov-on-Don, Southern Russia)¹⁸; PLANET OF HOPES in the Chelyabinsk Region (Urals)¹⁹; the COMMITTEE AGAINST TORTURE in Nizhny Novgorod (Volga Region)²⁰; the MASS MEDIA DEFENCE CENTRE in Voronezh (Central Russia)²¹; The DYNASTY FOUNDATION (Moscow); the MOVEMENT FOR HUMAN RIGHTS (Moscow)²²; the GOLOS ON THE VOLGA organisation (Samara, Volga Region)²³; the LGBT organisation PERSPECTIVE in Arkhangelsk (Northwest Russia)²⁴; and the PARTNERSHIP FOR DEVELOPMENT in Saratov (Volga Region).²⁵

The last-named organisation and its director, moreover, were fined several times. In January 2015 court bailiffs came to the home of Olga Pitsunova, the director, to make an inventory of her belongings so as to levy a fine of 300,000 roubles for not including the organisation in the register of "foreign agents". Pitsunova's husband Andrei would not allow the bailiffs into the apartment, for which he was fined 1,000 roubles. Later she was fined an additional 200,000 roubles for her failure to pay the previous fine.

¹⁶ "Sakharov Centre loses appeal at Moscow City Court against inclusion in register of agents", Agency for Social Information, 22 September 2015.

¹⁷ "Perm-36 fined for refusing to register as foreign agent", Lenta.ru, 16 September 2015.

¹⁸ "A baker's dozen of foreign agents," Bellona.ru, 2 September 2015.

¹⁹ "A baker's dozen of foreign agents," *ibid.*

²⁰ "Abolished Committee against Torture appeals against fine for breaking law on foreign agents, Interfax news agency, 24 August 2015.

²¹ "Mass Media Defence Centre in Voronezh fined 300,000 roubles", RIA Voronezh, 20 October 2015.

²² "Court fines For Human Rights for refusing to register as foreign agent", RIA Novosti, 18 March 2015.

²³ "Golos on the Volga organisation fined for not registering as foreign-agent NGO", Interfax, 16 February 2015.

²⁴ "Arkhangelsk LGBT organisation Perspective fined for refusing to admit it is foreign agent", The Russian LGBT network.

²⁵ "A baker's dozen of foreign agents," Bellona.ru, 2 September 2015.

Other NGOs were fined 200,000 roubles (the INDIVIDUAL AND THE LAW in Yoshkar-Ola, Volga Region)²⁶ or 150,000 roubles (the DODO ECOLOGICAL CENTRE in Nizhny Novgorod, Volga Region).²⁷ The ECO-DEFENCE! NGO in Kaliningrad (Northwest Russia)²⁸ and the ecological fund FOR NATURE in Chelyabinsk (Urals)²⁹ were each was fined 100,000 roubles; BELLONA in Murmansk (Northwest Russia)³⁰ was fined 50,000 roubles.

Organisations were obliged to raise the funds to pay these fines and if they failed to do so they must close. Their status as NGOs receiving funds for specific purposes means that by law they could not use such funds to pay a fine.

“Failing to meet the obligations” of a foreign agent

In 2015 the Russian authorities began fining NGOs if they failed to mention during their events or on their websites the “foreign agent” status the State had foisted on them.

The SAKHAROV CENTRE in Moscow was fined 400,000 roubles because a note on its website states that the organisation was included in the Register of foreign agents “by a decision of the Ministry of Justice which is now being challenged in the courts”.³¹ The organisation was required to replace this with a statement that it is a foreign agent.

The COMMITTEE AGAINST TORTURE (Nizhny Novgorod) was fined 300,000 roubles because it failed to include a note that it was a “foreign agent” on printed hand-outs entitled “Prosecutor, remember the oath you

²⁶ “Yoshkar-Ola court did not uphold appeal by Individual and the Law NGO against being included in foreign agents Register”, Zhurnal 7x7, 29 January 2015.

²⁷ “Court halves fine for recognised Dodo foreign agent”, Interfax news agency, 18 August 2015.

²⁸ “A baker’s dozen of foreign agents,” Bellona.ru, 2 September 2015.

²⁹ “Chelyabinsk court closes case of foreign-agent NGO after statute of limitations expires”, RAPSİ [the Russian Legal Information Agency], 6 August 2015.

³⁰ “A baker’s dozen of foreign agents,” Bellona.ru, 2 September 2015.

³¹ “Court fines Sakharov Centre for not announcing it is foreign agent,” BBC Russian Service, 30 September 2015.

gave”, which were distributed at a picket in support of the victims of torture, and on placards and banners used by the organisation at events it organised. It should have indicated that these materials were published or distributed by “an NGO, fulfilling the functions of a foreign agent”.³²

The Ministry of Justice attempted to fine the PUBLIC VERDICT NGO, claiming that it had not submitted reports on its activities. Fortunately, the organisation had retained a note from the Ministry itself, confirming its receipt of the NGO’s documents. They could not find the report at the Ministry itself.³³

Seven organisations found that the versions of their reports published on the Ministry of Justice website differed from those they had actually submitted. Luckily, the organisations had kept confirmation that they had submitted an accurate report and they were able to avoid being fined. The RF Ministry of Justice explained this muddle by a malfunction of the data base.³⁴

Leaving the Register of “foreign agents”

The law on Foreign Agents came into force in November 2012. More than two years would pass before a procedure for being removed from the new Register of “foreign agents” was confirmed.³⁵ In March 2015 it was established that an organisation could rid itself of this label if, during the course of a year, it has received no funds from foreign sources OR had not engaged in “political activities”, OR no later than three months after its inclusion in the Register has returned a donation it has received to the foreign donor.

The Ministry of Justice at the federal level in practice only took a decision about removing the status of a “foreign agent” NGO in the very

³² “Committee against Torture fined for leaflets without mention it is a foreign agent,” OVD-Info, 7 August 2015.

³³ The Public Verdict Foundation, Facebook, 11 June 2015.

³⁴ “Foreign agents turned out to be double agents”, *Kommersant* daily newspaper, 6 May 2015.

³⁵ Federal Law No 43 on changes in paras. 27 and 38 of the Federal Law “On public [obshchestvennyye] organisations” and para. 32 of the Federal Law “On non-commercial organisations”.

last days of the three-month period.³⁶ Even then the organisation's details were not removed from the Register. The only change was that in the "Reason for Exclusion" column a note was added that the organisation was no longer an agent because it had "Ceased carrying out the functions of a foreign agent". By 22 September 2016 only 16 NGOs had been awarded such a note in the Register.³⁷

The amendments governing the procedure for exclusion from the Register envisaged what should happen if an NGO resumed accepting foreign funds. The organisation would again be classified a "foreign agent" NGO and this time it had to wait three years before it could again apply to the Ministry of Justice for this stigma to be removed.

There are also organisations with a special status. Despite its lack of foreign funding, the GOLOS election monitoring association has not been able to get the label of "foreign agent" removed. In 2015 the Moscow City Court closed the case against GOLOS, recognising that the organisation had turned down the monetary part of the Sakharov Prize³⁸ and that it did not constitute foreign funding. In July 2015 a fine of 400,000 roubles paid earlier by GOLOS because it refused to register as a "foreign agent", was also returned to the organisation.³⁹

At the same time the Zamoskvoreche district court in Moscow, where GOLOS was contesting the prosecutor's argument that it should be recognised as a "foreign agent", reached quite the opposite decision. The same sum of money received by Golos as an international award was declared to be foreign funding. The Ministry of Justice, meanwhile, refused to remove GOLOS from the Register of "foreign agents", referring to the judgment handed down by the Zamoskvoreche district court.⁴⁰

³⁶ Grigory Melkonyants, Facebook, 22 June 2015.

³⁷ "New human rights organisation headed by Valery Khatazhukov registered in Kabardino-Balkaria", Kavpolit, 18 September 2015.

³⁸ In 2012 Golos received the annual Andrei Sakharov Freedom Award from the Norwegian Helsinki Committee, but returned the 7,700 euro prize money to the organisers.

³⁹ Grigory Melkonyants, Facebook, 22 June 2015.

⁴⁰ "Claimant in foreign-agent case asks Constitutional Court to explain its decision", *Vedomosti* daily newspaper, 17 March 2015.

3. LEGISLATIVE DEVELOPMENTS

The legislation concerning "foreign agents" and other changes in the law over the past three years has been directed, first and foremost, at harassing "disloyal" NGOs which express critical opinions. Adding his comments on the need to amend the legislation about foreign agents, President Putin noted:⁴¹

"It is clear that the formulations in the law are not being interpreted in a consistent way and sometimes even harm the activities of absolutely loyal, pro-Russian organisations that are intended to help people."

The authorities understand only too well the negative connotations of the term "foreign agent". At a gathering of NGOs Vyacheslav Volodin, the deputy head of the Presidential Administration, noted that "in general, the label 'foreign agent' has a negative influence on the image of NGOs."⁴²

Senator Morozov, a member of the upper house of the Russian Federal Assembly, criticised the attempts by some CIS States⁴³ to apply the term "foreign agent" to Russian NGOs operating in their countries. Russians living abroad should be exempted from the effect of legislation about agents in these countries, he demanded, since "these people are not only targeted by such laws, but have also begun to experience definite pressure."⁴⁴

A contested definition

NGOs in Russia tried to secure changes in the formulation "foreign agent", replacing it with the less harsh and fairer description of an "organisation

⁴¹ "Vladimir Putin calls for law on foreign-agent NGOs to be amended", *Kommersant* daily newspaper, 23 June 2015.

⁴² "Volodin says law on foreign agents should be amended", The Agency for Social Information, 23 April 2015.

⁴³ The Commonwealth of Independent States (CIS) is a loose grouping to which many former republics of the USSR belong, e.g. Azerbaijan, Turkmenistan, Kazakhstan.

⁴⁴ "Senator calls on CIS not to equate ethnic Russians with foreign agents," *Vestnik Kavkaza* website, 6 July 2015. Laws about "foreign agents" were already being considered, said Senator Morozov, in Kyrgyzstan, Belarus and Armenia.

receiving foreign funding”. The 2012 law was not passed, however, to make such organisations feel at ease.

Some NGOs hoped to avoid the “foreign agent” label by dividing their organisation in two according to their “social” and “political” activities: the WOMEN OF THE DON, for instance, split into two organisations, both headed by Valentina Cherevatenko.⁴⁵ In spring 2016 a draft law providing for such a distinction was being examined by the State Duma.⁴⁶ It was passed and will come into force on 1 January 2017.⁴⁷ Long negotiations between rights activists and the Russian authorities made it clear, however, that a clarification of the term “political activities” would not exempt them from the legislation about “foreign agents”.

Almost all the activities of civil organisations, regrettably, were incorporated into the drafting of a new definition of “political” activities. Election monitoring, public appeals to State bodies and to local administrative bodies, the circulation (through the Internet, among other means) of assessments of decisions taken by State bodies, and the conduct and publication of public opinion surveys – all were named forms of “political” activity.

Changes in legislation

Among the planned legislative innovations was the introduction of an obligation on NGOs to provide information about its agreed programmes and events it had organised within three days of confirming the programme or deciding to hold an event.⁴⁸ Discussion of such amendments was postponed in September 2016.⁴⁹

⁴⁵ The Women of the Don Union operates within the Rostov Region; the Women of the Don Foundation for Civil Society Development works in Russia and in neighbouring States.

⁴⁶ “Draft law No 736791-6”, State Duma.

⁴⁷ Federal Law No 287, 3 July 2016, amendment about establishing the status of NGOs carrying out “socially useful services”.

⁴⁸ “Ministry of Justice suggests law on foreign-agent NGOS be tightened,” **Vedomosti** daily newspaper, 6 September 2015.

⁴⁹ “Harsher measures postponed”, **Novye Izvestiya** daily newspaper, 9 August 2015.

In October 2015 the government legislative commission approved amendments to the law on Public Oversight Commissions, establishing that organisations fulfilling the functions of foreign agents are not able to put forward candidates as members of public oversight commissions.⁵⁰ Deputies of the State Duma meanwhile prepared amendments to ban organisations included in the Register of “foreign agents” from engaging in any “interference” in areas covered by the army and other power ministries or carrying out analytical and informational activities in the same respect. This would include a ban on membership of the public councils of the power ministries. As an example of “interference” the legislators cited the anti-corruption analysis of the Law “On the Police”.⁵¹ There have been no reports of a draft law of this nature and, thus far, no changes in the existing legislation.

The RF Ministry for Telecom and Mass Communications drew up a draft law which proposed to introduce a ban on “foreign agents” setting up mass media outlets.⁵²

By early April 2016 certain innovative changes had already come into force. The statute of limitations for failure to enter the Register of “foreign agents” was extended from three months to a year. Earlier fines were rarely levied and ceased to be applicable after three months had passed. Now it became almost impossible to avoid paying such fines.⁵³

“Undesirable organisations”

In July 2015 legislation was adopted concerning “undesirable organisations”. This introduced a total ban on the work in Russia of foreign or international NGOs if such a decision was taken by the RF Prosecutor-General’s Office.

⁵⁰ “Foreign agents banned from observing conditions in prisons and penal colonies”, **Vedomosti** daily newspaper, 21 October 2015.

⁵¹ “Russian foreign agents to be removed from power ministries”, **Izvestiya** daily newspaper, 21 May 2015.

⁵² “Ministry of Telecom and Mass Communication to ban foreign agents from setting up media outlets”, **Vedomosti** daily newspaper, 19 August 2015.

⁵³ Grigory Melkonyants, Facebook, 23 October 2015.

In practice this meant that non-governmental structures which funded NGOs on the Register of “foreign agents” were potentially “undesirable”. In the words of Pavel Livadny, deputy director of the Federal Agency for Financial Oversight (Rosfinmonitoring):⁵⁴ “The active funding of foreign agents is one of the basic indications defining the undesirability of the actions of foreign non-governmental organisations.”

Under the new law a foreign non-governmental organisation was recognised as “undesirable” if it represented a threat, [1] to the foundations of the Russian Federation’s constitutional system; [2] to the defence capability of the country; or [3] to the security of the State. Among the measures is a ban on distributing the informational materials of the “undesirable foreign non-governmental organisation”, and that includes distribution via the mass media and the Internet.

From the moment that the Prosecutor-General’s Office made public its decision the undesirable foreign NGO was prohibited from implementing projects in Russia. It was not necessary, furthermore, that the non-governmental organisation itself proposed the project. A Russian NGO might be accused of doing so “for” the undesirable foreign NGO, the word “for” being interpreted quite broadly to mean, for example, “in the interests of” or “in partnership with”.⁵⁵

Managing the activities of an “undesirable organisation”, or being apprehended twice during the same year for participating in “analogous activities”, is now a criminal offence punished by up to six years’ imprisonment. Carrying out the activities or participation in the activities of an “undesirable organisation” became a civil offence: an officer of the organisation might be fined up to 50,000 roubles, while the organisation itself faced a fine of up to 100,000 roubles.

The authorities, therefore, are able to ban the work in Russia of organisations of which they disapprove. Foreign and international NGOs

⁵⁴ “Federation Council prepares patriotic list of banned organisations for 8 July”, **Gazeta** daily newspaper, 3 July 2015.

⁵⁵ “Law about ‘undesirable foreign non-governmental organisations’ excludes possibility of work by any organisations that authorities dislike”, Pravovoy analiz [Legal analysis], 17 May 2015.

working in Russia are now under threat. This also affects those that maintain branches in the country or merely cooperate with individual experts, as well as their Russian partners (whether they be commercial or non-governmental organisations). Funding such activities is becoming impossible, even working for them as a volunteer became a criminal offence.

A reason for the introduction of the legislation about “undesirable organisations” may be found in the opinion of the Prosecutor-General’s Office that the winter protests of 2011-2012, prompted by falsification of elections to the State Duma, were financed by the US National Endowment for Democracy (NED): “It is the view of the Prosecutor-General’s Office that this foundation spent more than \$5 million on inciting mass disturbances in Russia under the slogan ‘for honest elections’.”⁵⁶

At the beginning of July 2015 members of the upper house of the Federal Assembly unanimously adopted an appeal to the Prosecutor-General’s Office, the Ministry of Foreign Affairs and the Ministry of Justice asking that they examine a “patriotic” list of 12 foreign and international NGOs for inclusion in the register of undesirable organisations.

The Soros Foundation, NED, Freedom House, the MacArthur Foundation, the World Congress of Ukrainians and others were among those included in the list of banned organisations. Members of the Federation Council believed that the activities of the named organisations are aimed at a worsening of the internal political situation in Russia and at undermining the patriotic unity of the nation.⁵⁷

In August, without waiting for the Soros Foundation to be included in the list of “undesirables”, the education department of the Sverdlovsk Region (Urals) ordered that scholarly works about history issued with the

⁵⁶ “Soros and Carnegie Foundations could be next after banning of NED”, **Moskovsky komsomolets** daily newspaper, 28 June 2015.

⁵⁷ “Human rights centre of Kabardino-Balkaria will not challenge foreign-agent status,” Regnum information agency, 18 August 2015.

support of the foundation should be removed from the region's school libraries.⁵⁸

4. A "CHILLING EFFECT"

Self-dissolution

As of 31 December 2015 thirteen NGOs included in the Register of "foreign agents" had been forced to disband. Many others on the Register were winding up their activities. A number of NGOs submitted declarations that they were disbanding before they had even been added to the Register. They hoped to avoid large fines and the stigma of being branded a "foreign agent".

The Novosibirsk Region's PUBLIC FUND OF CONSUMERS was added to the Register of "foreign agents" by the Ministry of Justice in April 2015. It decided to disband because its organisers rightly believed that different kinds of inspection were frequently carried out until violations were uncovered for which the NGO would have to pay a fine.⁵⁹

In August, following several unsuccessful attempts to contest its inclusion in the Register of "foreign agents", the COMMITTEE AGAINST TORTURE decided to disband as an organisation.⁶⁰ The same month the PLANET OF HOPES NGO in Ozyorsk (Chelyabinsk Region) began winding up its activities.⁶¹

The procedure for closing down an NGO in Russia is quite complicated, we may add. In January 2015 Olga Pitsunova, head of the Saratov-based PARTNERSHIP FOR DEVELOPMENT, submitted an application to disband the organisation. The NGO continued to be fined for not

⁵⁸ "Officials take Soros out of the library", *Kommersant* daily newspaper, 5 August 2015.

⁵⁹ "Novosibirsk foundation, labelled foreign agent, prepares to close down", *RBC* daily newspaper, 14 August 2015.

⁶⁰ "Abolished Committee against Torture appeals against fine for breaking foreign-agent law," Interfax news agency, 24 August 2015.

⁶¹ "They started asking my children, 'Is your Mum a foreign agent?'" Colta.ru website, 4 August 2015.

submitting its accounts and in September that year the total sum of such levies already exceeds one million roubles.⁶²

The ECO-LOGIC NGO in Rostov submitted an application in June 2015 to dissolve the organisation. It was turned down, however, because it had still not paid a fine of 300,000 roubles imposed by the court for refusing to voluntarily apply to join the Register of "foreign agents".⁶³

Turning down foreign funding

Many NGOs rejected foreign funding in order to avoid being added to the Register of "foreign agents". An example which drew a great deal of publicity was ECOLOGY WATCH on Sakhalin Island (Far Eastern Russia). It was forced to turn down a donation from US actor Leonard di Caprio in order to avoid being included in the Register of "foreign agents". In July 2015 the actor transferred funds through his own charitable foundation to protect the Sakhalin Wildlife Park and the island's untamed salmon rivers.⁶⁴

Even when they rejected such funding Russian NGOs still face the risk of being included in the Register of "foreign agents". In March 2015 the Ministry of Justice added FOR NATURE, a Chelyabinsk Region Charitable Foundation and an Ecological Movement of the same name, to the Register. Only the Foundation had received foreign funding, but the Ministry considered that it was using these funds to support the Movement, although the latter did not even have a bank account.⁶⁵

Self-censorship

The legislation about "foreign agents" has greatly inhibited Russia's civic organisations. They are forced to change the focus of their activities, cease engaging with the authorities, or stop publishing information about themselves in the media and on their own websites. Certain Russian NGOs

⁶² "A baker's dozen of foreign agents," Bellona.ru, 2 September 2015.

⁶³ "A baker's dozen of foreign agents," *ibid.*

⁶⁴ "Sakhalin Ecology Watch returns donation of US actor Leonard di Caprio to avoid inclusion in Register of foreign-agent NGOs", Meduza news website, 25 September 2015.

⁶⁵ "A baker's dozen of foreign agents," Bellona.ru, 2 September 2015.

have been obliged to close down their sites. Together these restrictions all reduce the range of activities pursued by any NGO.

Valery Khatazhukov, head of the KABARDINO-BALKARIAN HUMAN RIGHTS CENTRE (North Caucasus), described the atmosphere as follows:⁶⁶ “All the time these checks and inspections were going on we were forced to subject our work to a form of self-censorship. Would they accuse us of engaging in political activities?”

The attitude of official bodies

At first Russia’s NGOs were concerned that they would face problems if they were labelled foreign agents in their dealings with the authorities. In practice all NGOs in Russia suffered from the negative rhetoric of the State and the official media, not just those labelled “foreign agents”.

The following are examples that have come to light. In practice, the reduction in contacts and exchanges between NGOs and official bodies has proved far greater.

- The head of the PUBLIC VERDICT foundation Natalya Taubina told us that even before July 2014 when the NGO was included in the Register of “foreign agents” law-enforcement agencies had ceased working with the organisation. Prior to that they had engaged in productive exchanges and cooperation.⁶⁷
- Valentina Cherevatenko, who heads the WOMEN OF THE DON union, says: “The police and the Inspectorate for Juvenile Affairs no longer pay us the slightest attention. Formerly we worked together.”⁶⁸
- In September 2015 an expert from the PRISONERS’ DEFENCE FOUNDATION came on a visit to corrective-labour colony 2 of the

⁶⁶ “New human rights organisation, headed by Valery Khatazhukov, registered in Kabardino-Balkaria”, Kavpolit.com, 18 September 2015.

⁶⁷ “They started asking my children: ‘Is your Mum a foreign agent?’” Colta.ru, 4 August 2015.

⁶⁸ “I feel like someone who’s been locked up in a cell”, Takie dela, 15 June 2015.

Sverdlovsk Region branch of the Federal Penitentiary Service. The request to meet the inmates was first examined by the officer on duty. “In my presence he called someone on the telephone and began to check whether the Foundation was a foreign agent or not.”⁶⁹

These examples are all a consequence of the instructions received by officials at different levels to regard independent NGOs with suspicion and not to cooperate with “foreign agents”. In March 2015 a draft law was put before the State Duma, proposing that State and municipal employees should be banned from taking part in the work of NGO “foreign agents”. In September that year the proposal was rejected.⁷⁰

The cost of being a foreign agent

The costs incurred by an NGO that has been labelled a “foreign agent” can amount to half a million roubles a year. The legally obligatory annual audit costs between 30,000 and 520,000 roubles. Specialists note that there have been cases when auditors refused to work with “foreign agents”. NGOs designated “foreign agents” are obliged to submit four additional financial reports: two quarterly reports and two for the half-year. This makes it necessary to pay the equivalent of 284 working hours of additional work by the organisation’s staff.⁷¹

5. TAXATION OF FOREIGN DONATIONS

A disquieting precedent was set in 2015 by the case of Ludmila Kuzmina, head of the GOLOS ON THE VOLGA organisation, based in Samara. The 11th Arbitration Appellate Court upheld the decision of the tax inspectorate and the court of first instance which had demanded that 2.26 million roubles be paid in tax on a donation to GOLOS ON THE VOLGA, a registered “foreign

⁶⁹ “Foreign-agent organisations denied access to prisoners”, Pravozashchitniki Urala [rights activists of the Urals], 20 September 2015.

⁷⁰ Draft law No 735229-6, “On amendments to individual laws of the Russian Federation (on establishing an additional limitation for members of the Federation Council, deputies of the State Duma, State, civil and municipal employees)”, The RF State Duma.

⁷¹ “How much foreign-agent status costs NGOs. Lawyers do the sums”, Agency for Social Information, 26 November 2015.

agent”. A double levy of taxes from NGOs receiving foreign funding was thereby recognised as lawful.⁷²

Prior to this the Federal Tax Service declared donations made by the GOLOS MOVEMENT to its regional branches (a total of 11.9 million roubles between 2010 and 2012) to be income and stated that the “transparent elections” programme was being carried out in the interests of the USA. Once the tax was paid the money ceased to be a donation, but GOLOS in turn provided funds to GOLOS ON THE VOLGA from its income. The tax inspectors considered, however, that these were still funds received from USAID and that tax on them should be paid once again.⁷³

6. PRESSURE ON ORGANISATIONS & INDIVIDUALS

In June the CONSUMER RIGHTS PROTECTION SOCIETY remarked that Crimea was “occupied territory”. Duma deputy Alexander Sidyakin appealed to the Ministry of Justice, demanding that the organisation be inspected to see if it was complying with the law about “foreign agent” NGOs. It turned out that the Society had not been a legal entity for the past two years and did not have a bank account. It was, therefore, physically impossible for the SOCIETY to receive foreign funding.

The RF Communications Oversight Agency (Roskomnadzor)⁷⁴ then blocked access to the web-page referring to Crimea and the Prosecutor-General’s Office required the investigative agencies to begin criminal proceedings against those running the Society. One cannot deny the organisation’s boldness and sense of humour. Although the Ministry of Justice had not included it on the Register⁷⁵ the SOCIETY indicated on its website that it is a “foreign agent”, as a sign of solidarity with other NGOs.

Lev Shlosberg, a deputy of the Pskov Region дума, was deprived of his status as a deputy on the grounds that he had defended the interests of

⁷² “Foreign agent made to pay tax twice”, Article 20 website, 9 April 2015.

⁷³ “Searches conducted in Moscow as part of Golos-Samara case”, Article 20 website, 7 July 2015.

⁷⁴ The Russian Service for Supervision of Telecom, IT and Mass Communications.

⁷⁵ “Ministry of Justice – impossible to inspect Consumer Rights Protection Society”, Meduza, 25 June 2015.

the RENAISSANCE CENTRE FOR SOCIAL PLANNING. Renaissance is an NGO included in the Register of “foreign agents”.⁷⁶

Attacks on property and persons

Attacks by unidentified assailants on rights activists and civilian volunteers continued in 2015. In some cases attacks on people and on their apartments were carried out by activists from pro-government organisations; on other occasions “indignant citizens” were the perpetrators.

Negative statements about NGOs by the highest-ranking Russian officials acted as a green light for aggressively minded individuals. “Such labels are a signal to society that we may be attacked and are harmful to those around us; they free the hands of ultra-radical organisations,” said representatives of the LGBT organisation MAXIMUM.⁷⁷

In January 2015 the apartment of Voronezh rights activist Natalya Zvyagina was attacked for a second time by unidentified individuals. “Faeces were found, smeared on the door, that morning and decorated above by an American flag and below by plaque reading ‘US State Department: Voronezh branch’. As a precaution those who did this first put sticking plaster over the peephole in the door.”⁷⁸

During municipal elections in April in Balashikha, not far from Moscow, unidentified assailants attacked Stanislav Pozdnyakov, an observer from GOLOS. The election monitor was trying to prevent phoney bulletins being added to the voting urn. As a result of the attack doctors had to remove Pozdnyakov’s spleen.⁷⁹

In April unidentified attackers released a suffocating gas with an acrid smell in the office of MAXIMUM, the Centre for Socio-Psychological Aid

⁷⁶ “They want to deprive Shlosberg of his status as deputy”, Moi rayon, 16 September 2015.

⁷⁷ “LGBT organisation Maximum fined 300,000 roubles”, Article 20 website, 6 March 2015.

⁷⁸ “Door of Voronezh rights defender smeared with faeces”, Article 20 website, 21 January 2015.

⁷⁹ “Moscow Region electoral committee to hold special course for resisting observers from Golos”, Newsru.com, 16 September 2015.

and Legal Support for “the Victims of Discrimination and Homophobia” in Murmansk. Two people were in the office at the time. They began to choke and feel nauseous. Investigators rejected the Centre’s request for a criminal investigation.⁸⁰

In July 2015 there was an attack on the office of the COMMITTEE AGAINST TORTURE in Grozny (Chechnya). Igor Kalyapin, the head of the NGO, reported that staff at the office made several attempts to call, first the local police while the pogrom was in progress, and then the Investigative Committee to complain about the failure of the police to respond. In reply they were told that investigators were aware of what was going on and were on their way. No one came.

The attackers trashed the rights defenders’ car. Then they burst into the apartment where the office is located, prising open the metal doors and climbing up to the balcony. Once inside they destroyed equipment and took away documentation. The rights defenders had to flee the building through a window.⁸¹ Attacks on the organisation’s staff continued in 2016.

In October 2015 Vasily Vaisenberg wrote on his Facebook page:⁸²

“Today I was attacked in the [Moscow] metro because I was wearing a GOLOS badge. I wrote an account about the attack. I’m now waiting for the police. A man sitting opposite me was annoyed by my badge and started to tear it off. He pulled it off, insulting and threatening me as he did so. Propaganda in action.”

In none of these cases were the assailants found or charged.

Threats

In February 2015 after the court hearing into the appeal by the Voronezh-based MASS MEDIA DEFENCE CENTRE (MMDC) against the actions of the regional Department of Justice the lieutenant colonel in charge of the

⁸⁰ “Investigators do not consider spraying of poisonous gas into Maximum office a crime”, Russian LGBT network, 13 May 2015.

⁸¹ “Ministry of Internal Affairs found no violations by police who came two hours after rights defenders’ office in Grozny was wrecked”, Mediazona, 14 July 2015.

⁸² Vasily Yasenberg, Facebook, October 2015.

Voronezh Region centre “E” told Galina Arapova, MMDC director, to “watch out”. This is the only case, so far, when “anti-extremism” officers from the Ministry of Internal Affairs have openly participated in the classification of an organisation as a foreign agent.⁸³

As MMDC staff left the courthouse they were met by a picket of Molodaya Gvardiya members, the youth wing of United Russia, who urged them to leave the country, shouting “Suitcase. Rail Station. Europe”.⁸⁴ A day earlier the same people had thrown green-tinted iodine at those attending a rally in memory of opposition leader Boris Nemtsov,⁸⁵ shot dead in Moscow on 27 February 2015.

In March the words “foreign agent” and a depiction of a target appeared on the office wall of the INDIVIDUAL AND THE LAW NGO in Cheboksary (Marii El, Volga Region). The Volga republic’s Ministry for Internal Affairs failed to find any sign of terrorism or extremism in this label and declined to taken action.⁸⁶ Up to the present day, it may be noted, the cross-hairs of a rifle sight are used as a symbol in the “Aims of Activity” column for foreign-agent NGOs on the RF Ministry of Justice’s portal.⁸⁷ They are placed next to the name of each organisation included in the Register. During a court hearing a Ministry spokesman explained that this “is used to represent the aims of the activities of such organisations”.⁸⁸

⁸³ “Chronicle of confrontation between Justice Ministry and MMDC”, RIA-Voronezh, 27 March 2015.

⁸⁴ “Justice Ministry demands that MMDC be fined 500,000 roubles”, Moyo-online, 2 March 2015.

⁸⁵ “Provocative behaviour outside Justice Ministry building in Voronezh”, Article 20 website, 2 March 2015.

⁸⁶ “Ministry for Internal Affairs in Marii El finds no signs of terrorism or extremism in words foreign agent and drawing of target on Individual and the Law office wall”, 7 x 7 website, 17 March 2015.

⁸⁷ Column 13 “Aims of activities” (Цели деятельности). “The activities of non-commercial organisations”, RF Justice Ministry <http://unro.minjust.ru/NKOForeignAgent.aspx>.

⁸⁸ Civil proceedings against the Ministry of Justice following an appeal by Women of the Don Union.

In May 2015 Nadezhda Kutepova, director of the PLANET OF HOPES NGO, was forced to leave her native Ozyorsk (Urals). She explained:⁸⁹

“During the past months they have shown us [on television] three times in various programmes and accused us of being enemies. After that I began to receive threats while my children were asked ‘Is your Mum a foreign agent?’”

In a report on the Russia-24 TV channel journalists showed the door of Nadezhda’s apartment. The channel’s correspondent Olga Skobeyeva, standing against a picture of Ozyorsk surrounded by barbed wire, asserted that this human rights and educational organisation claimed in its Statute to be helping pregnant women: in fact it was engaged in “industrial espionage funded by US money”.⁹⁰

Smear campaigns

No matter what arguments the RF Constitutional Court may put forward the term “foreign agent” has a clearly negative connotation. This is well understood by those in authority as is shown once in a while by a slip of the tongue.

The deputy minister for communications Andrei Volin advised the media to find “decent people” as their trustees and not include organisations that have been added to the Register of “foreign agents”. Even though amendments to the law that would forbid such “foreign agents” to set up media have not yet been adopted Volin considers that it would be risky to follow such a path.⁹¹ Alexander Konovalov, the RF Minister of Justice, said that “far from all the organisations to be found in the Register of “foreign agents” are totally hostile”.⁹²

⁸⁹ “A baker’s dozen of foreign agents,” Bellona.ru, 2 September 2015.

⁹⁰ “They started asking my children, ‘Is your Mum a foreign agent?’” Colta.ru website, 4 August 2015.

⁹¹ “Communications Ministry to prohibit foreign agents from setting up media outlets”, **Vedomosti** daily newspaper, 19 August 2015.

⁹² “Justice Ministry names those to blame for Dynasty Foundation being declared foreign agent,” Newsru.com, 15 June 2015.

In February 2015 the president of Chechnya, Ramzan Kadyrov declared that “someone named Kalyapin” had passed “money from Western secret services” to terrorists. Kadyrov did not specifically name Igor Kalyapin, chairman of the COMMITTEE AGAINST TORTURE, but the hint was enough.⁹³

In one of his speeches Vladimir Putin again returned to the idea that NGOs and spies were linked. “... the authorities will continue to focus attention on the foreign sources of funding of NGOs,” he commented, “and compare the goals set out in their Statutes with the work they actually do.” In the very same speech the Russian President spoke of the successful work of the country’s counter-intelligence: “In the course of a special operation the activities of 52 professional foreign spies and 290 of their agents were thwarted.”⁹⁴

Reports of the links between NGOs and foreign intelligence agencies appear quite frequently in the media. In September 2015 Interfax made the following announcement:⁹⁵

“Russia’s special services report that during the previous year they have uncovered 290 foreign agents and have made public a number of documents concerning the activities of CIA agents who were acting in disguise in Moscow.”

Criminal prosecution

At the end of January 2016, as described earlier, the Investigative Committee department for the Samara Region brought charges against Ludmila Kuzmina, head of GOLOS ON THE VOLGA (Samara), for “tax evasion” under Article 199, part 1 of the RF Criminal Code. On 5 February as part of the investigation a search was conducted of Kuzmina’s apartment during which equipment, her foreign travel passport and all her diaries were

⁹³ “Investigative Committee opens investigation after attack on rights defenders in Grozny”, Slon.ru, 15 February 2015.

⁹⁴ “Putin describes work of Western secret services and NGOs to discredit Russian regime”, Interfax, 26 March 2015.

⁹⁵ “Russian Federation’s special agencies exposed 290 foreign agents over past year”, Interfax, 4 September 2015.

confiscated. The law-enforcement officers arrived at 7.30 am. There followed a search at the NGO's office. On 30 March it became known that in response to a petition from the investigators the court had sequestered Kuzmina's property: her apartment and her ten-year-old automobile.⁹⁶

In March officers of the Samara Region Investigative Committee extended their search to the apartment of 24-year-old Lilya Chibarchikova, chief accountant of GOLOS ON THE VOLGA (Samara). They attempted to incriminate her, together with Ludmila Kuzmina, of permitting tax evasion, acting as a member of a criminal group in a pre-arranged conspiracy, an offence that could lead to 8 years imprisonment.⁹⁷ In September the investigation was discontinued because the statute of limitations for the charges against Kuzmina had expired.⁹⁸

There were also hints that those running the MEMORIAL NGO might face criminal charges. During otherwise routine remarks in a report on a November 2015 inspection of the organisation the Ministry of Justice added:⁹⁹

“By their actions the members of the Memorial Human Rights Centre have been undermining the foundations of the Constitutional system in the Russian Federation, calling for the overthrow of the present authorities and a change in the country's political regime.”

Searches

In April 2015 law-enforcement officers came to search the offices of OPEN RUSSIA. The Ministry of Internal Affairs announced that the searches were being conducted “in response to information received that the activists of

⁹⁶ “Head of Golos on the Volga NGO Kuzmina sent for psychiatric examination”, Article 20 website, 21 April 2015.

⁹⁷ “Search made of apartment of Golos on the Volga NGO's chief accountant”, Radio Svoboda, 27 March 2015.

⁹⁸ “Case against Ludmila Kuzmina, head of Golos on the Volga NGO closed”, **Kommersant** daily newspaper, 16 September 2015.

⁹⁹ “Board chairman of Memorial requests Minister of Justice to inspect his own staff in connection with accusations made against Memorial Human Rights Centre,” The Memorial Society (memohrc.org), 19 November 2015.

this society were making and storing banners, leaflets and other items containing calls to carry out extremist activities”.¹⁰⁰ At least ten staff members of OPEN RUSSIA were also subjected to searches at home which began at 6 am. Veronica Kutsillo, chief editor of the Open Russia website, was not at home. The investigators threatened her under-age daughter from the other side of the door.¹⁰¹

In July 2015 there were searches of the GOLOS MOVEMENT'S office in Moscow and of the apartments of five of its staff members. The investigator brought an NTV film crew with him when he came to search the apartment of the movement's co-chair, lawyer Grigory Melkonyants. He was not permitted to stay in the room and the search was conducted using force. The investigator was carrying a firearm and showed it to those present.¹⁰²

In November the assistant prosecutor for St Petersburg's Central district, came to the MEMORIAL RESEARCH CENTRE accompanied by seven policemen. They wanted to make sure that no infringements of the law were taking place on the premises and that films were not being shown without a license to do so. “Events run by a foreign agent NGO, the activities of which are ‘banned’, are being held here,” they said. Having checked that no film shows were being prepared on the premises the prosecutor and police demanded to be admitted to other rooms. On being refused they used force against the volunteer who was present and looked around the rest of the premises before leaving.¹⁰³

In December the home of Magomed Mutsolgov, head of the MASHR (PEACE) HUMAN RIGHTS ORGANISATION in Ingushetia (North Caucasus), was searched and equipment was confiscated. Later he issued a statement that a file containing child pornography had been added to the hard drive

¹⁰⁰ “Court sends complaint about searches of Open Russia offices back for re-examination”, Meduza website, 3 August 2015.

¹⁰¹ “Investigators search homes of at least ten Open Russia supporters”, Mediazona, 22 December 2015.

¹⁰² “Searches in Moscow as part of Golos-Samara case”, Article 20 website, 7 July 2015.

¹⁰³ “Deputy prosecutor and police visit Memorial Research Centre”, Cogita!ru, 26 November 2015.

taken from the organisation's office during a search. This he learned after a conversation with an investigator from the investigative department of the RF Ministry of Internal Affairs for Ingushetia. When the police were removing office equipment, it may be noted, they did not pack and seal the hard drive.¹⁰⁴

7. THE FUNDING OF RUSSIAN NGOS

Foreign and international agencies

The authorities declare that legislation about "foreign agents" is intended to inform the citizens of Russia. Its main aim, however, has been to limit independent funding for independent NGOs. In pursuit of this strategy Mikhail Yemelyanov, the first deputy chairman of the State Duma committee for economic policy, proposed that NGOs in Russia should be prohibited from receiving any grants from abroad.¹⁰⁵

"If we want our country to retain its sovereignty we should not allow foreign funding of our NGOs. Remember this: the money of a foreign State is never used for the good of the population in another country. It is only used to enslave that nation. That is a political axiom."

The ban on "undesirable organisations" could be a blow to the majority of Russian NGOs included on the Register of "foreign agents" since more than half of those listed there have received funds, at one time or another, from the organisations in the "list of twelve". The State evidently wants to halt foreign funding of civil initiatives in Russia.¹⁰⁶

It is clear that the authorities adopt a selective approach when deciding to label NGOs that receive support from abroad and engage in political activities as "foreign agents". The CENTRE FOR NATIONAL PRIDE and the ST ANDREW FOUNDATION, which are under the protection of Vladimir Yakunin, the former head of the Russian Railways, both receive funding

¹⁰⁴ "Pressure on Mashr intensifies", Echo Kavkaza, 13 December 2015.

¹⁰⁵ "Let Russian citizens themselves fight for their rights". Lenta.ru, 2 July 2015.

¹⁰⁶ "Patriots against Soros – who will suffer from ban on Western donors", RBC daily newspaper, 13 July 2015.

from abroad but neither has been added to the Register of "foreign agents".¹⁰⁷

State funding

NGOs cannot count on funding by the State because that support goes mainly to projects that are loyal to the authorities and, in a number of cases, already affiliated to structures linked to those who organise competitive bids. In December 2015, for instance, the Federal Narcotics Agency handed out grants to the total value of 1.2 million roubles to socially-oriented NGOs for the first time ever.

The funds were distributed between eight organisations, five of which are linked to Yury Krupnov, leader of the "Movement for Development". His brother Boris Krupnov is deputy director of the Agency's research institute and also a member of the coordinating council of the Agency, which was responsible for organising the competition. Yury Krupnov is also president of the "National Association of Rehabilitation Centres", an organisation that received a total of 1.87 million roubles as a result of the competition. One of the bodies that set up the "National Association" is the Centre for Research into Anti-Narcotics Policies: it received 1.6 million roubles.¹⁰⁸

As concerns grants made by the Russian President since 2013 organisations that are directly under the control of the Moscow Patriarchate or close to the Russian Orthodox Church have received at least 63 grants worth a total of 256 million roubles. Over the same period pro-Kremlin youth organisations received presidential grants to the value of 100 million roubles.¹⁰⁹

A tradition that criticism of the powers that be is a necessary condition for the development of democracy has not become part of Russia's political culture. Valery Khatazhukov of the KABARDINO-BALKARIA RIGHTS

¹⁰⁷ "Kremlin surrounded by foreign agents," Znak, 14 September 2015.

¹⁰⁸ "Federal Narcotics Agency distributes grants in brotherly fashion", **Kommersant** daily newspaper, 12 January 2015.

¹⁰⁹ "Main recipient of presidential grants is Russian Orthodox Church", Slon.ru, 21 December 2015.

CENTRE (North Caucasus) explains how this affects State funding: “We are very firm in talking about the violations of human rights that we encounter almost daily in our work. Indubitably, the authorities do not like this. In the majority of cases, I believe, grants are not issued for that very reason.” The Rights Centre in Kabardino-Balkaria has applied repeatedly for State funding but only one project has gained support. Such uncertain support from a solitary State source of funding cannot give the organisation the chance to work or develop.¹¹⁰

LGBT organisations have never received State funding and never will: they are, therefore, the first to be damaged by the legislation about “foreign agents”.

“Of course, the presidential administration wants to ensure the complete loyalty of an NGO,” says Ilya Shablinsky, a member of the Presidential Human Rights council: “that’s why it simultaneously employs the carrot and the stick.” In his view the distribution of presidential grants and the expansion of the list of “foreign agents” are parallel processes. “The regime wants to bring all of civil society under its control. As a result part of civil society will wither away under the pressure and cease to exist while the money goes to those parts that are not dangerous.”¹¹¹

Russian sources of funding

Up to the present day no wide opportunities exist for funding by business. To a great extent this is linked to the hostile policy of the Russian State towards independent NGOs.

“No amendments are needed to the law,” believes the head of the MOSCOW HELSINKI GROUP Ludmila Alexeyeva: “private foundations must simply be given to understand that they should not fear [funding independent NGOs]. After the story of the DYNASTY FOUNDATION, however, that will be hard.”¹¹² (This view is shared by the leader of

¹¹⁰ “New human rights organisation headed by Valery Khatazhukov registered in Kabardino-Balkaria”, Kavpolit, 18 September 2015.

¹¹¹ “Civil society is being tempted by loyalty”, *Novaya gazeta*, 26 November 2015.

¹¹² “Ludmila Alexeyeva – private Russian foundations should give grants to NGOs”, RIA Novosti news agency, 5 August 2015.

Kaliningrad’s ECO-DEFENCE! Organisation:¹¹³ “Campaigns by ecologists are most often stories of a clash between the public interest and that of the State,” says Vladimir Sliviyak. “There is not a single source of funding in Russia that would give money for the struggle of the public interest against that of the State.”)

The Ministry of Justice classified the DYNASTY FOUNDATION, which supported many civic initiatives as a “Foreign Agent”. The justification was that the foundation is financed from the overseas accounts of Dmitry Zimin, a citizen of the Russian Federation. One of the reasons why the DYNASTY FOUNDATION was persecuted was its funding, alongside exclusively social projects, of Alexei Navalny’s Anti-Corruption Foundation and various independent media outlets.

The DODO ECOLOGICAL CENTRE (Nizhny Novgorod, Volga Region), received a grant after the competition organised in Russia by the Orthodox Initiative organisation. The latter body has many official figures in its coordinating council: the Minister of Justice Konovalov; Senator Klishas; the general director of Rosatom, Kirienko; and the general director of Expert publishing house Fadeyev, among others. Ministry of Justice officials for the Nizhny-Novgorod Region, however, found the DODO ECOLOGICAL CENTRE guilty of receiving foreign funding since the Foundation for the Support of Humanitarian and Educational Initiatives, which runs the competition, transfers money from accounts in Cyprus.¹¹⁴

Neither does crowd-funding protect an NGO from being declared a “foreign agent”. No system of electronic banking can guarantee that money has not been transferred by a foreign citizen. A number of well-known NGOs have already experienced attempts at entrapment through the transfer of small sums from donors with foreign passports.

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¹¹³ “Ecological NGOs declared foreign agents despite Constitutional Court decision”, *RBC* daily newspaper, 18 March 2015.

¹¹⁴ “What a to-do! Nizhny Novgorod Region Justice department vs. the rest”, Grigory Melkonyants, Facebook, 13 October 2015.

8. CRIMEA

According to the Human Rights Ombudsman for Ukraine the number of NGOs in the Crimea has reduced drastically since January 2015. Some moved to mainland Ukraine and changed their legal address. Most of the human rights organisations and organisations of a pro-Ukrainian orientation were forced to halt their activities.

The MEJLIS of the Crimean Tatar nation has experienced unprecedented pressure. The local authorities harass media outlets that even mention the organisation by name. In September 2015 the text of a letter from the Crimea Region Ministry of Communications to the editors of local media became known:¹¹⁵ “The Ministry most insistently recommends that the name or partial naming of a non-existent organisation cease to be used in news reports, articles and interviews with the mass media, including the internet, of the Crimean Republic.”

Difficult social conditions in Crimea have led officials to explain their mistakes as the subversive acts of “foreign agents”. In an article published on 9 September in **Izvestiya** Sergei Menyailo said that the people of Sebastopol were dissatisfied with the actions of the city’s administration because “the US State Department is trying to destabilise the situation in Sebastopol through opposition media, social networking and NGOs.”¹¹⁶

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¹¹⁵ “In Crimea they think Mejlis of Crimean Tatar nation may be banned in Russia”, Newsru.com, 24 September 2015.

¹¹⁶ “Governor of Sebastopol declares opponents agents of US State Department”, **Kommersant** daily newspaper, 10 September 2015.

Throughout 2015 the Russian authorities demonstrated that they had no intention of slackening the pace at which independent organisations were being harassed and persecuted. Legislation about “undesirable organisations” was adopted in order to reduce the funding of such NGOs.

Amendments to existing laws were passed in June 2016, widening the list of “political activities”.¹¹⁷ Other amendments established that “foreign agent” NGOs cannot be organisations performing “socially useful services”.¹¹⁸ From 1 January 2017 this will close off access to State funding for “foreign-agent” NGOs. “Socially useful” organisations will be able to apply.

Over the past few years NGOs have turned down foreign funding; changed the focus of their activities and refrained from passing comment. Many have closed down. The most frightening result of this pressure and harassment was the rising number of assaults on civilian activists in Russia who continued to openly express their point of view. Dozens of key figures were forced to leave the country. Many did not openly say that they were leaving, in the hopes of coming back when the situation changed.

* * *

¹¹⁷ Federal Law No 179, 2 June 2016, amendments to para. 8, “On public organisations” and para. 2 of the Federal Law “On non-governmental organisations”.

¹¹⁸ Federal Law 287, 3 July 2016, amendment about establishing the status of non-governmental organisations performing socially useful services.

SOME RUSSIAN NGOS

Location, date established

and “foreign agent” status (7 October 2016).

FA = *foreign agent* + [C] *closed*, + [N] *no longer* FA

- CENTRE FOR HUMAN RIGHTS RESOURCES
(Resursny pravozashchitny tsentr, St Petersburg. 2009) FA [C]
- CITIZENS’ WATCH
(Grazhdansky kontrol, St Petersburg. 1992) FA
- THE COMMITTEE AGAINST TORTURE
(Komitet protiv pytok, Nizhny Novgorod. 2000) FA [C]
- CONSUMER RIGHTS PROTECTION SOCIETY
(obshchestvo zashchity prav potrebitelei. Moscow) FA
- CONSUMER RIGHTS PROTECTION FOUNDATION
(obshchestvenny fond zashchity prav potrebitelei, FA [C]
Novosibirsk Region)
- DODO ECOLOGICAL CENTRE
(Ekologicheskii tsentr Dront, Nizhny Novgorod Region. 1989) FA
- DYNASTY FOUNDATION
(Fond dinastii Dmitriya Zimina, Moscow. 2002) FA
- ECO-DEFENCE! (Ekozashchita! Kaliningrad. 1989) FA
- ECO-LOGIC (Ekologika, Rostov-on-Don) FA [N]
- ECOLOGY WATCH (Ekologicheskaya vakhta, Sakhalin. 1995) FA
- FOR NATURE (Za prirodu, Chelyabinsk)
Movement and Foundation FA
- GLASNOST DEFENCE FOUNDATION
(Fond zashchity glasnosti, Moscow. 1991) FA

- THE GOLOS MOVEMENT (Golos, Moscow. 2000) FA
GOLOS ON THE VOLGA (Golos-Povolzhe, Samara. 2013) FA
- THE INDIVIDUAL AND THE LAW
(Chelovek i Zakon, Yoshkar-Ola. 1999) FA
- MASHR HUMAN RIGHTS ORGANISATION
(“Peace”, Ingushetia. 2008) FA
- MASS MEDIA DEFENCE CENTRE (MMDC)
(Tsentr po zashchite SMI, Voronezh. 1996) FA
- MEMORIAL INTERNATIONAL SOCIETY (Moscow. 1989) FA
MEMORIAL RESEARCH CENTRE (Nauchno-informatsionny
tsentr Memorial, St Petersburg. 1990) FA
- MOVEMENT FOR HUMAN RIGHTS
(Za pravo cheloveka, Moscow. 1997) FA [N]
- PARTNERSHIP FOR DEVELOPMENT
(Partnyorstvo za razvitie, Saratov) FA [C]
- PERSPECTIVE (Rakurs, Arkhangelsk. 2007) FA
- PLANET OF HOPES
(Planeta nadezhd, Chelyabinsk Region) FA
- PRISONERS’ DEFENCE FOUNDATION
(Fond zashchity zaklyuchennykh, Chelyabinsk. 2006)
- PUBLIC VERDICT
(Obshchestvenny verdict, Moscow. 2004) FA
- RAINBOW WORLD (Raduzhny mir, Murmansk)
- WOMEN OF THE DON (Zhenshchiny Dona, Novocherkassk)
WOTD Union (1994) FA [N]; WOTD Foundation for
Development of Civil Society and Human Rights (2013) FA

This brochure is based on Article 20's Annual Report about violations of the right to organise and belong to associations in the Russian Federation. An English version, translated by Rights in Russia, was published earlier this year on the Article 20 website. The text of this brochure is an abridged and updated version. Unless stated otherwise all references are to sources in Russian. For the unabridged original and links to the original sources, see the Article 20 website.

www.article20.org

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ARTICLE20.ORG

ARTICLE20.ORG has been in existence since 2008. It carries frequent updates from all over Russia about infringements of the Right to Assembly and Association, enshrined in the 1948 UN Universal Declaration of Human Rights and the 1993 Constitution of the Russian Federation (Articles 30 & 31). Some of the website items are available in English and German.