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AGENTS OF THE PEOPLE

FOUR YEARS OF "FOREIGN AGENTS" LAW IN RUSSIA: CONSEQUENCES FOR THE SOCIETY

AMNESTY INTERNATIONAL

Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

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CONTENT

1. INTRODUCTION

In July 2012, the Russian President signed into law a piece of legislation with a long and rather innocuous title: "On entering amendments to individual legislative acts of the Russian Federation in the part regulating the activities of non-commercial organizations performing the functions of a foreign agent (N 121-FZ)". [1] This briefing examines the devastating consequences of this law for non-governmental organizations (NGOs) the length and breadth of Russia.

According to the law, any NGO that is registered in Russia and received funding from abroad will be labelled a "foreign agent" if they are engaged in what is vaguely defined as "political activity". Such NGOs must be listed on the "foreign agents" register, which is administered by the Ministry of Justice.

Conjuring up memories of the Stalinist repression and purges of the 1930s - early 1950s and Cold War era propaganda, the "foreign agent" label has a negative connotation of "spies" and "traitors". It fits well within the discourse promoted on TV screens and in the government-controlled media evoking distrust in "foreign" connections and ideas. By appealing to vivid memories of the "turbulent 1990s", to the image of Russia as a besieged fortress, deeply entrenched in the nation's psyche, and to more recent events in Ukraine, the authorities have succeeded in making the majority of Russians believe and accept this discourse without too much questioning. Few have voiced concerns as one after another organizations working to defend the human rights of citizens, including protecting them from abuse by government officials, have been declared "foreign agents".

In reply to criticisms of the chilling effect on civil society of the 2012 law, the Russian authorities have repeatedly claimed that inclusion on the list is a "mere formality" and will not have any negative effect on NGOs.[2] The reality for NGOs is, however, very different. Every organization interviewed by Amnesty International gave numerous examples of the detrimental effect of the "foreign agent" label on their work.

NGOs play an important role in protecting the rights of ordinary people, raising a whole range of topics where engagement and debate are vital to ensure that people's needs are addressed by those in power. In many cases NGOs provide services that the state has for one reason or another failed to provide, such as legal representation or psychological support for victims of discrimination or violence. These vital contributions to the wellbeing of Russia's citizens are now either blocked or under threat because they risk being - or have already been - considered to engage in "political activity" and labelled "foreign agents" under the 2012 law. Since the law came into force in 2012, a wide range of organizations -- from those working to eradicate torture in places of detention to a photo club; from environmental NGOs to those implementing prevention measures against HIV/AIDS epidemics -- have been declared "foreign agents".[3] Many have been issued with enormous fines that threaten their continued existence and survival. Some have had to close down because they refuse to accept a label that they feel undermines and denigrates them.

The Human Rights Resource Centre in St Petersburg has compiled an impressive list of so-called "political activities";[4] the list is not exhaustive as more NGOs continue to be included on the "foreign agents" register

1 Federal law №121-FZ of 20 July 2012 «О внесении изменений в отдельные законодательные акты российской федерации в части регулирования деятельности некоммерческих организаций, выполняющих функции иностранного агента» ("Foreign agents' law"), was published in "Rossiiskaya Gazeta" on 23 July 2012. See https://rg.ru/2012/07/23/nko-dok.html. For subsequent changes to the law go to: http://www.consultant.ru/document/cons_doc_LAW_132900/, accessed on 10 October 2016

2 See, for example: Медведев: В слове «агент» нет ничего плохого, [Medvedev: There is nothing bad in the word "agent"], 07 December 2012, http://www.vedomosti.ru/politics/articles/2012/12/07/medvedev_v_slove_agent_net_nichego_plohogo, accessed on 4 October 2016.

3 The Russian government created a website showing the list of NGOs labelled "foreign agents": Сведения реестра НКО, выполняющих функции иностранного агента [Information on the Register of NGOs performing functions of foreign agents], ("Foreign agents" Register), http://unro.minjust.ru/NKOForeignAgent.aspx, accessed on 4 October 2016.

4 The Human Rights Resource Centre, «Иностранные агенты»: мифические враги и реальные потери российского общества, ["Foreign agents": mythical enemies and real losses of the Russian society], 2015,

on various grounds. Examples of activities deemed by the authorities to constitute "political activity" include the donation of books to a library and participation in a charity bike ride.

In the original July 2012 law on "foreign agents" political activity was vaguely defined as "participation, including by financing, in organization and conducting of political actions in order to influence decisions by government bodies aimed at changing state policies, as well as influencing public opinion with such aims."[5]

In June 2016, President Putin signed into law an amendment to the definition of "political activity" which essentially codified the dubious reasoning employed by the Ministry of Justice and Prosecutors of designating NGOs as "foreign agents". The amendment to Item 6 of Article 2 of the law "On Non-commercial organizations" now includes commentary on vast swathes of public life and almost any form of participation in it.[6]

Although the law excludes activities in the areas of science, culture, art, health care, social support and environmental protection from the list of "political activities",[7] this has not stopped officials from insisting that organizations active in these areas register as "foreign agents". The law is being implemented in such a way that almost any NGO that receives funds from abroad is likely to be placed on the register of "foreign agents", irrespective of the nature of its activities. The amount of funding and whether it was received directly as a grant from a foreign foundation or indirectly as a contribution from another Russian NGO which has (or has had) foreign funding are irrelevant.

NGOs face a difficult choice: to continue to accept funds from abroad and, therefore, be labelled "foreign agents" or refuse foreign funding and rely exclusively on Russian sources, including Presidential grants or grants from the local authorities.

Most of those who spoke to Amnesty International said they would only be too happy to accept domestic funding, but this was often not possible due to the nature of their work. Some had unsuccessfully applied for a presidential grant. As of 11 October 2016, there were 226,995 non-commercial organizations in Russia registered with the Ministry of Justice.[8] Apart from human rights NGOs, this figure includes a wide range of organizations, including veterans' societies, societies of people with disabilities, societies of shareholders, dacha owners, farmers, lawyers and various other non-commercial organizations and partnerships. It is not possible, nor is it desirable, for public funding to cover all these activities. Domestic private funding is limited, and little of it makes its way to human rights organisations. Indeed, accessing private funding in Russia has got even harder given the aggressive demonising of human rights NGOs in the Russian media. The effect of the "foreign agents" law has been to make funding from abroad a high-risk activity. The authorities have basically signalled to NGOs that they can use foreign funds, but it will cost them dear in terms of their legal situation and reputation.

This is entirely inconsistent and incompatible with Russia's international human rights obligations and commitments, including to support human rights defenders and promote human rights and particularly the obligations to promote, respect and protect the rights of civil society organizations and human rights defenders to solicit, receive and utilize resources articulated in the Declaration on Human Rights Defenders[9].

Some human rights defenders believe that "it was the plan from the very beginning - to cut off foreign funding and then give domestic funding only to loyal organizations."[10] The most recent lists of Presidential grants winners do suggest that human rights activists' fears may have been well founded.[11] Many activists

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http://www.hrrcenter.ru/awstats/HRRC_report%20on%20FA%20NGO-1.pdf accessed on 4 October 2016

5 Federal law №121-FZ of 20 July 2012 «О внесении изменений в отдельные законодательные акты российской федерации в части регулирования деятельности некоммерческих организаций, выполняющих функции иностранного агента» ("Foreign agents' law"), was published in "Rossiiskaya Gazeta" on 23 July 2012. See https://rg.ru/2012/07/23/nko-dok.html accessed on 01 November 2016.

6 Item 6 of Article 2 of the "Foreign agents" law, http://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=LAW&n=198862&fld=134&dst=100012&rnd=214990.653339439526806& accessed on 4 October 2016

7 Item 6 of Article 2 of the "Foreign agents" law

8 Ministry of Justice of the Russian Federation, О деятельностиии некоммерческих организаций. Информационный портал Министерства юстиции Российской Федерации. Информация о зарегистрированных некоммерческих организациях. [On activities of non-commercial organizations. Information resource of the Ministry of Justice of the Russian Federation. Information on registered non-commercial organizations]. http://unro.minjust.ru/NKOs.aspx accessed on 24 October 2016. See also, for example: TASS, Некоммерческие организации в России [Non-commercial organisations in Russia], 4 September 2013, http://tass.ru/info/671635, accessed on 4 October 2016.

9 The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 9 December 1998. General Assembly Resolution A/RES/53/144 http://www.ohchr.org/EN/ProfessionalInterest/Pages/RightAndResponsibility.aspx , accessed on 24 October 2016.

10 Meeting with civil society activists, September 2015.

11 Only three human rights NGOs who at that time had been declared "foreign agents" – the For Human Rights movement, Civic Assistance and Soldiers' Mothers – were among those awarded Presidential grants announced on 22 October 2015. The list is available at: https://grants.oprf.ru/grants2015-2/winners/ and an overview of grant operators and their budget is available here:

also pointed out that those NGOs that receive government funding might become less independent and more prone to self-censorship in order to guarantee continued funding.

All the organizations that Amnesty International has spoken to noted that it is very difficult to fundraise in Russia.

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> ***"If it is a sick child or a stray dog people will give willingly but not to NGOs."***
>
> NGO staff member

Businesses are also reluctant to support NGOs as this might have negative consequences for them in dealing with the authorities.

This briefing sets out the experiences of several NGOs which have been labelled "foreign agents" and the effect this has had on their work. The information was collected during Amnesty International's visit to Russia in August and September 2015. Fifteen NGOs in eight regions of Russia were interviewed, supplemented by desk research and follow-up research in 2016. The stories not included in this document can be found on Amnesty International website.12

https://grants.oprf.ru/grants2015-2 . In the most recent grant competition – the third one in 2016 – none of the so called "foreign agents" NGOs were awarded presidential grants. https://grants.oprf.ru/

12 See: https://amnesty.org.ru/ru/nko

INTERNATIONAL HUMAN RIGHTS STANDARDS

Article 20 of the Universal Declaration of Human Rights (1948)[13] provides that "Everyone has the right to freedom of peaceful assembly and association." This human right is further enshrined in both universal and regional human rights instruments, including Article 22 of the International Covenant on Civil and Political Rights (ICCPR)[14] and Article 11 of the European Convention on Human Rights (ECHR)[15]. Being a State Party to both of these international instruments, Russian Federation has obligations to promote respect for and observance and implementation of this right to freedom of peaceful assembly and association – and other related human rights – have also been enshrined in the Russian Constitution.

Non-governmental organizations, including those working to promote human rights, are the bedrock of a healthy, vibrant civil society. The role and contribution of human rights defenders and their associations were recognised by the international community in adopting the UN Declaration on Human Rights Defenders[16]. The Declaration further specifies in relation to human rights defenders' work a set of human rights, including the right to form, join and participate in non-governmental organizations, associations or groups (Article 5 (b)); the right to be protected (Article 12); the right to freedom of opinion and expression (Article 6); **the right to access funding** (Article 13) and the right to access and communicate with international bodies (Article 5 (c) and Article 9 (4). The Declaration also outlines duties of States and puts responsibility on them to implement its provisions.

While the Declaration in itself is not legally binding, the principles and rights it contains are based on human rights standards enshrined in other international instruments which are legally binding. Moreover, the Declaration was adopted by consensus by the General Assembly and therefore represents a very strong commitment by States to its implementation.

The UN Special Rapporteur on the situation of human rights defenders pointed out that "[I]n order for human rights organizations to be able to carry out their activities, it is indispensable that they are able to discharge their functions without any impediments, including funding restrictions."[17]

The Declaration also protects the right to receive funding from different sources, including foreign funding. Given that resources on the local level would be limited, imposing restrictions of any kind would seriously endanger the very existence of organizations.[18]

The Special Representative of the Secretary-General on human rights defenders has recommended that "Governments allow human rights defenders, in particular NGOs, access to foreign funding as a part of international cooperation, to which civil society is entitled to the same extent as Governments. The only legitimate requirements imposed on defenders should be those in the interest of transparency."[19] The commentary on the Declaration on Human Rights Defenders states clearly that "only domestic legislation that is consistent with international human rights norms can be considered an appropriate legal framework for the enjoyment of the right of access to funding."[20]

Article 11 of the European Convention of Human Rights also prohibits restrictions to the exercise of the Right to freedom of association "other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others."[21]

Further guidance on what such legitimate limitations may be is provided *inter alia* in *Guidelines on Freedom of Association* jointly developed by OSCE/ODIHR and the Venice Commission on Legislative Support.[22] In particular, the *Guidelines* specify that "any restrictions on access to resources from abroad (or from foreign or international sources) must be prescribed by law, pursue a legitimate aim in conformity with the specific permissible grounds of limitations set out in the relevant international standards, as well as be necessary in a democratic society and proportionate to the aim pursued. Combating corruption, terrorist financing, money-laundering or other types of trafficking are generally considered legitimate aims and may qualify as being in the interests of national security, public safety or public order. However, any limitations on access to these resources must be proportionate to the state's objective of protecting such interests, and must be the least intrusive means to achieve the desired objective."[23] Any control imposed by the state on an association receiving foreign resources should not be unreasonable, overly intrusive or disruptive of lawful activities.[24] The OSCE/ODIHR and the Venice Commission expressed "deepest concern"[25] at a number of practices states use, including "stigmatizing or delegitimizing the work of

foreign-funded associations by requiring them to be labelled in a pejorative manner; initiating audit or inspection campaigns to harass such associations; and imposing criminal penalties on associations for failure to comply with any above-mentioned constraints on funding."[26]

13 Universal Declaration of Human Rights, 10 December 1948 http://www.un.org/en/universal-declaration-human-rights/ ,accessed on 24 October 2016
14 International Covenant on Civil and Political Rights, 16 December 1966 http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx ,accessed on 24 October 2016
15 The Convention for the Protection of Human Rights and Fundamental Freedoms, 4 November 1950, http://www.echr.coe.int/Documents/Convention_ENG.pdf ,accessed on 24 October 2016
16 The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 1998. General Assembly Resolution A/RES/53/144 http://www.ohchr.org/EN/ProfessionalInterest/Pages/RightAndResponsibility.aspx , accessed on 24 October 2016.
17 Report of the Special Rapporteur on the situation of human rights defenders, A/64/226, para.91. See at: https://documents-dds-ny.un.org/doc/UNDOC/GEN/N09/441/98/PDF/N0944198.pdf?OpenElement accessed on 2 November 2016.
18 Report of the Special Representative of the Secretary-General on human rights defenders, Hina Jilani, A/59/401, para.77. See at: http://www.hrichina.org/sites/default/files/human_rights_defenders_note_by_secretary_general.pdf accessed on 2 November 2016.
19 PROMOTION AND PROTECTION OF HUMAN RIGHTS: HUMAN RIGHTS DEFENDERS. Report submitted by the Special Representative of the Secretary-General on human rights defenders, Hina Jilani, E/CN.4/2006/95, para.31. See at: https://documents-dds-ny.un.org/doc/UNDOC/GEN/G06/103/68/PDF/G0610368.pdf?OpenElement accessed on 2 November 2016.
20 Commentary to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, July 2011, p.97. See at: http://www.ohchr.org/Documents/Issues/Defenders/CommentarytoDeclarationondefendersJuly2011.pdf accessed on 2 November 2016.
21 The Convention for the Protection of Human Rights and Fundamental Freedoms, 4 November 1950, http://www.echr.coe.int/Documents/Convention_ENG.pdf , accessed on 2 November 2016.
22 Joint Guidelines on Freedom of Association, 1 January 2015. See at: http://www.osce.org/odihr/132371?download=true accessed on 2 November.
23 Joint Guidelines on Freedom of Association, 1 January 2015, para. 220. See at: http://www.osce.org/odihr/132371?download=true accessed on 2 November.
24 As above, para.221. See at: http://www.osce.org/odihr/132371?download=true accessed on 2 November.
25 As above, para.222. See at: http://www.osce.org/odihr/132371?download=true accessed on 2 November.
26 As above, para. 222. See at: http://www.osce.org/odihr/132371?download=true accessed on 2 November.

2. WORKING FOR CLEANER ENVIRONMENT

The 2012 law on "foreign agents" clearly says that "activities to protect the plant and animal world" should not be considered "political". This interpretation has been supported by a Constitutional Court ruling. However, as of 7 November 2016, at least 21 environmental organizations were included on the "foreign agents" register. It appears that the main – and often only – reason for their inclusion was funding from abroad, with almost any attempt to influence public opinion or comment on existing laws and practice being deemed to constitute "political activity".

2.1 BELLONA-MURMANSK

Bellona-Murmansk is a long-established environmental organization. It was set up in 1998 and is part of the Bellona Foundation, an independent, not-for-profit organization with offices in Belgium, Norway and Russia. [27]

Bellona-Murmansk has earned its reputation as an expert in nuclear security, protecting the environment from industrial pollution and developing alternative energy sources. It established good working relationships with the relevant regional and federal authorities, including those working on nuclear security, educational institutions and industry.

It was not until 2015 that Bellona began to run into trouble. A disgruntled former employee sent a letter smearing Bellona to the Murmansk regional Prosecutor's Office. The letter asked the authorities to conduct an unscheduled inspection of the organization to establish whether it was acting as a "foreign agent". [28]

The Prosecutor's Office forwarded the letter to the office of the regional Ministry of Justice, which conducted an inspection between 3 February and 3 March 2015.[29] The inspection recorded an impressive list of activities on the part of the organization in 2014. These included organizing public environmental monitoring, helping prevent environmental pollution and working with schoolchildren on environmental education.[30]

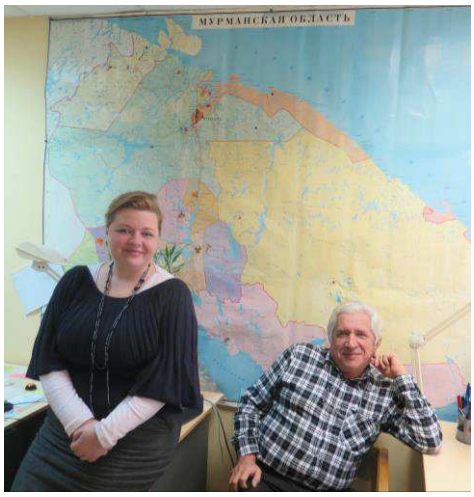
However, the inspectors' scrutiny focused on a report on industrial pollution in the Russian part of the Barents Sea Region. This report had in fact been issued by Bellona's Norwegian office, not Bellona-Murmansk. Nevertheless the inspectors concluded that because the report contained criticism of

27 Bellona-Murmansk office ceased to exist in October 2015. Russian version of the website, which belongs to Norwegian Bellona is available here: http://bellona.ru/?__utma=23917737.710260018.1476195510.1476195510.1476195510.1&__utmb=23917737.1.10.1476195510&__utmc=23917737&__utmx=-&__utmz=23917737.1476195510.1.1.utmcsr%3Dgoogle%7Cutmccn%3D%28organic%29%7Cutmcmd%3Dorganic%7Cutmctr%3D%28not%20provided%29&__utmv=-&__utmk=206641872, accessed on 11 October 2016.
28 Letter on file with Amnesty International
29 Act of the Inspection by the Department of the Ministry of Justice of the Russian Federation for Murmansk Region of the Murmansk Regional environmental organization "Bellona-Murmansk" of 3 March 2015 (further referred to as "Act of the Inspection"), on file with Amnesty International.
30 Act of the Inspection, pages 4, 13-17, on file with Amnesty International

environmental legislation and practices and made recommendations to improve these, the aim was to "form a negative public opinion in relation to Russian environmental legislation regulating issues which negatively affect the environment". [31] The inspectors determined that this constituted political activity and that, as Bellona-Murmansk received funds from abroad, it must be included on the list of "foreign agents".

Andrey Zolotkov, Head of Bellona-Murmansk, and his colleague Anna Kireeva stress that the organization had never concealed its links with the Norwegian branch and the funding they had received.[32] Reports were always submitted in time and all taxes were paid. Two previous inspections in 2013 and 2014 found no violations of the "foreign agents" law.

ENVIRONMENTAL ORGANIZATION BELLONA-MURMANSK



Andrey Zolotkov, Head of Bellona-Murmansk, and his colleague Anna Kireeva
© Amnesty International

"It has never been clear to me why an environmental organization would be put on the 'foreign agents' list. To me 'political activity' is some kind of election campaigning for a party, a person, a candidate, at least a mass street protest action – something like that. But we are not doing anything of the kind." [33]

Bellona-Murmansk told Amnesty International that a local Ministry of Justice representative had told them that there is an internal directive instructing officials that if an organization receives foreign funding and conducts events jointly with, for example, local government officials or parliamentarians, this is considered to be a political activity because it is aimed at influencing public opinion. But, as Andrey Zolotkov pointed out, engaging with officials is an important part of the work of NGOs.

"We are involved in projects that are impossible to implement without the people in power who take the decisions. It is impossible to discuss nuclear and radiation security without people from RosAtom [the Russian Nuclear Power Agency]. What's the point of discussing these things with those who are not involved? The problems will not be solved. "[34]

On 19 March 2015, the Ministry of Justice included Bellona-Murmansk on the "foreign agents" register.[35] The organization also received a 50,000 rouble fine for failing to register voluntarily.

Bellona-Murmansk staff decided that they had no option but to close the organization down because of the negative effect of being labelled "foreign agents". Anna Kireeva told Amnesty International that a deputy regional minister for the environment taking part in a television debate with Bellona-Murmansk said: "You are agents! Why should we listen to you!"[36]

It is not clear why Bellona-Murmansk ended up on the "foreign agents" list. But Andrey Zolotkov has his views: "Bellona is not one of those organizations who always praise, who say how great everything is. Yes,

31 Act of the Inspection, pages 9-10, on file with Amnesty International
32 Interview with Andrey Zolotkov and Anna Kireeva, Murmansk, September 2015
33 Interview with Andrey Zolotkov, Murmansk, September 2015.
34 Interview with Andrey Zolotkov, Murmansk, September 2015.
35 "Foreign agents Register", http://unro.minjust.ru/NKOForeignAgent.aspx, accessed on 4 October 2016
36 Interview with Anna Kireeva, Murmansk, September 2015.

industries may plant trees but at the same time they continue to pollute the air and we keep on reminding people about this: in the media, in social networks."[37]

On 12 October 2015 Bellona-Murmansk officially ceased to exist – an important and respected expert voice for the protection of the environment in Murmansk was effectively silenced..

2.2 DRONT

Dront is an environmental centre based in Nizhnii Novgorod, some 2,000 kilometres to the South-West of Murmansk.[38] Yet, its fate became curiously connected with Bellona-Murmansk.

In May 2015, Dront was included on the list of "foreign agents". [39] When Dront applied to be taken off the list, their request was refused on the grounds that they had received foreign funding. The three sources of funding cited were: 500 roubles from Bellona-Murmansk to subscribe to Dront's newspaper, Bereginja; a loan from another environmental NGO listed as a "foreign agent", Zelenyi Mir (Green World), which was repaid by Dront before the inspection; and, even more surprisingly, a grant from the Russian Orthodox Church. [40]

"We took part in an international grant tender 'Orthodox Initiative' held by the Russian Orthodox Church. This project deals with the threats to cultural and religious objects caused by Cheboksary reservoir… The grants are given by Sorabotnichestvo, a foundation set up by the Russian Orthodox Church which, it turned out, gets some cash inflow from Cyprus and that's why our regional Ministry of Justice (in strict conformity with the law, mind you) counted this money as 'foreign'. It is a strange, surreal situation."[41]
Askhat Kaiumov, Dront Chair

Dront works on dozens of projects, mostly concerned with wildlife protection. For example, it is officially appointed as a curator of the regional Red Book, a book of protected species of animal and plant life in the Nizhnii Novgorod region.[42] It also coordinates Russia's participation in World Bird Watching Days; thanks to Dront's dedicated work, the number of people taking part in Bird Watching Days in Russia is growing.

Dront also works on many other aspects of environmental monitoring and on health issues. Its effectiveness and public support became clear after news spread that Dront had been labelled a "foreign agent" and given 300,000 rouble fine (around USD 4,800); people in Nizhnii Novgorod quickly collected the money to support the organization. This support went beyond the financial; not a single regional media outlet published a negative article about them and volunteers continue to support their environmental work.

37 Interview with Andrey Zolotkov, Murmansk, September 2015.
38 After the environmental centre Dront was closed down, a group of Dront's supporters set up a website to continue sharing information about the environmentalists' actiovities. Сайт друзей Экоцентра Дронт [Website of the Dront's Friends], http://www.dront.ru/ accessed on 10 October 2016.
39 "Foreign agents Register", http://unro.minjust.ru/NKOForeignAgent.aspx accessed on 4 October 2016
40 Newspaper Bereginja, No 8 (2015), p.2. И хочется в рай, да минюст не пускает. [Would like to get to paradise but MinJust does not allow]. See also: TASS - Russian News Agency, Нижегородский экоцентр "Дронт" остался в реестре иноагентов. [Nizhnii Novgorod Dront Centre remains in the foreign agents register], http://tass.ru/politika/2182505 , accessed on 24 October 2016.
41 Interview with Askhat Kaiumov, Nizhnii Novgorod, September 2015.
42 Красная книга Нижегородской области [Red Book of Nizhnii Novgorod Region] was established by the decision of the Legislative Assembly of the Nizhnii Novgorod Region on 26 March 1996 to list protected, threatened and extinct species of the animal and plant world in Nizhnii Novgorod Region. See at: http://red-book-nn.ru/ , accessed on 1 November 2016. Apart from regional Red Books, there is the all Russia Red Book.

ENVIRONMENTAL ORGANISATION DRONT

Askhat Kaiumov, Dront Chair

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"It means a lot. When you are walking down the street and a stranger stops you to ask how the organization is doing and tells us to hold on..." [43]

Given the nature of Dront's work and its popularity, the reasons behind the decision to label it a "foreign agent" are revealing of the atmosphere in which NGOs in Russia are having to work.

The Ministry of Justice inspection that led to Dront's inclusion on the list was prompted by a letter from Roman Zykov, the leader of the local group of the so-called National Liberation Movement (Natsionalno-osvoboditelnoe Dvizhenie, NOD). NOD was set up by State Duma Deputy Yvgeniy Fedorov "to restore Russia's national sovereignty" and in support of "National leader Putin". 44It is notorious for its pickets of NGOs offices and attacks on civil society activists, which it characterizes as "the fifth column". 45 Roman Zykov stated that organizations such as Dront "criticize current legislation and suggest amendments, organize or take part in public mass events, try to influence state bodies in order to change policy by collecting signatures, sending petitions and making complaints and receive foreign funding."46 The word "criticism" seems to be key. As Dront's Askhat Kaiumov told Amnesty International:

"Many officials perceive the words 'you are not right' as a personal insult. We have a whole group of officials who think they can't be wrong. It doesn't matter which political force is in power: we will criticize it all the same if the environment is at risk. We are not in opposition to this government – we are saving the world." [47]

Indeed, any form of criticism appears to be viewed as "political activity" and the "foreign agents" law is proving an effective mechanism in the hands of the authorities for silencing their critics. This affects a whole range of NGOs, but in the context of environmental issues, equating foreign funding with "foreign agents" is particularly problematic as explained by Askhat Kaiumov:

43 Interview with Askhat Kaiumov, Nizhnii Novgorod, September 2015.
44 Национально-освободительное движение - НОД, [National Liberation Movement, NOD], http://rusnod.ru/, accessed on 4 October 2016.
45 Национально-освободительное движение - НОД, [National Liberation Movement, NOD], http://rusnod.ru/, accessed on 4 October 2016.
46 Национально-освободительное движение - НОД, [National Liberation Movement, NOD], Нижегородских экологов проверяет Минюст. [Environmentalists from Nizhnii Novgorod are being checked by MinJust]: http://www.nodnn.ru/novosti/novosti_176.html , accessed on 24 October 2010.
47 Interview with Askhat Kaiumov, Nizhnii Novgorod, September 2015.

"A lot of funds are allocated by foreign charities [who] understand that the world is small and if the environmental situation in Russia does not improve, sooner or later it will affect the environment in their own country."[48]

Being classified as a "foreign agent" has had serious negative consequences for Dront's work. In 2015 several large Russian companies stopped funding a number of projects, including one to introduce houseplants known for their anti-germ properties into kindergartens in Nizhnii Novgorod Region.

On 1 February 2016, members of the organization decided to temporarily suspend the activity of Dront until it is removed from the "foreign agents" list and to continue working as an unregistered public movement. In December 2015, after their attempt to challenge the "foreign agent" status in the Russian courts failed, Dront took its case to the European Court of Human Rights. The case remained pending at the time of writing.

It is symbolic that the organization was named after an extinct bird: the Dodo (Dront).

48 Interview with Askhat Kaiumov, Nizhnii Novgorod, September 2015.

3. PRESERVING HISTORICAL MEMORY, DEVELOPING ACADEMIC RESEARCH

The "foreign agents" law clearly states that "scientific activity, cultural activity" should not be classified as political activity. [49] However, at least ten NGOs working for the promotion of science and education and engaged in research, six educational organizations specializing in preserving the memory of the victims of Stalinist repression and even a photo club have been labelled "foreign agents"[50]. Appealing against their inclusion on the list has been largely unsuccessful, with the result that the NGOs have had to close down, suspend their activities or reorganize.

The Dinastiia (Dynasty) Foundation, for example, was created in 2002 by Russian businessperson Dmitry Zimin to support science and education in Russia, including through scholarships and grants to graduate students, PhD students and researchers. This support was provided from Dmitry Zimin's personal means part of which were kept on his accounts abroad. The Foundation supported around 1,000 students, PhD students and researchers in Russia.[51] However, in May 2015, it was declared a "foreign agent" and in mid-June 2015 Tverskoi District Court in Moscow ordered that the organization pay a 300,000 rouble fine. On 5 July 2015, its Board of Trustees decided that the Foundation should be closed down and on 31 October 2015 the Foundation stopped its activities.[52]

3.1 THE INFORMATION AND EDUCATION CENTRE MEMORIAL (YEKATERINBURG)

Persistent attempts to rehabilitate the reputation of Joseph Stalin and an increasingly hostile attitude towards the outside world are the backdrop to a rise in fears about alleged "spies", "fifth columnists" and "foreign agents" in Russia. It is in this highly charged atmosphere of suspicion and rising nationalism that at least six

49 Foreign agents' law, https://rg.ru/2012/07/23/nko-dok.html , accessed on 4 October 2016
50 Foreign agents Register", http://unro.minjust.ru/NKOForeignAgent.aspx, accessed on 7 November 2016
51 Фонд «Династия», [Dinasty Foundation], http://www.dynastyfdn.com/about/reports ,accessed on 24 October 2016; see also: А стоит ли продолжать работать в России? Минюст признал фонд Зимина иностранным агентом. [Is it worth to continue working in Russia? MinJust recognised Zimin's Foundation as a "foreign agent"] https://www.gazeta.ru/science/2015/05/25_a_6716969.shtml ,accessed on 24 October 2016.
52 The announcement on the main page of the website states that the Foundation Dinastiia has stopped grant support as of 31 October 2015. See: http://www.dynastyfdn.com/, accessed 4 October 2016.

educational organizations that focus specifically on preserving the memory of the victims of Stalinist repression have been declared “foreign agents”.

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THE INFORMATION AND EDUCATION CENTRE MEMORIAL

Anna Pastukhova, Chair of the Inter-regional organization Information and Education Centre Memorial, Yekaterinburg with activists.
© Amnesty International

“We want to put people in touch with this painful part of social consciousness because even those who think they were not affected in fact were… They just don’t know because this information was concealed from them; their relatives wouldn’t tell them.” [53]

Memorial contributed to building a unique memorial that names all known victims of Soviet secret police, the NKVD (People’s Commissariat for Internal Affairs), in the outskirts of the Urals city of Yekaterinburg. More than 20,000 people were tortured and killed in the1930s in the basement of the local NKVD headquarters right in the city centre. Their bodies were dumped 12km away in a forest on the outskirts of the city.[54]

For some 27 years, the Information and Education Centre Memorial in Yekaterinburg has been engaged in educational work and awareness raising. Anna Pastukhova recalled a school trip they organized during which children were asked to look for their family names on the memorial. One boy found his surname and called his grand-mother. She told him that it was his great-grandfather. That was the first time he found out about what had happened in his own family.

Memorial has developed good working relationships with the local authorities. Even the street vigils that they have organized – for example in memory of the 186 children killed in the Beslan siege in 2004 – have been uncontroversial as far as the local authorities were concerned.

Why it was decided to label Memorial as a “foreign agent” is not clear, although Anna Pastukhova believes the participation of representatives from the US and German Consulates in some Memorial events, like workshops or film screenings, may have irritated the authorities in Moscow.

Memorial prides itself on its openness and transparency and has never obscured the fact that part of its funding came from foreign sources. Memorial’s transparency may also, paradoxically, have contributed to its being dubbed a “foreign agent”. Anna Pastukhova told Amnesty International that in 2015 journalists from the Rossija-1 state-owned TV channel came to the Memorial offices claiming that they were making an objective report to show that organizations such as Memorial were in fact doing legitimate work and posed no threat to Russian security. The programme that was broadcast, however, did the exact opposite. It turned out to be another in a series of so called “investigative documentaries” used since 2012 to smear civil society activists and NGOs.[55]

53 Interview with Anna Pastukhova, Yekaterinburg, September 2015.
54 Уральский Мемориал, Екатеринбург [Ural Memorial, Yekaterinburg], 12-й километр [12th kilometre], http://ekmemorial.com/12-kilometr.html , accessed 26 October 2016.
55 Ядовитый экспорт [Poisonous export], film by Olga Skabeeva, Rossija-1, https://www.youtube.com/watch?v=xHgZd05QIys accessed on 1 November 2016.

"People who are able to organize themselves pose the biggest threat for authorities. It doesn't matter what unites them: it could be an organization to protect cats – look how many environmental organizations were labelled 'foreign agents'. It is always easier to rule people who do not know how to organize themselves." [56]

Anna Pastukhova, Chair of the Inter-regional organization Information and Education Centre Memorial, Yekaterinburg.

56 Interview with Anna Pastukhova, Yekaterinburg, September 2015.

4. FIGHTING INJUSTICE

Despite concerted efforts to reform the Russian criminal justice and prison systems, shortcomings persist. The criminal justice system continues to have a strong accusatorial bias and a very low acquittal rate, a legacy of the Soviet times.57 Researchers have noted the excessive power of investigators and the relative weakness of judges.58 In addition, the use of torture and other inhumane treatment to extract "confessions" during interrogation and in prisons remains a serious concern.

The prison population in Russia is one of the largest in the world59. According to the official statistics of the Federal Service for Execution of Punishments (FSIN), as of 1 October 2016, 640,357 people were imprisoned in Russia.60 According to the Council of Europe, Russia has the third highest number of inmates' deaths: six per 1,000 prisoners – for most other Council of Europe member states this figure is about 2.8 per 1,000 prisoners61. There are regular reports of overcrowding, poor sanitation, poor medical assistance, unlawful use of force by prison officers.

One of the reasons that such abuses are so widespread is the general indifference among the public about the fate of prisoners. This is a challenging environment for NGOs working to defend the human rights of those deprived of their personal liberty.

4.1 PRAVOVAIA OSNOVA

One NGO that challenges the prejudices and indifference of society towards prisoners is Pravovaia Osnova (Legal Basis) based in Yekaterinburg. [62] The organization was founded in 2005 by Aleksei Sokolov, who himself served a prison sentence many years ago. He has worked tirelessly to combat torture and impunity in jails and to ensure that inmates serve their sentences in humane conditions. His 2006 documentary, *Torture Factory*, is a collection of harrowing stories about the shocking treatment meted out to inmates in places of detention in the Sverdlovsk Region.

57 Peter H. Solomon. Post-Soviet criminal justice: The persistence of distorted neo-inquisitorialism. Theoretical Criminology, May 2015, vol. 19(2), 159-178

58 Peter H. Solomon. Understanding Russia's Low Rate of Acquittal: Pre-Trial Screening and the Problem of Accusatorial Bias. Review of Central and East European Law, 40 (2015), 1-30.

59 According to the statistics provided by UK based Institute for Criminal Policy Research, Russia takes the third place after the USA and China. : Institute for Criminal Policy Research, World Prison Brief: http://www.prisonstudies.org/highest-to-lowest/prison-population-total?field_region_taxonomy_tid=All ,accessed on 26 October 2016. Also, for more details see: Институт проблем современного общества (ИПСО), Аналитический отчет: практика рассмотрения ходатайств о досрочном освобождении осужденных в российских судах, (Institute for Problems of Modern Society (IPSO), Analytical Report: The practice of reviewing petitions on the early release of those convicted in Russian courts), St. Petersburg, 2016, http://i-pso.ru/wp-content/uploads/2016/04/Otctet_sud_udo.pdf (or shorter version: http://i-pso.ru/2016/04/06/383/)

60 Федеральная служба исполнения наказаний [Federal Service for Execution of Punishments]. Краткая характеристика уголовно-исполнительной системы. [Brief characteristics of the penal system]. http://www.fsin.su/structure/inspector/iao/statistika/Kratkaya%20har-ka%20UIS/ , accessed on 26 October 2016.

61 РБК: Россия стала лидером среди европейских стран по смертности среди заключенных [RBC: Russia leads Europe in prison inmates deaths] http://www.rbc.ru/society/08/03/2016/56de88669a79475040d1d7e2#xtor=AL-[internal_traffic]--[rss.rbc.ru]-[top_stories] accessed on 26 October 2016.

62 Some information of the Legal Basis activities see on Правозащитник Урала. Содействие в правовой защите населения. [Urals' Human Rights Defender. Support in legal protection of the population] http://pravo-ural.ru/ , accessed 11 October 2016.

PRAVOVAIA OSNOVA

Aleksei Sokolov, Head of Pravovaia Osnova with colleagues
© Amnesty International

"Yes, these people have been convicted. But they were not sentenced to be tortured. If a person has made a mistake, we must help them, show them that they were wrong, but not push them even further away from the society..." [63]

Aleksei Sokolov's work resulted in him being subjected to pressure and harassment. In May 2009 he was arrested on trumped up charges and in May 2010 he was sentenced to five years in jail reduced to three years on appeal.[64] He was released on parole in July 2011.[65]

Pravovaia Osnova provides legal advice and support to prisoners and takes up the cases of those whose rights are violated. Aleksei Sokolov told Amnesty International: "If a crime has been committed against a prisoner and they complain, the complaint will never be allowed to leave the jail. With the help of Public Commissions for Oversight of Places of Detention and lawyers, we expose this violation and lodge a complaint."[66]

Organizations like Pravovaia Osnova, play an important role not only in combatting impunity in the prison system, but also in stressing the importance of respect for the rule of law – by everyone.

"We punish a person for violating the law, we tell him that he committed a crime. But what does he see when he gets to jail? He sees how the laws are being violated and nobody is punished for it. When he points out the law is being violated [by the prison authorities], he is the one punished for whistle blowing." [67]

Pravovaia Osnova also addresses other aspects of the rights to a fair trial. For example it challenged regulations under which suspects detained in medical wards were not allowed to see lawyers or receive any other visits, while investigating authorities continued to enjoy unrestricted access. In 2014, Roman Kachanov, a lawyer working with Pravovaia Osnova, brought a complaint against this regulation before the Supreme Court, which found the regulation to be unlawful. This was used as an example of "political activity" when the authorities decided in 2015 to include Pravovaia Osnova on the list of "foreign agents".[68]

Larisa Zakharova, a member of Pravovaia Osnova, told Amnesty International that when the decision was made to classify the organization as a "foreign agent", they were told that providing free legal aid, complaining against officials, taking cases to court to challenge unlawful regulations was political activity aimed at changing government's policy. This has huge implications for a whole range of human rights and

63 Interview with Aleksei Sokolov, Yekaterinburg, September 2015.
64 Amnesty International Urgent Action update, UA 128/09, AI Index 46/016/2010, 17 May 2010. Demand a Fair Appeal for Aleksei Sokolov. https://www.amnesty.org/en/documents/eur46/016/2010/en/ accessed on 26 October 2016. In Russian: Требуйте справедливого обжалования приговора, вынесенного Алексею Соколову. https://amnesty.org.ru/node/1396/ ,accessed on 26 October 2016.
65 Amnesty International Public statement, AI Index 46/032/2011, 27 July 2011: Amnesty International welcomes release today of human rights defender Aleksei Sokolov. https://www.amnesty.org/en/documents/eur46/032/2011/en/ ,accessed on 26 October 2016. In Russian: Amnesty International приветствует освобождение правозащитника. https://amnesty.org.ru/node/2003/ , accessed on 26 October 2016.
66 Interview with Aleksei Sokolov, Yekaterinburg, September 2015.
67 Interview with Aleksei Sokolov, Yekaterinburg, September 2015.
68 Foreign agents Register", http://unro.minjust.ru/NKOForeignAgent.aspx, accessed 4 October 2016

for NGOs who are seeking to protect them.[69] It is also deeply troubling in terms of the rule of law as a whole. As Roman Kachanov comment:

"Ok, if the state policy is…beating, rape, extortion and humiliation, if you recognize this then, yes, we are indeed, trying to change state policy. But if state policy is observance of the law how are we seeking to change it by working for the law to be respected?"[70]

4.2 THE COMMITTEE FOR THE PREVENTION OF TORTURE

On 10 February 2014, Dmitry Kamzolov and his wife, Liubov Abramova, went out as usual to walk their dog in their home town of Nizhnii Novgorod. But that night their lives changed in ways that they could not have imagined. When Liubov objected to a neighbour parking her car on a lawn, the woman reportedly swore at Liubov and an altercation followed. Dmitry Kamzolov set the arguing parties apart and they went home. The angry neighbour shouted in their backs that her husband was a cop and they would "have problems". The argument was witnessed by another neighbour who, as it turned out later, called the police.

DMITRY KAMZOLOV'S CASE

Dmitry Kamzolov is standing by the internal door of his flat broken by the policemen.
© Amnesty International

According to Dmitry Kamzolov, about 10-15 minutes after he and his wife had come home, the doorbell rang. Liubov opened the door and when her husband came up too he was punched in the face and two men in the pre-2014 police uniform stormed into the flat. Kamzolov was pushed into the corner, his wife was thrown on the floor and both of them were handcuffed and badly beaten with fists and truncheons. The female neighbour who earlier had the argument with Liubov and another neighbour – the one who had called the police and who turned out to be a Deputy District Prosecutor - were also present at the scene. After beating, the men who turned out to be security guards answering to the Ministry of the Interior, took Dmitry Kamzolov to the station and detained him under trumped up charges of "swearing in a public place".

Dmitry was kept in a detention cell for two days and given a 1,000 roubles fine. He and his wife tried to bring up a case against their attackers but all attempts to achieve justice through official complaints channels brought no results. Dmitry Kamzolov went to the Committee for the Prevention of Torture (then Committee Against Torture) – an NGO in Nizhnii Novgorod working on cases of police impunity – and only after the CPT's interference the investigators started to look into Dmitry Kamzolov's complaint. In the

69 Interview with Larisa Zakharova, Yekaterinburg, September 2015.
70 Interview with Roman Kachanov, Yekaterinburg, September 2015.

meantime, a criminal investigation was opened against Kamzolov for allegedly beating up the neighbour. In 2015, the case against Kamzolov was closed down under a broader amnesty decree.[71] In October 2016, Sergei Shunin of the CPT told Amnesty International that the Investigation Committee refused twice to open a criminal case against the police officers following Dmitry Kamzolov's complaint. Both times the CPT successfully appealed against these decisions and at the time of writing investigators were still considering whether to open a criminal case.[72]

This is the kind of case that the Inter-regional Committee for the Prevention of Torture (CPT) formerly known as the Inter-regional Committee Against Torture (CAT), have championed for more than 16 years.[73] The NGO was founded to provide legal and medical support to torture victims and to counter police impunity.[74] It helped hundreds of people to obtain justice and medical and psychological support.[75]

COMMITTEE FOR THE PREVENTION OF TORTURE

Igor Kaliapin, CPT Chairman
© Amnesty International

"It is important for torture victims to feel that the law is on their side and their torturers are prosecuted openly and lawfully." [76]

Igor Kaliapin speaks from personal experience. In the 1990s he was himself arbitrarily detained and beaten by police so severely that there were fears he might not survive.[77]

The work of the CAT/CPT has shone a light on the issue of torture and ill-treatment in Russia and helped to change attitudes within society at large and, indeed, within the criminal justice system.

For some time, the "foreign agents" law did not impinge on the work of CAT. However, on 29 December 2014, the Prosecutor's Office of Nizhnii Novgorod Region issued a recommendation to voluntarily register as a "foreign agent". On 16 January 2015, the Ministry of Justice included the then Committee Against Torture into "foreign agents" register.[78]

71 Interview with Dmitry Kamzolov and CPT staff member Sergei Shunin, September 2015.
72 Conversation with Sergei Shunin, October 2016.
73 Комитет по предотвращению пыток, [Committee for the Prevention of Torture], http://www.pytkam.net/o-komitete.obschaya-infomacia, accessed 11 October 2016.
74 С.М.Дмитриевский, Д.А.Казаков, И.А.Каляпин,А.И.Рыжов,О.А.Садовская, О.И.Хабибрахманов Общественное расследование пыток и других нарушений фундаментальных прав человека. Нижний Новгород, 2012. 508 с. [S.M.Dmitrievskii, D.A.Kazakov, I.A.Kaliapin, A.I.Ryzhov, O.A.Sadovskaia, O.I.Khabibrakhmanov. Public Investigation of Torture and other Violations of Fundamental Human Rights. Nizhnii Novgorod, 2012, 508 pages.]
75Комитет по предотвращению пыток, [Committee for the Prevention of Torture], http://www.pytkam.net/o-komitete.pokazateli-dejatel-nosti , accessed on 27 October 2016.
76 Интервью с Игорем Каляпиным, Нижний Новгород, сентябрь 2015.
77 Interview with Igor Kaliapin, Nizhnii Novgorod, September 2015.
78 "Foreign agents Register", http://unro.minjust.ru/NKOForeignAgent.aspx , accessed on 27 October 2016.

The prosecutor's office decided, among other things, that informing the public about use of torture by police and flawed investigations constituted "political activity" because this would create a negative public opinion and thus would influence government decision making "namely change the government's policy in criminal prosecution".[79]

"The logic of the decision by Prosecutor's Office is that the use of torture by police and inadequate investigations are government policy and that we are trying to change it! But the use of torture and ineffective investigations are not state policy, so our activities are not aimed at changing government policy."[80]

Igor Kaliapin is a member of the Presidential Council for Human Rights. At the time of the inspection he had been working, in accordance with the President's instruction, on a draft proposal for an amnesty decree. This too was qualified as a "political activity".

CAT considered that being labelled a "foreign agent" was unacceptable and insulting and the organization was closed down. The human rights defenders then registered the CPT as a new organization. A year later, on 14 January 2016, it too was included on the "foreign agents" register.[81] Attempts to challenge this decision have so far been unsuccessful.

Inclusion on the "foreign agents" list has made it harder for the CPT to carry out its human rights work, both because of direct intimidation by right wing nationalist groups and because it serves to de-legitimize their work in the public mind.

"Police officers, for example, who are on trial for using torture shout: 'Look, who's taken us to court! They are foreign agents! Their goal is to make Russia weaker'."[82]

Sergei Shunin, CPT member

Igor Kaliapin rejects such accusations as the very antithesis of the CPT's aim, which is to strengthen state mechanisms to prevent torture, not undermine them.

"I have always been an advocate of a strong state. To defend those who are vulnerable, injured or oppressed and to talk about rights you need a highly organized human society – a state. That's why I've always been a supporter of improving of the existing state mechanism."[83]

The case of the CAT/CPT clearly shows that government assurances that being included on the list of "foreign agents" was a mere formality that would not affect an organization's reputation were at the very least misleading.[84] In this particular case, it casts those who seek to prevent and expose torture as tantamount to "spies" and so helps increase impunity for suspected torturers. A law that claims to protect the "interests of the state" is in fact being used to undermine the law and confidence in the ability of state institutions to deliver justice.

However, the human rights defenders involved in the CPT are continuing to resist.

"The organization can be labelled as a 'foreign agent' once, twice, three times, but its representatives will keep on defending citizens in the courts"[85], said Igor Kaliapin.

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79 Комитет против пыток не станет работать в статусе иностранного агента. [Committee Against Torture will not work in "foreign agent" status] http://www.pytkam.net/press-centr.novosti/4137 accessed on 27 October 2016.
80 Комитет против пыток не станет работать в статусе иностранного агента. [Committee Against Torture will not work in "foreign agent" status] http://www.pytkam.net/press-centr.novosti/4137 accessed on 27 October 2016.
81 "Foreign agents" Register, http://unro.minjust.ru/NKOForeignAgent.aspx, accessed on 4 October 2016
82 Interview with Sergei Shunin, Niznii Novgorod, September 2015.
83 Interview with Igor Kaliapin, Niznii Novgorod, September 2015.
84 These assurances were repeated in the Constitutional Court ruling of 8 April 2014 (N 10-II) "…any attempts to discover in the phrase "foreign agent" negative connotations basing on stereotypes formed during Soviet times … are groundless." (para. 3.1). Постановление Конституционного Суда Российской Федерации по делу о проверке конституционности положений пункта 6 статьи 2 и пункта 7 статьи 32 Федерального закона "О некоммерческих организациях", части шестой статьи 29 Федерального закона "Об общественных объединениях" и части 1 статьи 19.34 Кодекса Российской Федерации об административных правонарушениях в связи с жалобами Уполномоченного по правам человека в Российской Федерации, фонда "Костромской центр поддержки общественных инициатив", граждан Л.Г.Кузьминой, С.М.Смиренского и В.П.Юкечева от 8 апреля 2014 г. N 10-П [Ruling of the Constitutional Court of the Russian Federation on the case of examination of constitutionality of item 6 of Article 2 and item 7 of Article 32 of the Federal law "On non-commercial organizations", part 6 of Article 29 of the Federal law "On public Associations" and part 1 of Article 19.34 of the Russian Federation Code of Administrative Violations in connection with complaints of the Russian Federation Ombudsman, foundation "Kostroma Centre for Support of Public Initiatives", citizens L.G.Kuzmina, S.M.Smirenskii and V.P.Yukechev, 8 April 2014, N 10-П] https://rg.ru/2014/04/18/ks-dok.html , accessed on 27 October 2016.
85 Interview with Igor Kaliapin, Niznii Novgorod, September 2015.

5. ENSURING WOMEN'S VOICES ARE HEARD

By November 2016, at least six women's rights organizations had been classified as "foreign agents" in Russia.[86] Among them are the Don Women from Novocherkassk, near southern city of Rostov-on-Don.[87]

5.1 DON WOMEN (UNION OF THE DON WOMEN/FOUNDATION OF THE DON WOMEN)

In 2013, the Union of the Don Women was one of the first NGOs to be scrutinized under the "foreign agents" law. In 2014, when the Ministry of Justice were given powers to compulsory include organizations in the "foreign agents" register, the Union, which received funding from a variety of foreign and Russian donors, became one of the first five NGOs on which these new powers were tested and the organization was declared a "foreign agent".[88] The women involved set up the Foundation of the Don Women to carry on the work beyond Rostov Region but in October 2015 this too was declared a "foreign agent".[89]

The Union of the Don Women was set up in the 1990s, a time of serious economic hardship and social upheaval in Russia. With factories and other workplaces closing down and employers failing to pay salaries for months on end, thousands of people struggled to pay for basic necessities. Much of the burden of keeping families going in such harsh times fell on women and in 1993 more than 100 women gathered together for the first Forum of the Don Women. They wanted to unite in order to deal with difficulties together and it led to the creation of the Union of the Don Women.

For more than 20 years the Don Women worked on welfare projects related to the rights of women and children and supported families in difficult circumstances. The organization set up a free advice centre, which now has to operate at reduced capacity when their funding dried up after they were labelled "foreign agents". There are concerns that it may have to close altogether.

Staff members also built up a wealth of experience in peace building, reconciliation and dialogue within communities affected by conflict and developed methodologies and approaches that sought to heal the scars of the conflicts in Chechnya and Georgia.

86 "Foreign agents" Register, http://unro.minjust.ru/NKOForeignAgent.aspx, accessed on 7 November 2016.
87 Союз «Женщины Дона», [The Union of Don Women], http://www.donwomen.ru/, accessed 12 October 2016.
88 "Foreign agents" Register, http://unro.minjust.ru/NKOForeignAgent.aspx , accessed on 4 October 2016.
89 "Foreign agents" Register, http://unro.minjust.ru/NKOForeignAgent.aspx, accessed on 4 October 2016.

UNION OF THE DON WOMEN

Valentina Cherevatenko, Chairperson of the Union of the Don Women, pointing at the photograph of the Don Women congress which took place in 1923.
© Amnesty International

"My idea is a dialogue. People who became hostages of the situation need to start talking to each other. Understanding is a beginning of the dialogue." [90]

Don Women has been promoting the importance of a dialogue not only in post-conflict situations but also in a daily life within smaller local communities. One of such projects "*Hello, I am your district police officer!*" was aimed at familiarising young people with the work of police officers in order to break prejudices, perceive the police work objectively and reduce crime.

The Don Women also brought together a team of people professionally trained in dealing with post-traumatic stress disorder who supported former combatants.

"This is very important work. When we started working with consequences of two Chechen wars, we discovered that as soon as men who had served there started to come back home, there was a wave of violence in the city. [Former combatants]' mothers started to come to us complaining that even though physically their sons were intact, mentally they had changed." [91]

Valentina Cherevatenko, Chair of the Don Women

These skills were later used to work with people affected by terrorist attacks, including in Beslan. The Don Women and their network of psychologists worked for two years there following the school siege in which more than 300 hostages, including 186 children, were killed. They also worked in Krymsk in 2012 after more than 170 people died during serious flooding.

Soon after the "foreign agents" law was passed in 2012, graffiti appeared on the Don Women's office building saying: "Reception of the US State Department". It seems, however, that this was a minority view and the Don Women's work was valued and supported by many in the region. When someone threw a brick through the office window with an inscription "Hello from the USA State Department", a local business owner offered his help and the window was quickly mended. When the Don Women was declared "foreign

90 Interview with Valentina Cherevatenko, Novocherkassk, September, 2015
91 Interview with Valentina Cherevatenko, Novocherkassk, September, 2015.

agent" and given a 300,000 rouble fine, their supporters collected money to help them pay it. They also started writing letters to newspapers expressing their concern at the decision to target the Don Women.

UNION OF THE DON WOMEN

The brick which was thrown into the office window of the Union of the Don Women.
© Private

The attitude of the authorities was, however, very different. Before the Don Women was declared a "foreign agent" it had good contacts with local officials. But as soon at the organization was included on the list, the authorities severed all contacts. Valentina Cherevatenko recalled bitterly how when she went to the Mayor's office, the very people with whom she had been working barred her way: "It's a shameful and crazy situation."[92]

On 29 February 2016, the Ministry of Justice decided that Union of the Don Women could be taken off the "foreign agents" list.[93] However, the 300,000 rouble fine was not returned. The Foundation of the Don Women remains on the list. In May 2016, Valentina Cherevatenko was called in twice for questioning by the Investigation Committee.[94] The investigators explained that they had initiated pre-trial checks to establish whether Valentina Cherevatenko had "wilfully evaded responsibilities" under the "foreign agents" law (Article 330.1 of the Criminal Code). On 24 June 2016 law enforcement officers conducted a search of the Don Women's office and Valentina Cherevatenko was informed that a criminal case under Article 330.1 of the Russian Criminal Code had been opened against her.[95] At the moment of writing the investigation is ongoing. If found guilty, Valentina could face up to two years in jail. This sets a further very dangerous precedent of criminal persecution of human rights defenders and activists.

Despite the continuing pressure, Valentina Cherevatenko remains defiant and committed to the work of the Don Women to support those in need and to facilitate dialogue and understanding:

"Why should I, somebody who did everything for our country and to minimize harm from wrong, ineffective decisions, why should I name myself an 'agent' today?"[96]

92 Interview with Valentina Cherevatenko, Novocherkassk, September, 2015.
93 "Foreign agents" Register, http://unro.minjust.ru/NKOForeignAgent.aspx, accessed on 27 October 2016.
94 Kommersant, Женщинам Дона грозит далеко идущее следствие. В РФ может появиться первый фигурант уголовного дела о нарушении закона об НКО. [Women of the Don are threatened with long lasting investigation. The first accused of violation of the law on NGOs could appear in RF.] http://kommersant.ru/doc/2994750 , accessed on 27 October.
95 Novaya Gazeta, Первое уголовное дело в отношении «иностранных агентов» [First criminal case against "foreign agents"] https://www.novayagazeta.ru/articles/2016/07/06/69176-pervoe-ugolovnoe-delo-v-otnoshenii-inostrannyh-agentov , accessed on 27 October 2016. ; Amnesty International: Против Валентины Череватенко заведено уголовное дело [A criminal case is opened against Valentina Cherevatenko]. https://amnesty.org.ru/ru/2016-06-25-russia/ , accessed on 27 October 2016.
96 Interview with Valentina Cherevatenko, Novocherkassk, September 2015.

6. PROMOTING QUALITY JOURNALISM

At least twelve NGOs working to promote the right to freedom of expression and media freedom had been included on the "foreign agents" register by November 2016[97].

6.1 THE MASS MEDIA DEFENCE CENTRE

The Mass Media Defence Centre (MMDC) was created in 1996 to work with journalists across the country, providing expert support for those working for both private and public media outlets. The organization has earned an impressive reputation over the past two decades, both within Russia and internationally. [98]

"The idea behind the MMDC was to be part of a network of regional organizations that would monitor the situation of freedom of expression in the country... We try to make sure that journalists' work is in line with the legislation. This in turn will allow them to feel confident and as a result present the information more accurately and be better protected… Frightened journalist will not write about serious problems, about corruption. He will be writing about the weather forecast or film reviews."[99]

Galina Arapova, Director of the MMDC, Voronezh, Central Russia

However, in February 2015 the MMDC was declared a "foreign agent" under the "foreign agents" law. The ostensible reason given by the authorities for this decision was an interview which Galina Arapova gave in her personal capacity as a media law expert, not as the MMDC Director, in which she was critical of Russian law as regards the media. This was viewed by Ministry of Justice officials as "political activity" and therefore the MMDC, which receives funding from a number of sources, some of which are abroad, was put on the list of "foreign agents".

Members of the media showed their support, launching a high-profile campaign and continuing to use the MMDC's services, refusing to be put off by the stigma associated with the classification as "foreign agents". Unusually, local officials, including Voronezh Region Governor, also expressed their continued support for the MMDC. For many local and regional officials, Galina Arapova and her team are an important resource -- highly qualified media law experts with an impeccable reputation. The MMDC's lawyers continue to be invited to conduct various training sessions and workshops in media law, not only for media workers themselves but also for judges, law enforcement officials and lawyers.

97 "Foreign agents" Register, http://unro.minjust.ru/NKOForeignAgent.aspx, accessed on 7 November 2016.
98 Центр защиты прав СМИ, [The Mass Media Defence Centre], http://www.mmdc.ru/, accessed 12 October 2016.
99 Interview with Galina Arapova, Voronezh, September 2015.

Nevertheless, there are signs that the stigma of the label "foreign agents" may be having some effect. Some of MMDC's partners have started to get nervous; for instance, one of the regional courts cancelled a planned training session as soon as MMDC was declared a "foreign agent".[100]

The MMDC challenged its inclusion on the list of "foreign agents" list and the fine of 300,000 roubles imposed by the Ministry of Justice for its failure to register voluntarily as a "foreign agent". In March 2016 the Voronezh Regional Court rejected the MMDC's appeal. [101]

The decision to label MMDC as a "foreign agent" is worrying not only for media freedom, but for the right to freedom of expression more widely in Russia. The right to freedom of expression has in recent years fallen victim to the increasing government control of the means of communication through a host of new laws and regulations.

In Gaina Arapova's view, attempts to stifle the right to freedom of expression have also been bolstered by the fact that not many people in Russia fully understand what the right to freedom of expression is. Often it is understood as meaning that everything is permitted and, therefore, it is seen as something that must be avoided at all costs.[102] For example, the derogative term "zhurnaliugi" ("presstitutes") was coined to refer initially to corrupt or unprofessional journalists but later it came to be used to denote all media workers. Galina Arapova believes that challenging this stereotype is a key task for the MMDC.

THE MASS MEDIA DEFENCE CENTRE

Galina Arapova, MMDC Director
© Lesia Poliakova

"So, this is what should be clear and important for every person – if you want to express your opinion, you can do so freely, without fear of being punished or persecuted. Another thing is the right to access information and be able to read the truth about what is happening in your country, so that public opinion is not manipulated through the media. And this is possible only if journalists can write honestly, objectively, if they are not censored, if they are not afraid of persecution, if they are not killed. So, journalists' right to protection is directly connected with people's right to seek and obtain quality information."[103]

100 Interview with Galina Arapova, Voronezh, September 2015.
101 RIA Voronezh, Воронежский облсуд оставил Центр защиты прав СМИ в реестре «иноагентов» [Voronezh Regional Court ruled that Mass Media Defence Centre must stay in the "foreign agents" register] https://riavrn.ru/news/voronezhskiy-oblsud-ostavil-tsentr-zashchity-prav-smi-v-reestre-inagentov/ , accessed on 27 October 2016.
102 Interview with Galina Arapova, Voronezh, September 2015.
103 Interview with Galina Arapova, Voronezh, September 2015.

7. DEFENDING MINORITY RIGHTS

It is perhaps not surprising that organizations that aim to help people who have been considered "different" and face discrimination should be targeted by legislation that has cast so many groups as "foreign agents" and therefore "suspicious". Among those who are currently listed as "foreign agents" are eight organizations representing Indigenous Peoples and ethnic minority groups; two LGBTI organizations; and two organization supporting migrants, refugees and asylum-seekers.

In St Petersburg, the Anti-Discrimination Centre Memorial[104] was declared a "foreign agent" because of a shadow report on *Roma, migrants, activists: victims of police impunity*[105] submitted to the UN Committee Against Torture in 2012; this was considered political activity. Following an unsuccessful appeal against the decision, the organization was forced to close down in April 2014.

Ryazan's Jewish cultural centre,[106] which among other services provides support to pensioners, people with disabilities and parents with sick children, was included on the register of "foreign agents" because it participated in a roundtable discussion on the implementation of the law on social security.[107]

The Civic Assistance Committee, [108] an NGO that has worked to support refugees, migrants and internally displaced people in Russia for 26 years was included on the list on the grounds that their efforts to promote more humane conditions of detention and to end corruption was evidence that they wanted to change government policy.[109]

Groups working on the rights of lesbian, gay, bisexual, transgender and intersex people (LGBTI) were also targeted. These organizations and activists were already under pressure because of legislation prohibiting "propaganda of non-traditional sexual relations amongst minors"[110]. The effect of the so-called "propaganda law" was to severely restrict the right to freedom of expression of LGBTI individuals and groups and foster increased and widespread discrimination and harassment against them. Discrimination against LGBTI people has reached levels not seen for many decades in Russia.

The effects of the "propaganda law" have been compounded by the decision to label several LGBTI groups "foreign agents", intensifying hostility towards them both within the general population and in the response of the authorities.

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104 Анти-дискриминационный центр – АДЦ «Мемориал», Санкт-Петербург, [the Anti-Discrimination Centre Memorial – ADC "Memorial", St.Petersburg], http://adcmemorial.org/, accessed 12 October 2016.
105 Roma, migrants, activists: victims of police impunity. A report submitted within the framework of the review of the 5th periodic report submitted by the Russian Federation to the Committee Against Torture for its 49th session. http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/RUS/INT_CAT_NGO_RUS_13007_E.pdf , accessed on 27 October 2016.
106 Еврейская община Рязани, [Ryazan's Jewish community], http://evreiryazan.ru/, accessed 11 October 2016.
107 Agency of Social Information, В реестр «иностранных агентов» попал еврейский общинный культурный центр [Jewish Cultural Center is in the "foreign agents" register], 16 September 2015, https://www.asi.org.ru/news/v-reestr-inostrannyh-agentov-popal-evrejskij-kulturnyj-tsentr/ , accessed on 13 October 2016.
108 Комитет «Гражданское содействие», [The Civic Assistance Committee], http://refugee.ru/, accessed 12 October 2016.
109 Radio Svoboda, От "Гражданского содействия" потребовали стать иностранным агентом, [The Civic Assistance Committee was demanded to become a foreign agent], 20 March 2015, http://www.svoboda.org/content/article/26911788.html, accessed 13 October 2016.
110 Federal law, 29 June 2013, N 135-ФЗ,"О внесении изменений в статью 5 Федерального закона "О защите детей от информации, причиняющей вред их здоровью и развитию" и отдельные законодательные акты Российской Федерации в целях защиты детей от информации, пропагандирующей отрицание традиционных семейных ценностей", https://rg.ru/2013/06/30/deti-site-dok.html ,accessed on 27 October 2016.

7.1 MAXIMUM

Maximum, a centre in Murmansk in northern Russia, was established on 2 December 2007 to provide social, psychological and legal support for LGBTI people subjected to discrimination and hate crimes. [111]

LGBTI activists and their office have been repeatedly attacked by groups claiming to be "patriots" and propagating far-right views.

One of the attacks in Murmansk happened in April 2015 when an unidentified gas was sprayed into the office. Two people, including a staff member, Violetta Grudina, required hospital treatment for the effects of the gas. A neighbour later told activists that the police had been warned before the attack that there were people hanging around outside the office behaving suspiciously. However, according to Violetta, the police did not arrive on the scene until 40 minutes after the attack. Violetta Grudina told Amnesty International that the discriminatory attitudes of the police were apparent as soon as they became aware that Maximum was an LGBTI organization.[112] Police refused to open a criminal case and the decision was upheld in court. Only after Violetta Grudina had submitted a case to the European Court of Human Rights, police started investigating. At the time of writing, no one has been brought to justice for the attack.[113]

"People are put in a position where they are forced to go underground, become invisible… Not just LGBTI people -- I often hear intolerant views expressed about others who are 'different'."[114]

An LGBTI activist

In January 2015, the Ministry of Justice conducted an inspection of Maximum and concluded that the organization must be registered as a "foreign agent". [115]The officials decided that pocket calendars issued by another LGBTI organization, Rakurs; leaflets and newspapers containing recommendations for a change in the law that discriminates against LGBTI people; information about the obstacles faced by LGBTI organizations; and activists' working trips to Norway, Sweden and Finland, all constituted "political activity ". As happened with other NGOs, statements in a personal capacity by the organization's director Sergei Alekseenko, in this case posted on his personal page on the social network Vkontakte, were also used as examples of political activity by the organization.[116]

On 4 February 2015, Maximum was included on the "foreign agents" register and in May 2015 a court in Murmansk imposed a 300,000 rouble fine on the organization for failing to register as an "agent" voluntarily. Staff members decided that the label of "foreign agent" was unacceptable and on 28 October 2015, Maximum ceased to exist.

Although activists continue to meet and undertake initiatives as a group, the "propaganda law" and the "foreign agents" law have made their work on issues such as HIV/AIDS prevention much more difficult.

111 Центр социально-психологической помощи и правовой поддержки жертв дискриминации и гомофобии «Максимум», [Centre for social and psychological help and legal advice for victims of discrimination and homophobia],
112 Interview with Violetta Grudina, September 2015.
113 Severpost, Полиция возобновила расследование нападения на офис ЛГБТ-организации в Мурманске. [Police re-opened investigation into the attack on LGBT organization's office in Murmansk]. 10 October 2016. http://severpost.ru/read/46901/ , accessed on 27 October 2016.
114 Interview with LGBTI activists, Murmansk, September 2015.
115 "Foreign agents" Register, http://unro.minjust.ru/NKOForeignAgent.aspx, accessed on 27 October 2016.
116Russian LGBT net. Мурманскую лгбт-организацию "Максимум" обвинили в выполнении функций "иностранного агента" [Murmansk LGBT organisation "Maximum" is accused of performing functions of "foreign agent"], http://www.lgbtnet.org/ru/content/murmanskuyu-lgbt-organizaciyu-maksimum-obvinili-v-vypolnenii-funkciy-inostrannogo-agenta, accessed on 13 October 2016.

MAXIMUM

In the Maximum's office.
© Amnesty International

"We could have been a good bridge between a closed group and medical practitioners. But they don't want to hear us. We could also provide psychological help for LGBTI teenagers [to prevent breakdowns and suicides] but "propaganda" law puts a barrier there." [117]

The activists believe that the "propaganda law" has nothing to do with children protection. On the contrary, it leads to the situation when psychologists and teachers cannot share information about gender issues and thus, bust myths about gender identity and sexual orientation.

"Where there is no education and scientific information prejudice and intolerance flourish. Thus, a vicious circle is created."[118]

LGBTI activist

117 Interview with LGBTI activists, Murmansk, September 2015.
118 Interview with LGBTI activists, Murmansk, September 2015.

8. "WATCHING THE "BIG BROTHER"

At least six groups working to monitor and protect a range of rights – from consumer safety to electoral fairness and transparency/anti-corruption – have been included in the "foreign agents" register.119 Unsurprisingly, one of the first targets of the "foreign agents" law was Golos Association – an organization monitoring elections and trying to ensure their fairness.120 However, there were other organizations which one would normally struggle to classify as engaged in any kind of "political activity" – even within the definition of the "foreign agents" law.

8.1 THE NOVOSIBIRSK FOUNDATION FOR PROTECTION OF CONSUMER RIGHTS

The Novosibirsk Foundation for the Protection of Consumer Rights was set up in 2008 by two lawyers – Yevgeniy Mitrofanov and Olga Zabalueva.[121] For Yevgeniy, it was the poor state of the roads that sparked his involvement in consumer rights. For Olga the interest in consumer rights stemmed from her work as a bankruptcy lawyer, which brought her into contact with hundreds of investors who had been cheated by construction companies. She was horrified to find whole families who had lost their savings reduced to living in garages or unheated dachas.

Together the two lawyers decided to use their legal expertise to champion consumer rights on a range of issues.

"We take cases to court to protect both individual and public interests… We also deal with lots of complaints in cases that are important for people living in Novosibirsk city and the region."[122]

Yevgeniy Mitrofanov

They applied for and received a grant from the Novosibirsk Oblast government for a project to take up the cases of the defrauded investors. For almost a year they worked hard taking cases to court. Their results were impressive: around 35-38 million roubles were returned to the fraud victims.

The Foundation also took on cases about the quality of the food sold in shops, setting up a website where information is published on shops selling food after the "consume by" date.

"For example, we discovered faecal contamination in salads produced by a company well known in Novosibirsk. When we took them to court, they eventually presented CCTV images of their staff member who having dropped packages with salads on the floor was picking the salad up and putting it back into the packages. The company,

119 "Foreign agents" Register, http://unro.minjust.ru/NKOForeignAgent.aspx, accessed on 7 November 2016.
120 Голос, [Golos], http://www.golosinfo.org/ , accessed on 27 October 2016. "Foreign agents" Register, http://unro.minjust.ru/NKOForeignAgent.aspx , accessed on 27 October 2016.
121 Фонд защиты прав потребителей, [The Novosibirsk Foundation for the Protection of Consumers' Rights], http://www.legalist.biz/contacts.htm , accessed 27 October 2016.
122 Interview with Yevgeniy Mitrofanov, Novosibirsk, September 2015.

however, did not recall the contaminated consignment of salad from shops as they didn't want to incur losses." [123]

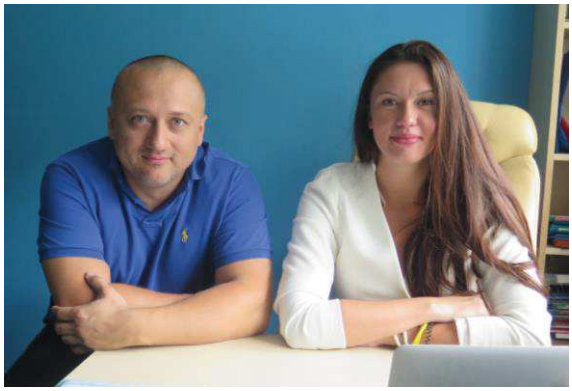
Yevgeniy Mitrofanov

In 2014 the Foundation set up a website "SibPublicFaces" (http://sibpublicfaces.org/) covering cases where the personal interests of officials are in conflict with public interests. This was sponsored by a grant received from the National Endowment for Democracy (NED) and it was this project that Yevgeniy Mitrofanov believes brought them to the attention of the authorities. He told Amnesty International: "They looked at all postings on this website and said that since they are all about political figures, it constitutes political activity."[124]

Under the "foreign agents" law, large fines can be imposed on NGOs who do not apply to be included on the list of "foreign agents". Fearing such a fine, the Foundation voluntarily applied to be included on the list. On 17 April 2015 the organization was included on the "foreign agents" register.[125]

The consequences were soon apparent. Yevgeniy Mitrofanov told Amnesty International: "Almost immediately after we were included on the list, all contacts with the media stopped. I used to be interviewed for TV every week. And now they tell me: 'We are afraid that if we show your interview we will have problems with our licence.'"[126]

THE NOVOSIBIRSK FOUNDATION FOR THE PROTECTION OF CONSUMER RIGHTS



Yevgeniy Mitrofanov and Olga Zabalueva, lawyers, founders of the Novosibirsk Foundation for the Protection of Consumer Rights.
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"This label – 'foreign agent' – stirs up distrust. This phrase – "foreign agent" – triggers memories in our citizens' subconscious from Soviet times [and] …'foreign agent' automatically means 'spy'."[127]

The stigma has not only hampered the work of the Foundation, but has also impacted on the personal lives of Yevgeniy Mitrofanov and Olga Zabalueva who have been smeared and attacked in the media and on social networks, accused of being "spies" and "traitors".

"When you are doing something for people, trying to help them, change something in their lives and in return you hear: 'You are a foreign spy!' then you feel utterly discouraged and that's why we want to get rid of this label."[128]

Olga Zabalueva

The activists told Amnesty International that they would be happy to receive Russian grants.

"We tried to apply and submitted applications to various organizations but did not succeed. It is clear that no one will give money to such a project as SibPublicFaces where we write about the Governor,

123 Interview with Yevgeniy Mitrofanov, Novosibirsk, September 2015.
124 Interview with Yevgeniy Mitrofanov and Olga Zabalueva, Novosibirsk, September 2015.
125 "Foreign agents" Register, http://unro.minjust.ru/NKOForeignAgent.aspx , accessed on 27 October 2016.
126 Interview with Yevgeniy Mitrofanov and Olga Zabalueva, Novosibirsk, September 2015.
127 Interview with Olga Zabalueva, Novosibirsk, September 2015.
128 Interview with Yevgeniy Mitrofanov and Olga Zabalueva, Novosibirsk, September 2015.

Mayor and other officials."[129]

Both Yevgeniy and Olga believe that for a successful, healthy, functioning society it is important to have socially responsible, active people. The process of growing civic activism is a long and often painful one.

"Like a baby is developing in mother's womb so an active citizen is developing step by step. It is not connected with one's biological age but it is happening and will continue to happen."[130]

Olga Zabalueva.

129 Interview with Yevgeniy Mitrofanov and Olga Zabalueva, Novosibirsk, September 2015.
130 Interview with Yevgeniy Mitrofanov and Olga Zabalueva, Novosibirsk, September 2015.

9. CONCLUSION AND RECOMMENDATIONS

The "foreign agents" law has been used to undermine and discredit a range of effective and active NGOs. It has contributed to the creation of an atmosphere of suspicion and intolerance and the end result is that many organizations that have made a significant contribution to promotion of human rights, civil society and to the wellbeing of citizens have been forced to close down.

"It looks like the authorities really believe that only the elite can have principles and beliefs and plebs, common people 'down below' are not capable of having any principles and acting on their own volition. And if some money is sent and some activities follow, then they think the reason must be the money. They really believe in it. They think there must be some puppet masters behind the scene. They don't believe that common people have initiative, ideas and principles and are working and fundraising to realize them."[131]

NGO activist from Central Russia

In the four years since this law came into force in November 2012, 148 organizations have been included on the list of "foreign agents".[132] Most have been added to the list since May 2014, the date when the Ministry of Justice was given the power to compulsory add organizations to the list. Just nineteen[133] of these NGOs successfully proved in court that they had refused foreign funding and could be taken off the "foreign agents" Register.[134] However, even if an organization succeeds, its name will still remain on the register with a note that it "has stopped performing the functions of a foreign agent". The law on "foreign agents" would still be an ever-present threat hanging over them. Twenty-seven organizations closed down after being placed on the "foreign agents" register.[135] A note to this effect was placed next to their names but they were not "erased" from the list.

The organizations targeted are hugely varied in terms of geographical location, the issues they work on and their internal organizational structure. However, one common thread uniting them is that their "political activity" appears to have been defined as any attempt to influence public opinion or engage citizens in the critical evaluation of government policy. At the same time, the government is effectively preventing these NGOs from accessing foreign sources of funding, contrary to international standards. Given the insufficient funding resources within Russia, independent NGOs are put on the brink of extinction.

It appears that the government is effectively replacing those who ask awkward questions with more

131 Interview with an NGO activist from Central Russia, September 2015.
132 "Foreign agents" Register, http://unro.minjust.ru/NKOForeignAgent.aspx , accessed on 7 November 2016
133 "Foreign agents" Register, http://unro.minjust.ru/NKOForeignAgent.aspx , accessed on 7 November 2016
134 According to the "foreign agents" law, if within three months of the date of the NGO's inclusion on the list the organization refuses foreign funding and returns it, then the Ministry of Justice must exclude it from the "foreign agents" register. The full text of the law with latest amendments see at: http://www.consultant.ru/document/cons_doc_LAW_132900/, accessed on 7 November 2016.
135 "Foreign agents" Register, http://unro.minjust.ru/NKOForeignAgent.aspx , accessed on 7 November 2016

compliant organizations and "people's movements" and thereby creating an illusion of the healthy civil society. Such bodies, unable to create real initiatives themselves, are seeking to appropriate those of independent civil society organizations and activists.

The very grave risk for the future of civil society in Russia is that over time, only those NGOs that support government policy without question and are beholden to political patronage for their funding will survive. The impact of this on all those areas where NGOs have made such an important contribution to society would be devastating.

The Russian authorities must take urgent steps to reverse this trend and to ensure that they respect the international obligations they have signed up to.

RECOMMENDATIONS

Amnesty International's recommendations to the Russian authorities are:

- Repeal the "foreign agents" law;
- As an intermediate step, immediately suspend the use of the "foreign agents" law and refrain from adding organizations to the "foreign agents" register;
- Publicly acknowledge the important role NGOs and human rights defenders play in society
- Ensure that NGOs and human rights defenders are protected against harassment and attacks and that reported incidents are thoroughly investigated and appropriately sanctioned.

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AGENTS OF THE PEOPLE

FOUR YEARS OF "FOREIGN AGENTS" LAW IN RUSSIA:CONSEQUENCES FOR THE SOCIETY

In the last four years, 148 non-governmental organizations have been included on the list of "foreign agents" in Russia, of which 27 have closed down altogether. These NGOs have performed important roles in protecting the rights of ordinary people. These vital contributions to the wellbeing of people in Russia are now either blocked or under threat because the NGOs risk being - or have already been - considered to engage in "political activity" and labelled "foreign agents" under the 2012 law.

Amnesty International's new report *'Agents of the people': Four years of "foreign agents" law in Russia* highlights the high price Russian society has paid as independent critical non-governmental organizations have been forced to close, valuable services have been restricted and scrutiny of government policy in a wide range of areas has been silenced in what amounts to a calculated assault on freedom of expression.

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