

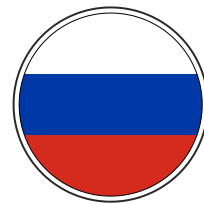
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Russia

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Update

Restrictions introduced by [Federal Law No. 255-FZ of July 14, 2022, on Control over the Activities of Persons Under Foreign Influence](#) (<http://publication.pravo.gov.ru/Document/View/0001202207140018>) (hereinafter “Law on Foreign Influence”), that entered into force on December 1, 2022, along with a number of correlating laws and legal acts adopted at the end of 2022 (in particular, [Federal Law No. 498-FZ of December 5, 2022, on Amendments to Certain Legislative Acts of the Russian Federation](#) (<http://publication.pravo.gov.ru/Document/View/0001202212050039>); [Federal Law No. 582-FZ of December 29, 2022, on Amendments to Articles 239 and 330-1 of the Criminal Code of the Russian Federation](#) (<http://publication.pravo.gov.ru/Document/View/0001202212290032>) (hereinafter “Criminal Code”); and [Federal Law No. 622-FZ of December 29, 2022, on Amendments to the Code of Administrative Offenses of the Russian Federation](#) (<http://publication.pravo.gov.ru/Document/View/0001202212290132>)), significantly worsened the regulation of individuals and legal entities

designated as foreign agents (FAs) in the Russian Federation (hereinafter “Russia” or “RF”), and created new grounds for the inclusion of persons (including legal entities) in the new Unified FA Registry. In accordance with the Law on Foreign Influence, from December 1, 2022, the Ministry of Justice (MoJ) began to publish a Unified Registry of FAs.

On July 27, 2023, a new package of five restrictive laws was adopted. The laws introduced responsibility for ensuring compliance with FA restrictions on any person who, to one degree or another, by their actions or inaction, can contribute to the fact that these restrictions and prohibitions are not observed by FAs, in addition to the already existing responsibility for FAs themselves. On July 31 and August 4, 2023, additional restrictive laws prohibited operations of any foreign non-commercial organization (FNCO) in the territory of Russia without a registered office, as well as any participation in its activities in the territory of Russia by any legal entity or person, establishing administrative and criminal liability for organizing and participating in activities of unregistered FNCOs.

According to the Federal Law No. 42-FZ of March 11, 2024, on Amendments to Article 11 of the Federal Law on Control over the Activities of Persons under Foreign Influence and certain legislative acts of the Russian Federation (<http://publication.pravo.gov.ru/document/0001202403110004>) advertising of information resources of FAs is prohibited. “Information resources” produced by FAs include the FAs’ websites, social media pages, channels on streaming and video services, among other resources. The adoption of the Federal Law No. 42-FZ forced several well-known journalist-FAs to suspend or reduce their projects for financial reasons.

On May 6, 2024, another restrictive law introducing ban on FAs’ participation in the elections was approved by the State Duma (draft Federal Law No. 501159-8 on Amendments to the Federal Law on Basic Guarantees of Electoral Rights and the Right to Participate in a Referendum of Citizens of the Russian Federation and certain legislative acts of the Russian Federation (<http://sozd.duma.gov.ru/bill/501159-8>)). By the time the documents required to register for elections are submitted, the candidate “must cease to be a FA; FAs are prohibited from being observers and proxies of candidates in elections; an already registered candidate cannot be included in the FA Registry; at the same time, the powers of senators, State Duma deputies, legislative assemblies, and local government bodies will be terminated if they are declared FAs; if, by the time the law comes into force, a deputy has already been declared a FA, his or her mandate will be taken away (unless he or she is removed from the FA Registry within 180 days); international observers will be able to participate only in federal elections; they will be accredited upon invitation from government agencies; the Ministry of Internal Affairs will check whether the candidates violated the articles on “demonstration of extremist symbols” and “dissemination of extremist materials.”

In addition, under the pretext of improving the demographical situation and fostering a return to “traditional values” in the country, authorities launched an unprecedented crackdown on the LGBTQ+ community and women’s right to abortion. On November 30, 2023, after a closed-door trial, a Supreme Court decision recognizing the “international public movement of LGBT people” as extremist came into force immediately; LGBTQ+ activities of several registered NCOs and unregistered movements were

practically banned in Russia. In March 2024, due to the activities of the regional club, the first criminal case was opened in connection with the recognition of the “LGBT movement” as an “extremist organization” (Part 1 of Article 282.2 of the Criminal Code – organizing the activities of an “extremist organization”, and Part 2 of Article 282.2 of the Criminal Code – participation in the activities of an “extremist organization”).

Introduction

Since 2012, the following restrictive and positive laws have been enacted in Russia.

On July 20, 2012, Russia enacted the Federal Law Introducing Amendments to Certain Legislative Acts of the RF Regarding the Regulation of Activities of Non-Commercial Organizations Performing the Function of FAs, which entered into effect on November 21, 2012. The law requires all NCOs to register in the NCO Registry, which is maintained by the MoJ, prior to receipt of funding from any foreign sources if they intend to conduct political activities. Such NCOs are called “NCOs performing functions of foreign agents” (NCOs-FAs). The Federal Law of March 8, 2015 specified the grounds and procedure for exclusion from the register of NCOs performing the functions of an FA. As of November 30, 2022, the Registry of NCOs-FAs included 217 entries/records (one was duplicated) of NCOs, 29 of which registered voluntarily (mostly due to considerable administrative penalties). 153 NCOs were exempted from the NCO Registry (101 NCOs liquidated and 52 ceased to perform the functions of an FA), totaling 63 “active” NCOs-FAs. A new Unified FA Registry, published by the MoJ on December 1, 2022, contained 493 entries, including previously excluded NCOs and individuals deemed media-FAs. By May 15, 2024, the Unified FA Registry contained 801 entries (202 excluded mainly due to liquidation), and the number of “active” FAs reached 599.

On December 21, 2012, the State Duma adopted amendments to the Dima Yakovlev law (the Federal Law No. 272-FZ “On Measures of Influence of Persons Relating to Violation of Basic Human Rights and Freedoms of Citizens of the RF”). The Dima Yakovlev law contains a number of provisions further restricting the activities of NCOs, including the following:

- Activities of NCOs participating in political activities or implementing other activities constituting a threat to the interests of Russia and receiving funds from U.S. citizens or organizations shall be suspended and their assets seized (the MoJ may issue a decision to restart activities of an NCO whose activity was previously suspended after the NCO stops receiving funding from U.S. citizens or organizations).
- Citizens with U.S.-Russian dual citizenship are prohibited from membership or participation in the management of Russian NCOs or registered offices of foreign NCOs that participate in political activities in Russia.
- In case of the seizure of assets of an NCO, the NCO also loses its rights to found mass media outlets and is prohibited from conducting mass and public events and from using bank accounts, with a few exceptions outlined in the Federal Law on NCOs.

On May 23, 2014, Russian President Vladimir Putin signed Federal Law No. 129-FZ on Amendments to Certain Legislative Acts of the RF, which affects foreign and international NCOs (FNCOs) and their partners in Russia (hereinafter “the Law on Undesirable Organizations”). The Law on Undesirable Organizations introduced changes to a number of Russian laws, including the Dima Yakovlev Law, the Code of Administrative Offenses (CoAO), the Criminal Code, the Criminal Procedure Code, and the Law on the Procedure of Exit from the RF and Entry into the RF.

According to the Law on Undesirable Organizations, an FNCO can be declared “undesirable” by the Prosecutor General or the Prosecutor General’s deputies if they deem the NCO to be a threat to national security. Activities of “undesirable” organizations in Russia are prohibited, and all persons participating in such activities are subject to administrative and criminal penalties. Since its adoption, the Law on Undesirable Organizations has been amended on a number of occasions to:

- expand the list of prohibited activities for “undesirable” FNCOs, by adding a fifth activity, which is “a ban on the creation in the territory of Russia of legal entities or participation in them” (Federal Law No. 35-FZ of March 28, 2017);
- expand the list of grounds for recognizing the activities of an FNCO as “undesirable” in the territory of Russia with the following: if it “facilitates or hinders the nomination of candidates, lists of candidates, the election of registered candidates, the initiative of holding a referendum and holding a referendum, the achievement of a certain result in elections, referendum, as well as in other forms (except for participation in election campaigns, referendum campaigns as foreign (international) observers)” (Federal Law No. 555-FZ of December 27, 2018);
- provide links to materials of “undesirable” organizations considered to be illegal content and then banned the dissemination of these materials on social networks (Federal Law No. 530-FZ of December 30, 2020);
- expand the list of grounds for recognizing the activities of FNCOs as “undesirable”, including receipt of information about the provision of intermediary services when conducting transactions with monetary funds and/or other property belonging to an FNCO, whose activities are recognized as “undesirable” in the territory of Russia, in order to carry out activities by such an organization that pose a threat to the foundations of the constitutional order, defense, or security of the state. Russian citizens and legal entities are prohibited from participating in the activities of “undesirable” organizations outside of Russia (Federal Law No. 230-FZ of June 28, 2021);
- strengthen administrative liability for participation in the activities of “undesirable” organizations (Federal Law No. 232-FZ of June 28, 2021);
- ban the creation (opening) in the Russian territory of structural units of “undesirable” organizations and the termination, in accordance with the procedure established by the Russian legislation, of the activities of such structural units previously created (opened) in the territory of Russia (Federal Law No. 272-FZ of December 28, 2012);
- ban the dissemination of information materials, as well as the production or storage of such materials for the purpose of distribution (Federal Law No. 272-FZ of December 28, 2012);
- ban the implementation of programs (projects) in the territory of Russia for organizations deemed “undesirable” (Federal Law No. 272-FZ of December 28, 2012);
- ban the conducting of any financial transactions if one of the parties is an organization whose activities are recognized as “undesirable” (Federal Law No. 272-FZ of December 28, 2012);
- ban for “undesirable organizations” to establish legal entities or to participate in existing ones, and termination of existing legal entities established with participation of “undesirable” organizations (Federal Law No. 272-FZ of December 28, 2012);
- introduce criminal liability for managing the activities of an “undesirable” organization in the territory of Russia, including imposing jail terms for fundraising for “undesirable” organizations (Federal Law No. 292-FZ of July 1, 2021); and

- impose criminal responsibility on persons participating in, financing, or organizing the activities of an “undesirable” organization, whether the activities take place in the territory of Russia or abroad (Federal Law No. 260-FZ of July 14, 2022).

As of May 15, 2024, the list of FNCOs whose activities are deemed “undesirable” in the territory of Russia (<https://minjust.gov.ru/ru/documents/7756/>) includes 160 organizations (up from 137 in mid-February 2024).

Two important federal laws entered into force on January 1, 2017: Federal Law No. 287-FZ “On Amending Federal Law on NCOs in Terms of Establishing the Status of NCO–Provider of Public Benefit Services (PPBS)” and Federal Law No. 449-FZ “On Amendments to Article 31-1 of the Federal Law on NCOs (in Terms of Specification of Measures of Support of Socially Oriented NCO–PPBS (SONCOs–PPBS) by the Public Authorities and Local Self-Government)”. Proper implementation of these Laws could benefit civil society if implemented properly. As of May 15, 2024, the MoJ’s Registry of SONCOs–PPBS (<http://unro.minjust.ru/NKOPerfServ.aspx>) contains 3,332 entries (excluded 1,671, valid – 1,661).

On November 25, 2017, Federal Law No. 327-FZ “On Amendments to Articles 10.4 and 15.3 of the Federal Law on Information, Information Technologies and Protection of Information and Article 6 of the Law on Mass Media,” entered into force. The Law introduces recognition of foreign media as “foreign agents” (FM-FAs) and expands the list of reasons for extrajudicial restrictions on access to information resources on the Internet. In addition to the list of existing grounds for blocking websites, such as for appealing for mass riots, extremist activities, and participation in mass (public) events held in violation of the established order, it allows for the blocking of websites publishing or disseminating materials by “undesirable” foreign organizations as well as the blocking of all data that allows someone to access these materials. As of November 30, 2022 (before the creation of the Unified FA Registry), the Registry of foreign media outlets implementing the functions of FAs (hereinafter the “FM-FAs Registry”) contained 202 entries, with 192 “active” FM-FAs.

On October 22, 2018, Federal Law No. 362-FZ of October 11, 2018, “On Amending Article 5 of the Federal Law on Anti-Corruption Expert Review of Normative Legal Acts and Drafts of Normative Legal Acts,” entered into force. The Law limits the number of categories of individuals and legal entities which can obtain official status as an independent expert accredited by the MoJ. In particular, the Law established a ban on conducting independent anti-corruption expert review of normative legal acts (NLAs) and drafts of NLAs by international and foreign organizations, as well as NCOs performing the functions of an FA.

Three federal laws that do not specifically affect NCOs’ activities but rather restrict freedom of assembly were adopted between October and December 2018.

- Federal Law No. 367-FZ of October 11, 2018, “On Amendments to Articles 5 and 10 of the Federal Law on Meetings, Rallies, Processions and Pickets,” entered into force on October 22, 2018.
 - According to the new Law, the organizer of a public event is obligated to inform citizens and provide a written notification to the government about the cancellation of a public event no later than one day prior to its scheduled date. This requirement may be difficult to fulfill, as there are many instances when organizers of public events are forced to cancel an event due to last minute disruptions not dependent on the organizers, such as denial of premise rental an hour before the meeting.
- Federal Law No. 377-FZ of October 30, 2018, “On Amendments to the CoAO,” entered into force on November 11, 2018.

- The CoAO is supplemented by Article 20.23, which provides for administrative liability for the organizer of a public event not fulfilling its obligations to inform citizens and government bodies about a decision to cancel the public event, as well as for filing a notification for holding a public event without indicating its purpose.
- Federal Law No. 557-FZ of December 27, 2018, “On Amending Article 20.2 of the CoAO of the RF,” entered into force on January 8, 2019.
 - The Law establishes administrative liability for the involvement of minors in unauthorized public events.

Restrictive laws adopted at the end of 2019, meanwhile, included:

- Federal Law No. 407-FZ of December 2, 2019, “On Amending Certain Legislative Acts of the RF,” entered into force on December 13, 2019, with the purpose of establishing a prohibition to act as a founder (member, participant) of an NCO on persons with respect to whom a decision is adopted to freeze (block) funds or other property in connection with sufficient grounds to suspect them of involvement into terrorist activities.
 - According to this Law, individuals having their assets frozen because of terrorism allegations would be banned from being founders, participants, or members of NCOs. These amendments, according to the Government of the RF, would help secure the not-for-profit sector against abuse for financing terrorist activities. However, the criteria for making a decision on the freezing (blocking) of funds or other property in connection with sufficient reasons to suspect involvement in terrorist activities are not specified, making arbitrary application of the law possible.
- Federal Law No. 426-FZ of December 2, 2019, “On Amending the Law of the RF on the Mass Media and the Federal Law on Information, Information Technologies and Protection of Information.”
 - The so-called law on “individual-foreign agents” entered into force on December 2, 2019. Additionally, all media recognized as FAs (including individuals recognized as media-FAs) must establish a Russian legal entity by February 1, 2020. The Law extended the rules on the activities of foreign mass media performing the functions of an FA (mass media-FA) and an NCO-FA to individuals and commercial organizations.
- The adoption of the above Law was followed by the adoption of Federal Law No. 443-FZ of December 16, 2019, “On Amendments to the CoAO,” entered into force on February 1, 2020.
 - The Law establishes liability for violation of the procedure for the activity of a foreign media outlet, and proposes to impose fines as high as 5,000,000 rubles for repeated violations of media laws related to FAs. First-time offenses carry smaller penalties: “foreign agent” news outlets face fines as high as 1,000,000 rubles and individual FAs could be forced to pay as much as 10,000 rubles .

The decision to recognize an individual as a “mass media-FA” is made by the MoJ in consultation with the Ministry of Foreign Affairs. After an individual is recognized as a “mass media-FA”, it is obliged to:

- establish a Russian legal entity or notify the MoJ of all previously established legal entities within one month from the date of recognition as a “mass media-FA.” Information about these legal entities is also subject to inclusion in the Registry of mass media-FAs, and they acquire the status of “Russian legal entity performing the functions of a foreign agent”;

- label messages and materials distributed in the territory of Russia indicating that these messages and materials are created and/or distributed by a “mass media-FA”; and
- comply with the requirements of the NCO law in the part that must be determined by a special act of the MoJ to be issued in accordance with this law.

The obligation to establish a legal entity forces an individual to incur financial costs associated with its registration (e.g., legal services and payment of state duty), and opening and maintaining a bank account.

The legislative procedure for notifying an individual about the MoJ’s recognition of their status as a “mass media-FA” is not fixed in the law. In fact, all individuals are at risk of administrative penalties (a fine of 10,000 rubles) if they do not check the Registry of FM-FAs, do not learn about their recognition as a “mass media-FA”, and do not fulfill the requirements of the law on establishing a legal entity and labeling materials. The procedure for removing an individual from the Registry of FM-FAs is also not regulated by the law, as it mentions only the MoJ’s right to include or exclude information about an individual in the corresponding Register.

The following positive laws were adopted in early 2020:

- Federal Law No. 60-FZ of March 18, 2020, “On Amendments to Articles 2 and 31-4 of the Federal Law on NCOs,” establishes a new basis for including SONCOs in the Register of SONCOs-PPBS – “proper implementation of projects that provide the implementation of activities in one or more priority areas in the sphere of providing public benefit services using grants from the President of Russia aimed at the development of civil society.” The evaluation of such projects’ results is carried out by an organization authorized to provide grants from the President of Russia – the Presidential Grants Fund. Evaluated SONCOs do not need to obtain additional opinions on the quality of their provided services.
- Federal Law 113-FZ of April 4, 2020, “On Amendments to the Federal Law on Charitable Activities and Volunteering,” entered into force on October 5, 2020, and provides for the definition of the concept of a “box for collecting donations”: “a box for collection of donations – any capacity (including a device) for collection of donations, the right to use of which belongs exclusively to NCOs, whose bylaws provide for the right to carry out charitable activities.” The Law also provides for two types of boxes: portable and stationary. Installation and use of stationary boxes are allowed on the basis of an agreement with the owner (user) of the premises, except when they are installed by an NCO, which is doing collection, during public events organized by such NCO (or in partnership with others) or with written permission from the organizers of a public event. The use of a portable box is allowed during a public event if there is a written permit from the organizer of the event. Requirements for boxes, and the procedure for their installation and use, should be determined by the regulatory act of the Russian Government. The adoption of this Law improved the NCO legal environment as the government did not previously regulate the collection of cash donations, and, while cash collections are not specifically prohibited by law, such collections would violate multiple other legal rules, subject to penalties). The Law also establishes rules protecting NCOs from abuse by criminals who “fundraise” from the public under the guise of legitimate NCOs.

The presidential amendments to the Russian Constitution

(<http://publication.pravo.gov.ru/Document/View/0001202007040001>) were approved by nationwide vote on July 1, 2020.

During the height of the COVID-19 pandemic, the Russian Parliament and government adopted, absent meaningful public discussion, a number of laws and implementing regulations, which contradicted constitutional laws designed to protect personal data. These included:

- The law providing for the creation of a single database of Russian citizens' personal data (Federal Law No. 168-FZ of June 8, 2020, "On the Unified Federal Information Register Containing Information about the Population of the RF"), which would gather a significant volume of personal data on all citizens without providing reasonable protection of this data or clearly stating the limitations of its use;
- The law on conducting an experiment with the purpose of developing artificial intelligence (AI) in Moscow (Federal Law No. 123-FZ of March 24, 2020, "On Conducting Experiment on Establishing Special Regulation with the Purpose to Create Necessary Terms for Development and Introduction of Technology of Artificial Intelligence in the Constituent Entity of the RF— the City of Federal Importance Moscow and Amendments to Article 6 and 10 of the Federal law on Personal Data (<http://publication.pravo.gov.ru/Document/View/0001202004240030?index=1&rangeSize=1>)"); and
- Multiple implementing regulations allowing a broad range of state bodies to collect personal data, without meaningfully defining and restricting its use or addressing data protection (i.e., regulations requiring mandatory installation of movement tracking apps on mobile devices, expanding use of facial recognition technologies, and others).

Such legislation, and the use of AI technologies in general, threatens human rights protections and the security and privacy of citizens. Without an understanding of the content or potential impact of such legislation on civic freedoms, NCO leaders and legal experts were not prepared to properly track and engage in effective advocacy against its adoption, defend their rights, or inform the broader civil society about the new legislation.

Russian authorities also adopted legislative acts that made it easier for NCOs to work during the pandemic. These included:

- Decree No. 505 of the Russian Government of April 15, 2020, "On Amending the Decree No. 212 of the Government of the RF of April 15, 2006 (<http://publication.pravo.gov.ru/Document/View/0001202004150028>). On April 16, 2020, the MoJ posted information about the adoption of an Order extending the deadline for the submission of the audit report on the results of the annual accounting (financial) statements audit by NCO-FAs as well as other reports to June 1, 2020. The Order also extended the deadline for posting the 2019 activity reports and the messages on the continuation of NCO activities on the online information resources of the MoJ until June 1, 2020. On May 26, 2020, the MoJ issued another extension of the NCO reporting deadline to July 1, 2020 (Order No. 122 of the MoJ of May 26, 2020, and Order No. 123 of the MoJ of May 26, 2020 (<https://rg.ru/2020/06/02/minjust-prikaz122-site-dok.html>)).
- Order No. 120-rp of the Russian President of May 6, 2020 (<http://publication.pravo.gov.ru/Document/View/0001202005060017>). This Order announced (<http://kremlin.ru/events/president/news/63294>) on April 30, 2020, allocated funds from the reserve fund of the Russian President in the amount of 3,000,000,000 rubles to the Presidential Grants Fund for the development of civil society (i.e., through provision of grants to SONCOs), including for the mandatory purchase of personal protective equipment for NCO employees and volunteers.
- Decree No. 976 of the Russian Government of July 2, 2020, "On Approval of the Rules for the Provision of Subsidies from the Federal Budget in 2020 to Small and Medium-Sized

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(<http://publication.pravo.gov.ru/Document/View/0001202007060007>),” provides for the allocation of subsidies for disinfection of premises, markings, dispensers, masks, and gloves. The subsidy is divided into two parts: the first part is a one-time amount of 15,000 rubles; and the second part is based on a payment of 6,500 rubles per each employee of the organization as of May 2020.

- **Federal Law No. 189-FZ of July 13, 2020, “On the State (Municipal) Social Order for the Provision of State (Municipal) Services in the Social Sphere** (<http://publication.pravo.gov.ru/Document/View/0001202007130053>),” provides an opportunity for legal entities, including SONCOs, to receive budget funds for the provision of social services through participation in the state procurement system. The Law only allows legal entities providing services related to, or conducting activities in the spheres of, education, health care, social protection, employment, physical culture, sports, and tourism, to receive budget funding. The Law entered into force on September 1, 2020 in selected regions and is valid until 2025.
- **Federal Law No. 282-FZ of July 31, 2020, “On Amendments to the Federal law on Charitable Activities and Volunteerism and the Federal law on the Procedure for Forming and Using the Endowment Capital of NCOs** (<http://publication.pravo.gov.ru/Document/View/0001202007310046>),” improved the regulation of establishing endowments by NCOs and charitable organizations.
- **Order No. 190 of the MoJ of August 31, 2020, “On Approval of the Requirements for the Form and Timing of Publication of the Report of a NCO on the Use of Collected Charitable Donations** (<http://publication.pravo.gov.ru/Document/View/0001202009080014>),” implemented the provisions of Article 16.1 of the Federal Law on Charitable Activities and Volunteering from October 5, 2020, which regulates the use of boxes for collecting donations. The adopted Order contains both positive norms (designed to eliminate fraudulent actions in the field of charity) and negative ones (imposing an additional obligation on charitable NCOs to submit reports as well as penalties for failing to do so).
- **Decree No. 1419 of the Russian Government of September 14, 2020, “On Amending the Decree of the Government of the [RF] of January 26, 2017 No. 89”** (<http://publication.pravo.gov.ru/Document/View/0001202009150027>),” established a procedure according to which an operator of president’s grants may issue an opinion on the proper implementation of a particular project on provision of socially useful services, at the request of the NCO-implementor.
- **Decree No. 1584 of the Russian Government of October 1, 2020, “On Approval of Requirements for Boxes for Collecting Charitable Donations, the Procedure for Their Installation, Use and Retrieval of Property Collected with their Help** (<http://publication.pravo.gov.ru/Document/View/0001202010050013>),” which was developed in implementation of the Federal Law No. 113-FZ of April 7, 2020, “On Amendments to the Federal Law on Charitable Activities and Volunteering.”

Since February 24, 2022, before and after the presidential elections of March 15-17, 2024, the number of adopted restrictive laws and implementing regulations have continued to grow considerably. This has affected both the NCO sector and the freedoms of speech, expression, and assembly.

+ AT A GLANCE

+ KEY INDICATORS

ORGANIZATIONAL FORMS

On September 1, 2014, the amendments to the Civil Code entered into force, introducing a closed list of eleven organizational forms of NCOs (Item 3 Article 50 of Civil Code of the RF). The list of organizational forms includes: consumer cooperatives; public organizations; associations; organizations of realty owners; Cossack communities; communities of indigenous small population groups; foundations; institutions; autonomous non-commercial organizations; religious organizations; and public legal companies. Article 65.1 of the Civil Code divides legal entities into:

1. corporate entities, which are those where founders, participants, and members have the right to participate in their management (that is, they gain the right of membership); and
2. unitary entities, which are those where founders may not become participants (that is, they do not acquire the right of membership).

PUBLIC BENEFIT STATUS

NCOs may register as a charity pursuant to the Charities Law. Federal law, however, does not provide any benefits specific to registered charities. Although legislation at the regional and local levels offers tax benefits to charities, such legislation does not necessarily require the organization to be registered as a charity at the federal level. Tax benefits under Russian law are primarily tied to the support or performance of particular activities specified in the Tax Code. Registration of an NCO as a charity pursuant to the Charities Law provides the organization with a particular status and subjects the organization to heightened scrutiny, but this status does not in itself provide any unique tax benefits.

Amendments enacted to the NCO Law in April 2010 introduced the status of SONCOs (socially oriented NCOs). Under the new law, SONCOs are potentially eligible for governmental support. SONCOs engage in a broad range of activities, including traditional charitable work, the provision of free-of-charge legal aid, and the protection of human rights. As of February 10, 2024, the list of the types of “socially oriented” activities consisted of 18 types of activities, a list that is constantly expanding.

Federal Law No. 287-FZ of July 3, 2016, on Amending Federal Law on NCOs in terms of Establishing the Status of NCO – Provider of Public Benefit Services (<http://publication.pravo.gov.ru/document/0001201607040069>) (PPBS), provides for assigning the status of “NCOs–PPBS” to some SONCOs, including those which had the special code “provision of social services” given to them during registration (OKBЭД). The Law also provides for a procedure for the assignment and removal of this status. It specifies the priority status of such organizations, in instances of state support of NCOs.

Federal Law No. 320-FZ of November 14, 2017 on Amendments to Article 31-4 of the Federal Law on NCOs (<http://publication.pravo.gov.ru/document/0001201711140065>) refers to assessing the quality of public benefit services by regional authorities and aims at simplifying the process for obtaining conclusions from government bodies, which are necessary for inclusion in the Registry of NCOs-PPBS.

Decree No. 57 of the Government of the RF of January 24, 2018 (<http://government.ru/docs/all/115133/>), on Amendments to Decree No. 89 of the Russian Government of January 26, 2017, on the Register of NCOs-PPBS, entered into force on February 3, 2018. An NCO-PPBS may now apply for inclusion in the NCO-PPBS Register to the territorial body of the MoJ. An already registered NCO-PPBS may apply for an extension of the list of provided services according to a simplified procedure. Also, the deadline for considering an application for recognition of an organization as an NCO-PPBS is shortened: earlier executive bodies could increase the time for consideration of up to 60 days; the time for making changes is not more than 30 days. The Decree includes a new type of public benefit services aimed at promoting interethnic cooperation, preserving and protecting the identity, culture, languages and traditions of the Russian peoples, and the social and cultural adaptation and integration of migrants.

Federal Law No. 60-FZ of March 18, 2020, on Amendments to Articles 2 and 31-4 of the Federal Law on NCOs (<http://publication.pravo.gov.ru/Document/View/0001202003180032>) established a new basis for including SONCOs in the Register of SONCO-PPBS: “proper implementation of projects that provide the implementation of activities in one or more priority areas in the sphere of providing public benefit services using grants from the President of the RF aimed at the development of civil society.” The evaluation of such projects’ results are carried out by the Presidential Grants Fund. Evaluated SONCOs will not need to obtain additional opinions on the quality of their provided services.

Decree No. 906 of the Government of the RF, “On the Register of SONCOs (<http://publication.pravo.gov.ru/Document/View/0001202006260012>),” June 23, 2020, provides for the procedure for maintaining the Register of SONCOs that have received grants and subsidies, performed social services, and provided public benefit services since 2017. The Register is formed by the Ministry of Economic Development (MoED) and is publicly available on the Ministry’s website. The Decree defines the list of information to be included in the Register, and the terms and procedure for entering it.

Federal Law No. 189-FZ of July 13, 2020 on the State (Municipal) Social Order for the Provision of State (Municipal) Services in the Social Sphere (<http://publication.pravo.gov.ru/Document/View/0001202007130053>) provides for an opportunity for legal entities, including SONCOs, to receive budget funds for the provision of social services through participation in the state procurement system. The social services provided for in the law cover only education, health care, social protection, employment, physical culture, sports, and tourism. SONCOs conducting activities in these spheres are able to receive budget funding. The Law entered into force on September 1, 2020 in selected regions and is valid until 2025.

Federal Law No. 119-FZ of April 14, 2023, on Amendments to Article 31-1 of the Federal Law on Non-Commercial Organizations (<https://sozd.duma.gov.ru/bill/281856-8>) provides for supplementing the SONCO support components with a new type of information support: to provide various

authorities with the opportunity to provide SONCO services for the provision of computing power on servers (for example, using the government state unified cloud platform) to place large SONCO information resources on a secure telecommunications infrastructure; provide SONCOs, included in the register, with access to the website builder of the Ministry of Digital Development of Russia (“Gosweb” subsystem of the federal state information system “Unified Portal of State and Municipal Services (Functions)”). The law is aimed at the reduction of SONCOs’ expenses for technical and material support, and provision of security of the personal data of citizens working and interacting with SONCOs.

Federal Law No. 32-FZ of February 26, 2024, on Amendments to the Federal Law on Non-Commercial Organizations

(<http://publication.pravo.gov.ru/document/0001202402260009>) came into force on March 8, 2024. The law expanded the list of activities of SONCO by including into it activities in the field of family support, motherhood, paternity and childhood, organization and implementation of events that promote the development of forms of placing children without parental care in the family provided for by the legislation of the Russian Federation; and keeping animals in animal shelters.

BARRIERS TO ENTRY

Russian law defines certain restrictions regarding potential founders of NCOs. Regarding non-citizens, only those foreign nationals and stateless persons who are “legally domiciled in the RF” may be founders, members, or participants in PAs or NCOs. Certain persons may not become founders, members, or participants, including:

- Foreign nationals or stateless persons whose stay is deemed “undesirable”;
- Persons appearing on a money laundering and anti-terrorist financing watch list maintained by the Russian government;
- Organizations that have been suspended under the Law on Countering Extremist Activities;
- Persons found by court decision to show signs of participating in extremist activity; and
- Persons who are currently incarcerated as a result of conviction of a crime.

PAs, such as public organizations and public foundations, by definition can be created only by natural persons. These organizations cannot be founded by legal persons, but other public organizations may join as members (Articles 18 and 19, Law on PAs). By comparison, legal persons, including commercial entities, may found all other forms of NCOs. An NCO shall be subject to state registration in compliance with the NCO Law. PAs shall be subject to state registration in compliance with the Law on PAs. The burdensome registration process for all NCO types requires a long list of documents to be submitted to the authorized governmental body. The same is true for foreign NCOs seeking to establish a branch office in Russia.

BARRIERS TO OPERATIONAL ACTIVITY

NCOs, as a rule, have virtually no restrictions on the activities they may pursue as their primary objectives, including mutual benefit activities ([Article 6\(1\), NCO Law](https://www.usig.org/countryinfo/laws/Russia/Russia%20Law%20on%20Charitable%20Ac) (<https://www.usig.org/countryinfo/laws/Russia/Russia%20Law%20on%20Charitable%20Ac> and [Articles 5, 8, Law on PAs](https://www.usig.org/countryinfo/laws/Russia/Russia%20Law%20on%20Public%20Assoc) (<https://www.usig.org/countryinfo/laws/Russia/Russia%20Law%20on%20Public%20Assoc>). All foundations are required to engage in public benefit activities ([Article 118\(1\), Civil Code](https://www.usig.org/countryinfo/laws/Russia/Russia%20Civil%20Code%20Article%20118) (<https://www.usig.org/countryinfo/laws/Russia/Russia%20Civil%20Code%20Article%20118> 7(1), NCO Law (<https://www.usig.org/countryinfo/laws/Russia/Russia%20Law%20on%20Non-Commercial%20Organizations%20Article%207.1.doc>), and [Article 10, Law on PAs](https://www.usig.org/countryinfo/laws/Russia/Russia%20Law%20on%20Public%20Associ) (<https://www.usig.org/countryinfo/laws/Russia/Russia%20Law%20on%20Public%20Associ>). The primary activities of institutions are broadly defined as any managerial, socio-cultural, or other activities of a not-for-profit nature ([Article 120, Civil Code](https://www.usig.org/countryinfo/laws/Russia/Russia%20Civil%20Code%20Article%20120) (<https://www.usig.org/countryinfo/laws/Russia/Russia%20Civil%20Code%20Article%20120> 9, NCO Law (<https://www.usig.org/countryinfo/laws/Russia/Russia%20Law%20on%20Non-Commercial%20Organizations%20Article%209.doc>), and [Article 11, Law on PAs](https://www.usig.org/countryinfo/laws/Russia/Russia%20Law%20on%20Public%20Associ) (<https://www.usig.org/countryinfo/laws/Russia/Russia%20Law%20on%20Public%20Associ>). are required to promote at least one of the enumerated charitable activities indicated in the law ([Article 2, Charities Law](https://www.usig.org/countryinfo/laws/Russia/Russia%20Law%20on%20Charitable%20Ac) (<https://www.usig.org/countryinfo/laws/Russia/Russia%20Law%20on%20Charitable%20Ac>). restrictions apply to activities of certain specialized organizations, such as political organizations and labor unions.

Articles 29 and 38 of the Law on PAs impose burdensome reporting requirements on PAs by requiring them to submit information about the funding and property they receive from foreign and international organizations and foreign persons to the registration authority. Article 32 of the NCO Law imposes reporting requirements for NCOs and requires NCOs to report on their use of funds and other assets received from both foreign and local sources. Repeated failure on the part of a PA or an NCO to timely provide the required information is grounds for the registration authority to bring a claim in court requesting a ruling that the organization terminate its activities as a legal entity, which then leads to its exclusion from the Unified State Register of Legal Entities. More recently, new electronic reporting forms for NCOs, prepared by the MoJ, have substantially simplified the reporting process.

Articles 29 and 38 of the Law on PAs and Article 32 of the NCO Law authorize governmental registration authorities to scrutinize PAs and NCOs without appropriate procedural protections. The registration authority may use the following tools to inspect the internal operations of a PA or NCO:

- *The power to summon resolutions of the organization's governing body.* The registration authority is authorized to demand documents dealing with the details of an organization's governance, including day-to-day policy decisions, supervision of the organization's management, and oversight of its finances.
- *The power to send representatives to an organization's events.* The Law allows the government to send a representative to all of an organization's events, without restriction, including internal strategy sessions and grant selection meetings, for example.

- *The power to review the extent to which an organization's activities comply with its statutory goals, including review of its expenditures and property management.* The registration authority has authority to review the compliance of organizations with their goals, even if the registration authority lacks the subject matter knowledge or expertise to make a judgment on whether the particular activities comply with an organization's goals.
- *The power to conduct scheduled or unscheduled state audits.* Amendments to the NCO Law adopted on February 21, 2014 expand the list of reasons for unscheduled audits of NCOs. An NCO now may be audited if it fails to eliminate a violation identified in a written notification within the required time, if the MoJ issues an order to conduct an audit, or if a government body files an application indicating that an NCO violated the law or engaged in terrorism or extremism.

The Federal Law on Changes to Article 32 of the NCO Law from June 4, 2014 went into effect on June 6, 2014. This Law added new powers to the governmental bodies:

- If the state body authorized to conduct audits (e.g., the MoJ) receives information from another state body, a citizen, or an organization that suggests an NCO is engaging in activity that would qualify it as an FA but is not registered as such, the state body may conduct an unscheduled audit of that NCO.
- If the MoJ determines that an NCO is functioning as an FA, but is not on the registry of FAs, the MoJ may unilaterally place the NCO on the registry. The MoJ interprets the law and makes decisions about who is an FA at its own discretion. NCOs may appeal the MoJ's decision in court.

Article 23 of the NCO Law also provides the registration authority with two additional supervisory powers over the branches, representative offices, and affiliates of foreign NCOs:

1. The government can issue a written decision banning the implementation of any existing program of a branch office of a foreign NCO. The Law does not provide any guidance with respect to the grounds on which the government may make this decision, which appear to be entirely discretionary. Upon receipt of a decision, the office of the foreign NCO must terminate the activity, and if it fails to do so, it risks exclusion from the register and liquidation of the office.
2. The Law also allows the registration authority to issue a written decision banning the transfer by a foreign NCO's branch, representative office, or affiliate of funds or other resources to particular recipients for the purposes of protecting the basis of the Constitutional system, morality, health, rights, and lawful interests of other persons, and with the aim of defending the country and the state security. The Law does provide foreign NCOs the right to appeal against actions taken against them by the government.

According to Federal Law No. 117 of May 2, 2015, the MoJ may draw up reports on the administrative offenses of the activities of NCOs, including the structural units of international organizations and foreign non-profit organizations, PAs, political parties, and religious organizations. This Law expanded the MoJ's authority to penalize managers of representative offices and branches of foreign NCOs for violating provisions of the NCO Law.

Changes to the NCO Law and to the Law on PAs in 2014, which relate to NCOs performing functions of “FAs,” further increased the administrative burden on NCOs by requiring NCOs designated as “FAs” to: 1) maintain separate accounting of funds and other property generated through local and foreign sources; 2) submit activity reports on a bi-annual basis; and 3) submit reports on expenditures of funds and other property on a quarterly basis (unlike other Russian NCOs which are required to submit activities and expenditures reports annually). NCOs that are FAs are also required to pass through an annual independent audit. Reporting forms are to be determined by the authorized government agency and could be burdensome if overly complex. In addition, the Law gives the government the power to interfere in the internal operations of an NCO and to suspend their activities. These powers include that:

- The government is able to conduct scheduled and unscheduled annual audits of NCOs-FAs and has additional grounds to conduct additional audits of the activities of NCOs.
- The authorized government agency (e.g., Rosfinmonitoring) reviews an NCO’s activities and expenditures reports and may require submission of additional information if an NCO receives a transfer above the 100,000-ruble threshold (approximately \$1500). Under the NCO Law, foreign organizations operating in Russia through registered offices are subject to the following requirements:
- they must undergo an annual independent audit by a Russian auditing company and submit the resulting audit report to an authorized government agency (e.g., the MoJ);
- the authorized government agency will post all such reports, as well as reports on the finances and activities of foreign organizations operating in Russia, on its website and provide them to the media; and
- in addition to the mandatory independent audit, the authorized government agency will also have the authority to conduct its own audits of the registered offices of foreign organizations.

According to the Federal Law No. 362-FZ of October 11, 2018, on Amending Article 5 of the Federal law on Anti-Corruption Expertise of Normative Legal Acts and Drafts of Normative Legal, there is a ban on conducting independent anti-corruption expert review of normative legal acts (NLAs) and drafts of NLAs by international and foreign organizations, as well as NCOs performing the functions of an FA.

According to the Federal Law No. 407-FZ of December 2, 2019 (<http://publication.pravo.gov.ru/document/0001201912020068>) on Amending Certain Legislative Acts of the RF with the purpose of establishing a prohibition to act as a founder (member, participant) of a NCO to persons with respect to whom a decision is adopted to freeze (block) funds or another property in connection with sufficient grounds to suspect them of involvement into terrorist activities, individuals having their assets frozen because of terrorism allegations are banned from being founders, participants, or members of NCOs. These amendments, according to the Government, help to secure the nonprofit sector against its use for financing terrorist activities. However, the criteria for making a decision on the freezing (blocking) of funds or other property lacks specification on sufficient reasons to suspect an individual’s involvement in terrorist activities. Arbitrary application of the Law is therefore possible. The Law entered into force on December 13, 2019.

According to Federal Law No. 409-FZ, of July 31, 2023, on Amendments to the Federal Law on NCOs

(<http://publication.pravo.gov.ru/Document/View/0001202307310020>) Russian citizens are prohibited from participating in the activities in the Russian territory of affiliate or representative offices of FNCOs that have not passed the registration procedures established by law by the MoJ. Amendments to the NCO Law are supplemented with a new ground for refusing to enter an affiliate or representative office of an FNCO in the relevant register: if the affiliate or representative office of an FNCO previously entered in the register was excluded from the register within three years preceding the date of submission of the notification due to violation of the Russian legislation. The Law prohibits any participation in activities in the Russian territory of affiliate or representative offices of FNCOs that are not duly registered. Two other laws that entered into force on August 4, 2023 (Federal Law No. 412-FZ of August 4, 2023, on Amendments to the CoAO of the RF (<http://publication.pravo.gov.ru/document/0001202308040015>), and Federal Law No. 413-FZ of August 4, 2023, on Amendments to the Criminal Code of the RF and Articles 31 and 151 of the Code of Criminal Procedure of the RF (<http://publication.pravo.gov.ru/document/0001202308040006>)) establish administrative and criminal liability for organizing and participating in their activities. As of February 10, 2024, the contains 66 organizations.

BARRIERS TO SPEECH / ADVOCACY

Neither the Civil Code nor the NCO Law limits the ability of NCOs to engage in advocacy or political activities. All forms of PAs may participate in advocacy and lobbying activities. Under the law, NCOs generally may also engage in election campaigns for federal and local elections, subject to federal election laws (Article 27, Law on PAs (<https://www.usig.org/countryinfo/russia.asp>)).

Amendments to the NCO Law, relating to NCOs performing functions of an FA, however, restrict the political activities of NCOs. According to these amendments, NCOs carrying political activities and receiving foreign funding, or, even intending to do so, are required to register in a special registry, maintained by the MoJ. Such registration, and, especially, labeling as an “FA”, may result in additional administrative burdens for NCOs, as well as in damaging reputation of NCOs (the translation of “foreign agent” in Russian is perceived by the general public to mean a “foreign spy”). The threat of being labeled an FA discourages many organizations to carry out political activities.

An NCO is considered to carry out political activity, if, regardless of its statutory goals and purposes, it participates (including through financing) in organizing and implementing political actions aimed at influencing the decision-making by state bodies intended for the change of state policy pursued by them, as well as in the shaping of public opinion for the aforementioned purposes. Such activities are considered political, regardless of whether an NCO is conducting them in the interest of foreign funding sources or without such purpose. An NCO carries out political activities for the purpose of the Law if such activity takes place in the Russian territory (Article 2, the NCO Law). An NCO is considered to be carrying out political activity if it even participates in such activities organized and financed by other organizations.

Charities are expressly prohibited from using their assets to support political parties, movements, and campaigns (Article 2(2), Charities Law). In addition, religious organizations, governmental and municipal institutions, international PAs, and international movements are prohibited from making donations to

candidates (Article 58 (6), Federal Law No. 19-FZ, “On RF President elections,” January 10, 2003

(<https://www.usig.org/countryinfo/laws/Russia/Russia%20Law%20on%20Presidential%20I>

and Article 66 (7), Federal Law No. 175-FZ, “On RF State Duma deputies’ elections,”

July 20, 2002, as amended

(<https://www.usig.org/countryinfo/laws/Russia/Russia%20Law%20on%20RF%20State%20I>

However, these prohibitions do not appear to extend to involvement in lobbying or other politically-related activities.

During the last several years, a number of restrictive laws related to freedom of speech have been adopted. These include, in particular:

- Four federal laws forming what is commonly known as the “Klishas Package” (including the so-called “Fake News” law and a law on “Insulting the Authorities”) were adopted on March 18, 2019. The Laws introduced, in particular, administrative responsibility for disseminating in the media or on information and telecommunication networks deliberately unreliable, socially important information under the guise of reliable messages that create the threat of harm to life and/or the health of citizens, property, the threat of mass public disorder and/or public safety, or the threat of interfering with the functioning or interruption of the operation of life-support objects, transport or social infrastructure, credit institutions, energy facilities, industry or communications, as well as for the dissemination of information leading to the onset of the above-mentioned consequences (new parts 9-II of Article 13.15 of the CoAO).
- Another Law of the “Klishas Package” established a procedure for restricting access to information, expressed in an indecent form, which offends human dignity and public morality, or expresses obvious disrespect for society, the state, official state symbols of the RF, its Constitution, or authorities exercising state power in the RF. If such information is found, the Prosecutor General or his deputies submit a request to the Roskomnadzor to take measures to remove this information and restrict access to information resources that disseminate the information if it is not deleted. The penalty is a fine in the amount of 30,000-100,000 rubles. The vagueness of the wordings creates the risk of arbitrary application of administrative norms in practice.
- Federal Law No. 530-FZ of December 30, 2020, on Amendments to the Federal Law on Information, Information Technologies and Information Protection (<http://publication.pravo.gov.ru/Document/View/0001202012300062>) the so-called law on “censorship in social media”, entered into force on February 1, 2021. The Law introduces the concept of “the owner of a social network” on the Internet. It also provides for obligations for the owner of a social network, access to which during the day is more than 500 thousand users. The owner of the social network has to independently monitor a number of types of illegal content. This list includes, in particular, the following categories of materials:
 - information expressing clear disrespect for society, the state, its symbols, and authorities; and
 - information with calls for riots, participation in unauthorized public events, fake news, and information and links to materials of “undesirable” organizations.

Federal Law No. 538-FZ of December 20, 2020, on Amendments to Article 128-1 of the Criminal Code of the RF

(<http://publication.pravo.gov.ru/Document/View/0001202012300058>) entered into force on January 10, 2021. The Law broadens the vague definition of “libel” crime

performed under aggravative circumstances, by including into it dissemination of knowingly false information made in public, “with the use of informational-telecommunications networks, including the Internet”. The Law also substantially increases punishment for “libel,” adding to it a prison term of up to five years.

BARRIERS TO INTERNATIONAL CONTACT

The Amendments to the Criminal Code define some criminal offenses in such a way that NCOs interacting with foreign organizations are especially vulnerable to criminal penalties for such offenses. Specifically, “State treason” is defined as “a deed, carried out by a citizen of the RF, damaging to the security of the RF, including espionage or passing to a foreign state, international or foreign organization or their representatives information that contains a state secret that has been entrusted and became known to the person through service, work or studies or other cases determined by Russian legislation, or providing financial material, technical, consultative or other assistance directed against security of the RF.”

From June 3, 2015, when Federal Law No. 129-FZ, “On Amendments to Certain Legislative Acts of the RF (Law on “Undesirable Organizations”),” entered into force, new administrative and criminal penalties applied to entities in violation of the Law. The administrative penalties apply if an “undesirable organization” implements its activities (Article 20.33), or if other entities participate in such activities in the Russian territory. With regard to other entities, penalties apply if they violate restrictions established under the Dima Yakovlev law (Federal Law No. 272-FZ on Measures of Influence of Persons Relating to Violation of Basic Human Rights and Freedoms of Citizens of the RF

(https://www.consultant.ru/document/cons_doc_LAW_139994/)). The administrative penalty for citizens is five to fifteen thousand rubles; for officials, twenty thousand to fifty thousand rubles; and for legal entities, fifty thousand to one hundred thousand rubles. After the entity has been charged with penalties for administrative offense twice in one year, it can be charged with criminal penalties. Criminal penalties can include: a fine from three hundred thousand to five hundred thousand rubles) or in the amount of the salary or other income of the offender for a period from two to three years; compulsory work for up to three hundred and sixty hours; forced labor for up to five years with or without restriction of liberty for up to two years; or deprivation of liberty from two to six years with or without deprivation of the right to occupy certain positions or engage in certain activities for up to ten years. A person who has voluntarily terminated their participation in the activity of the “undesirable” organization shall be exempted from criminal liability, unless their actions contain a different *corpus delicti*.

In addition to the Law on Undesirable Organizations, Federal Law No. 35-FZ of March 28, 2017 on Amendments to Part 3 of Article 3.1 of Federal Law No. 272-FZ of December 2, 2012 on Measures of Influence on Persons Involved in Violations of Fundamental Rights and Freedoms of the Person, Rights and Freedoms of Citizens of the RF, entered into force on April 8, 2017. This Law completes the list of prohibited activities for FNCOs, whose activities in Russia are recognized as “undesirable”, by adding a new activity: “5) a ban on the creation of the territory of the RF of legal entities or participation in them.” Russian officials consider the adoption of this Law as a successful attempt to close all loopholes for “undesirable” organizations to threaten the Constitution, defense, or security of Russia.

In 2020-2021, the following laws introduced further restrictions related to contacts with organizations deemed “undesirable” in the Russian territory.

Federal Law No. 530-FZ of December 30, 2020, on Amendments to the Federal Law on Information, Information Technologies and Information Protection (<http://publication.pravo.gov.ru/Document/View/0001202012300062>) (the so-called law on “censorship in social media”) entered into force on February 1, 2021, and provides, in particular, for obligations for the owner of a social network, access to which during the day is more than 500 thousand users, to monitor a number of types of illegal content, which includes information and links to materials of “undesirable” organizations.

Federal Law No. 230-FZ of June 28, 2021, on Amendments to Article 6 of the Federal Law on Counteraction to Legalization (Laundering) of Criminally Obtained Incomes and Financing of Terrorism and Article 3-1 of the Federal Law on Measures of Affecting Persons Related to Violations of Basic Human Rights and Freedoms, Rights and Freedoms of Citizens of the Russian Federation (<http://publication.pravo.gov.ru/Document/View/0001202106280031>) (amendments to “Dima Yakovlev” law) entered into force on July 9, 2021, and expanded the list of grounds for recognizing the activities of FNCOs as “undesirable” in Russia – receipt of information about the provision of intermediary services by it when conducting transactions with monetary funds and/or other property belonging to an FNCO, whose activities are recognized as “undesirable” in the territory of Russia, in order to carry out activities by such an organization that pose a threat to the foundations of the constitutional order, defense, or security of the state. Russian citizens and Russian legal entities are prohibited from participating in the activities of an “undesirable” organizations outside Russia.

Federal Law No.232-FZ of June 28, 2021, on Amendments to the CoAO of the Russian Federation (<http://publication.pravo.gov.ru/Document/View/0001202106280033>) entered into force on July 9, 2021, and proposed, in particular, to strengthen administrative liability for participation in the activities of “undesirable” organizations. The amendments have expanded the effect of Article 20.33 of the CoAO, instead of “carrying out” the activities of an “undesirable” organization in the Russian territory, the composition of an administrative offense henceforth constitutes any participation in the activities of such an organization, including outside the country. According to Article 20.33 of the CoAO, the overwhelming majority of penalties are imposed on individuals.

Federal Law No. 292-FZ of July 1, 2021, on Amendments to Article 284-1 of the Criminal Code of the RF (<http://publication.pravo.gov.ru/Document/View/0001202107010091>) entered into force on July 12, 2023, and completed Article 284-1 of the Criminal Code, which contained one *corpus delicti* – criminal liability for managing the activities of an “undesirable” organization in the territory of Russia, with new three separate *corpus delicti*: (1) participation in any form in the activities of an “undesirable” organization; (2) providing or collecting funds or providing financial services to such an organization; and (3) organization of its activities in the Russian territory. The Law, in particular, provides for imposing jail terms for fundraising for “undesirable” organizations. The violation is punishable by compulsory labor for up to 360 hours, compulsory labor for up to four years with possible restraint of liberty for up to two years, and imprisonment for a term of one to five years.

On top of this, Russian authorities adopted restrictions on international contacts in the field of education. According to Federal Law No. 85-FZ of April 5, 2021, on Amendments to the Federal Law on Education in the RF (<http://publication.pravo.gov.ru/Document/View/0001202104050036>), that entered into force on June 1, 2021, a new concept of “educational outreach activities” (in

addition to the existing term “educational activities,” which requires state licensing), now also requires some prior government approval. According to the Law, any seminars, roundtables, trainings, and similar events can be classified as educational outreach activities, which is dangerous for NCOs conducting any type of training. Additionally, the adopted Law introduces restrictions on cooperation between educational institutions and foreign partners.

Federal Law No. 260-FZ of July 14, 2022, on Amendments to the Criminal Code of the Russian Federation and the Code of Criminal Procedure of the Russian Federation (<http://publication.pravo.gov.ru/Document/View/0001202207140023>) entered into force on July 14, 2022, with the exception of certain provisions effective from January 1, 2023. The Law provides, in particular, for changes in Article 284.1 (Carrying out the activities of an FNCO, in respect of which a decision has been made to recognize its activities as “undesirable” in the territory of Russia). Now, persons participating in, financing, or organizing the activities of an “undesirable” organization can be brought to criminal responsibility not only for their activities in the territory of Russia (as in the previous version of the article said), but also abroad.

A new stage in the restriction of international contacts began after the adoption and entry into force on December 1, 2022 of the Law “on foreign influence” (Federal Law No. 255-FZ of July 14, 2022, on Control over the Activities of Persons under Foreign Influence (<https://publication.pravo.gov.ru/Document/View/0001202207140018>)) and a number of related federal laws and regulations. These legal acts practically banned any sort of international contact with “unfriendly” states. The List of Foreign States and Territories Performing Unfriendly Actions against the RF, Russian Legal Entities and Individuals was approved by the Decree No. 430-r of the Government of the RF, “On approval of the list of foreign states and territories committing unfriendly actions against the RF, Russian legal entities and individuals,” March 5, 2022 (amended on July 23, and October 29, 2022).

As of May 15, 2024, this list consists of 49 states, including all 27 EU member states and the United States.

BARRIERS TO RESOURCES

FOREIGN FUNDING

From 2020, foreign funding became practically inaccessible to the vast majority of Russian NCOs (apart from those already recognized as FAs), due to the fear of being included in the Registry of NCOs-FAs (or later, in the Unified FA Registry maintained by the MoJ since December 1, 2022).

DOMESTIC FUNDING

An NCO may engage in economic activities to the extent they advance the purposes for which the organization was created, but may not pursue the generation of profit as its primary purpose (Article 50(3), Civil Code ([https://www.usig.org/countryinfo/laws/Russia/Russia%20Civil%20Code%20Article%2050\(2 and 24\(2\), NCO Law](https://www.usig.org/countryinfo/laws/Russia/Russia%20Civil%20Code%20Article%2050(2%20and%2024(2),%20NCO%20Law) (<https://www.usig.org/countryinfo/laws/Russia/Russia%20Law%20on%20Non-Commercial%20Organizations%20Articles%202%20and%2024.doc>); Article 37, Law on PAs (<https://www.usig.org/countryinfo/laws/Russia/Russia%20Law%20on%20Public%20Associ>

and [Article 12, Charities Law](#)

(<https://www.usig.org/countryinfo/laws/Russia/Russia%20Law%20on%20Charitable%20Ac>) Profit from the economic activities of NCOs, including charities, is generally taxed in the same manner as for commercial organizations. Lower tax rates may be offered by regional or local authorities for qualifying NCOs. Registration as a charity does not affect or limit the right of an NCO to engage in economic activities ([Article 12, Charities Law](#)

(<https://www.usig.org/countryinfo/laws/Russia/Russia%20Law%20on%20Charitable%20Ac>)

In July 2011, the Russian Parliament adopted amendments to the Russian Tax Code that improved the taxation of NCOs. For example, NCOs no longer have to pay profit tax or value added tax (VAT) on the value of in-kind contributions (services or property rights) they receive. Moreover, the amendments extend VAT exemptions previously applied to state budget funded institutions providing social services (i.e., in the areas of culture, art, health care, education, and services to the needy) to NCOs providing the same services. In 2014, the Federal Law on Amendments to Chapter 4 of Part One of the Civil Code of the Russian Federation delimited the concepts of “entrepreneurial” and “income-generating” activities, with the latter concept now only applying to NCOs.

In addition, Russian NCOs may apply to state funding, which is important in the context of severely limited access to foreign funding. The Presidential Grants Fund for the Development of Civil Society, established on March 7, 2017 and which began operations on April 3, 2017, holds annual grant competitions. Over the 7 years of its existence, the Presidential Grants Fund has helped 47 thousand projects throughout Russia to be implemented, and the total budget of these projects amounted to 138 billion rubles. It included funds allocated by the Presidential Grants Fund based on the results of federal competitions, provided by the Presidential Grants Fund to the regions for co-financing of their competitions, as well as funds raised by the NCOs themselves. Regional government authorities also announce grant competitions, mostly in the social sphere.

BARRIERS TO ASSEMBLY

The Constitution of the RF guarantees the freedom of assembly in Article 31: “Citizens of the Russian Federation shall have the right to assemble peacefully, without weapons, hold rallies, meetings and demonstrations, marches and pickets.”

Federal Law No. 54-FZ of June 19, 2004, on Meetings, Rallies, Demonstrations, Marches and Pickets (hereinafter The Law “On Meetings”), is the key law governing the freedom of assembly. In addition, several other laws address specific kinds of assemblies, including Federal Law No. 51-FZ of May 18, 2005, on Election of Deputies of the State Duma of the Federal Assembly of the RF; Federal Constitutional Law No. F-FKZ of June 28, 2004, on referendum of the RF; and Federal Law No. 19-FZ of January 10, 2003, on Elections of the President of the RF. The holding of religious rites and ceremonies is regulated by the Federal Law No. 125-FZ of September 26, 1997, on Freedom of Conscience and Religious Associations (last amended on November 2, 2023).

Limitations on Eligible Organizers

Russian law allows only Russian citizens to act as event organizers; foreigners and non-citizens do not have the right to organize assemblies. In addition, the law prohibits the following persons from serving as organizers: persons recognized as incapable or partially incapable by a court and persons in a place of confinement after being convicted by the court; persons who have not been expunged of committing a crime against the foundations of the constitutional system, national security, or public security and safety, or who have more than twice received administrative penalties; and political parties, other public or religious associations, their regional branches or other subdivisions.

Advance Notification

Organizers of a public event must file advance notification with the government. The notification must contain:

- the organizers' full names, addresses, and phone numbers;
- those persons authorized by the organizers to perform regulatory functions while holding the public event;
- the goal and form, date, start and finish times, and the route of movement (including information about vehicles) of the public event;
- the projected number of participants at the event;
- the methods planned for ensuring public peace;
- the need for medical assistance; and
- confirmation if loudspeakers will be used.

The organizers of the event must submit to an executive body of the Russian territorial subdivision, or to a local self-governance body, a written notification for the public no earlier than 15 days and no later than 10 days before the scheduled event date. The Law provides for two exceptions: (1) when holding a picket by a group of persons, the notification must be submitted no less than three days before the event; and (2) notification of a picket held by one participant is not required.

The executive body or the self-governance body is not obligated to reply to any notification; the authorized body is only obligated to confirm the date, time, and receipt of the notification. However, if the body requests that the organizer change the place or time of the event, then the body must communicate this information to the organizers within three days from the date of receiving the notification. The organizer must inform the executive body or the local self-governance body whether the organizer accepts the offer to change the place or time of the event no less than three days before the event date. A refusal of the offer to change the place or time of the event is illegal, however, thus rendering the opportunity for appeal useless.

Since October 22, 2018, according to Federal Law No. 367-FZ of October 11, 2018 (<http://publication.pravo.gov.ru/Document/View/0001201810110026>), the organizer of a public event is obligated to inform citizens and provide a written notification to the government about the cancellation of a public event no later than one day prior to its scheduled date. This requirement is difficult to fulfill, as there are many instances when organizers of public events are forced to cancel an event due to last minute disruptions not dependent on the organizers, such as the denial of a rental

for a premise one hour before a meeting. From November 11, 2018, the CoAO is supplemented by Article 20.23, which provides for administrative liability for the organizer of a public event not fulfilling its obligations to inform citizens and government bodies about a decision to cancel the public event, as well as for filing a notification for holding a public event without indicating its purpose.

Time, Place, and Manner Restrictions

Public events can be held in any location suitable for the purposes of the event as long as the location does not pose a threat to buildings or structures or other threats to the safety of the participants. However, locations where holding a public event are forbidden include: territories adjacent to hazardous production facilities; elevated roads, long distance railway lines and oil, gas, and product pipelines; territories adjacent to residences of the President of the RF, courts, and correctional institutions; and borderlands, unless a special permit from the authorized border control body is obtained. Restrictions tend to be lightened when protestors challenge policy without questioning the authority or legitimacy of the government, such as truckers who protested taxes on their vehicles by blocking the highways in 2015-2016.

When several notifications are received for different public events and different organizers in the same location, the order of holding such events is determined based on the time of submission of said notifications. Therefore, it would seem that counter-demonstrations can be held in sequence, but not simultaneously in the same place.

Responsibilities of Organizers and Participants

Russian law holds organizers and participants responsible for actions that lead to the “creation of impediments to pedestrian traffic,” the “involvement of additional police personnel and equipment,” or that “exceed the norms of occupancy of a territory.” In case of failure to satisfy obligations provided by the law, the organizer of a public event also bears civil liability for harm caused by event participants.

Federal Law No. 557-FZ of December 27, 2018, on Amending Article 20.2 of the CoAO, which entered into force on January 8, 2019, established administrative liability for involving minors in unauthorized public events.

Enforcement

Law enforcement authorities have used excessive force to disband peaceful demonstrations. In July 2016, the government created a new law enforcement structure – the National Guard – with the authority to suppress any mass action per Federal Law No. 227-FZ of July 3, 2016.

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