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Update

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

entities designated as foreign agents (FAs) in the Russian Federation (hereinafter “Russia” or “RF”), and created new grounds for the inclusion of persons (including legal entities) in the new Unified FA Registry.

The new Law on Foreign Influence provides for the following changes:

- Russian and foreign commercial legal entities can be assigned the status of “FA”. Before the law’s enactment, Russian commercial organizations, such as limited liability companies (LLCs), could not be recognized as FAs. Upon enactment, any individual or legal entity, with the exception of Russian state entities, can be recognized as an FA.
- Recognition as an FA no longer requires receiving foreign funding, “being under foreign influence” is sufficient. The law introduced a new definition of “foreign influence” as “providing support from a foreign source to a person and (or) influencing a person, including by coercion, persuasion and (or) in other ways.”
- FAs are subject to additional prohibitions and restrictions, including, among others:
 - prohibition against participating in the activities of commissions, committees, and consultative, advisory, expert, and other bodies formed under public authorities;
 - prohibition against teaching and educational outreach activities to minors, including the release of information products for minors;
 - prohibition against acting as a supplier in the procurement of goods, works, or services to meet state or municipal needs;
 - ban on receiving state financial support;
 - ineligibility to apply the simplified taxation system or simplified accounting (financial) statements; and
 - prohibition against investing in business entities of strategic importance that ensure the defense of the country and the security of the state.
- FAs are also subject to additional responsibilities, including:
- to disclose their status as an FA when carrying out political activities and collecting information in the military and military-technical spheres;
- to disclose their status as an FA to its founders (participants), beneficiaries, and employees; and
- for all types of FAs that are not legal entities, to establish a Russian legal entity to distribute printed, audio, audiovisual, and other messages and materials intended for an indefinite number of persons.

In accordance with the Law on Foreign Influence and Decree No. 799 of the President of the RF of November 4, 2022, “On Amendments to the Regulations on the Ministry of Justice of the [RF], approved by Decree No. 1313 of the President of the [RF] of October 13, 2004 (<http://publication.pravo.gov.ru/Document/View/0001202211040032>),” from December 1, 2022, the Ministry of Justice (MoJ) began to publish a Unified Registry of FAs.

On July 27, 2023, the State Duma adopted a new package of five restrictive draft laws. The draft laws introduced responsibility for ensuring compliance with FA restrictions on any person who, to one degree or

another, by their actions or inaction, can contribute to the fact that these restrictions and prohibitions are not observed by FAs, in addition to the already existing responsibility for FAs themselves. On July 31 and August 4, 2023, the State Duma adopted additional restrictive laws prohibiting operations of any foreign non-commercial organization (NCO) in the territory of Russia without a registered office, as well as any participation in such activities in the territory of Russia by any legal entity or person, establishing administrative and criminal liability for organizing and participating in activities of unregistered NCOs.

Introduction

Since 2012, a number of restrictive laws have been enacted in Russia.

On July 20, 2012, Russia enacted the Federal Law Introducing Amendments to Certain Legislative Acts of the RF Regarding the Regulation of Activities of Non-Commercial Organizations Performing the Function of FAs, which entered into effect on November 21, 2012. The law requires all NCOs to register in the NCO Registry, which is maintained by the MoJ, prior to receipt of funding from any foreign sources if they intend to conduct political activities. Such NCOs are called “NCOs performing functions of foreign agents” (NCOs-FAs). The Federal Law of March 8, 2015 specified the grounds and procedure for exclusion from the register of NCOs performing the functions of an FA. As of November 30, 2022, the Registry of NCOs-FAs included 217 entries/records (one was duplicated) of NCOs, 29 of which registered voluntarily (mostly due to considerable administrative penalties). 153 NCOs were exempted from the NCO Registry (101 NCOs liquidated and 52 ceased to perform the functions of an FA), totaling 63 “active” NCOs-FAs. A new Unified FA Registry, published by the MoJ on December 1, 2022, contained 493 entries, including previously excluded NCOs and individuals deemed media-FAs. By August 10, 2023, the Unified FA Registry contained 649 entries (178 excluded mainly due to liquidation), and the number of “active” FAs reached 471.

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

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

On May 23, 2014, Russian President Vladimir Putin signed Federal Law No. 129-FZ on Amendments to Certain Legislative Acts of the [RF], which affects foreign and international NCOs (FNCOs) and their partners in Russia (hereinafter “the Law on Undesirable Organizations”). The Law on Undesirable Organizations introduced changes to a number of

Russian laws, including the Dima Yakovlev Law, the Code of Administrative Offenses (CoAO), the Criminal Code, the Criminal Procedure Code, and the Law on the Procedure of Exit from the RF and Entry into the RF.

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

- expand the list of prohibited activities for “undesirable” FNCOs, by adding a fifth activity, which is “a ban on the creation in the territory of Russia of legal entities or participation in them” (Federal Law No. 35-FZ of March 28, 2017);
- expand the list of grounds for recognizing the activities of an FNCO as “undesirable” in the territory of Russia with the following: if it “facilitates or hinders the nomination of candidates, lists of candidates, the election of registered candidates, the initiative of holding a referendum and holding a referendum, the achievement of a certain result in elections, referendum, as well as in other forms (except for participation in election campaigns, referendum campaigns as foreign (international) observers)” (Federal Law No. 555-FZ of December 27, 2018);
- provide links to materials of “undesirable” organizations considered to be illegal content and then banned the dissemination of these materials on social networks (Federal Law No. 530-FZ of December 30, 2020);
- expand the list of grounds for recognizing the activities of FNCOs as “undesirable”, including receipt of information about the provision of intermediary services when conducting transactions with monetary funds and/or other property belonging to an FNCO, whose activities are recognized as “undesirable” in the territory of Russia, in order to carry out activities by such an organization that pose a threat to the foundations of the constitutional order, defense, or security of the state. Russian citizens and legal entities are prohibited from participating in the activities of “undesirable” organizations outside of Russia (Federal Law No. 230-FZ of June 28, 2021);
- strengthen administrative liability for participation in the activities of “undesirable” organizations (Federal Law No. 232-FZ of June 28, 2021);
- ban the creation (opening) in the Russian territory of structural units of “undesirable” organizations and the termination, in accordance with the procedure established by the Russian legislation, of the activities of such structural units previously created (opened) in the territory of Russia (Federal Law No. 272-FZ of December 28, 2012);
- ban the dissemination of information materials, as well as the production or storage of such materials for the purpose of distribution (Federal Law No. 272-FZ of December 28, 2012);
- ban the implementation of programs (projects) in the territory of Russia for organizations deemed “undesirable” (Federal Law No. 272-FZ of December 28, 2012);
- ban the conducting of any financial transactions if one of the parties is an organization whose activities are recognized as “undesirable” (Federal Law No. 272-FZ of December 28, 2012);
- ban for “undesirable organizations” to establish legal entities or to participate in existing ones, and termination of existing legal entities established with participation of “undesirable” organizations (Federal Law No. 272-FZ of December 28, 2012);
- introduce criminal liability for managing the activities of an “undesirable” organization in the territory of Russia, including imposing jail terms for fundraising for “undesirable” organizations (Federal Law No. 292-FZ of July 1, 2021); and
- impose criminal responsibility on persons participating in, financing, or organizing the activities of an “undesirable” organization, whether the activities take place in the territory of Russia or abroad (Federal Law No. 260-FZ of July 14, 2022).

As of August 10, 2023, the list of FNCOs whose activities are deemed “undesirable” in the territory of Russia (<https://minjust.gov.ru/ru/documents/7756/>) includes 102 organizations (86 by the end of May 2023).

Two important federal laws entered into force on January 1, 2017: Federal Law No. 287-FZ “On Amending Federal Law on NCOs in Terms of Establishing the Status of NCO–Provider of Public Benefit Services (PPBS)”¹; and Federal Law No. 449-FZ “On Amendments to Article 31-1 of the Federal Law on NCOs (in Terms of Specification of Measures of Support of Socially Oriented NCO–PPBS (SONCOs–PPBS) by the Public Authorities and Local Self-Government)”. Proper implementation of these Laws could benefit civil society if implemented properly. As of August 10, 2023, the MoJ’s Registry of SONCOs–PPBS (<http://unro.minjust.ru/NKOPerfServ.aspx>) contains 2,760 entries.

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

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

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

- Federal Law No. 367-FZ of October 11, 2018, “On Amendments to Articles 5 and 10 of the Federal Law on Meetings, Rallies, Processions and Pickets,” entered into force on October 22, 2018.
 - According to the new Law, the organizer of a public event is obligated to inform citizens and provide a written notification to the government about the cancellation of a public event no later than one day prior to its scheduled date. This requirement may be difficult to fulfill, as there are many instances when organizers of public events are forced to cancel an event due to last minute disruptions not dependent on the organizers, such as denial of premise rental an hour before the meeting.
- Federal Law No. 377-FZ of October 30, 2018, “On Amendments to the [CoAO],” entered into force on November 11, 2018.
 - The CoAO is supplemented by Article 20.23, which provides for administrative liability for the organizer of a public event not fulfilling its obligations to inform citizens and government bodies about a decision to cancel the public event, as well as for filing a notification for holding a public event without indicating its purpose.
- Federal Law No. 557-FZ of December 27, 2018, “On Amending Article 20.2 of the [CoAO] of the [RF],” entered into force on January 8, 2019.

- The Law establishes administrative liability for the involvement of minors in unauthorized public events.

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

- Federal Law No. 407-FZ of December 2, 2019, “On Amending Certain Legislative Acts of the [RF],” entered into force on December 13, 2019, with the purpose of establishing a prohibition to act as a founder (member, participant) of an NCO on persons with respect to whom a decision is adopted to freeze (block) funds or other property in connection with sufficient grounds to suspect them of involvement into terrorist activities.
 - According to this Law, individuals having their assets frozen because of terrorism allegations would be banned from being founders, participants, or members of NCOs. These amendments, according to the Government of the RF, would help secure the not-for-profit sector against abuse for financing terrorist activities. However, the criteria for making a decision on the freezing (blocking) of funds or other property in connection with sufficient reasons to suspect involvement in terrorist activities are not specified, making arbitrary application of the law possible.
- Federal Law No. 426-FZ of December 2, 2019, “On Amending the Law of the [RF] on the Mass Media and the Federal Law on Information, Information Technologies and Protection of Information.”
 - The so-called law on “individual-foreign agents” entered into force on December 2, 2019. Additionally, all media recognized as FAs (including individuals recognized as media-FAs) must establish a Russian legal entity by February 1, 2020. The Law extended the rules on the activities of foreign mass media performing the functions of an FA (mass media-FA) and an NCO-FA to individuals and commercial organizations.
- The adoption of the above Law was followed by the adoption of Federal Law No. 443-FZ of December 16, 2019, “On Amendments to the CoAO,” entered into force on February 1, 2020.
 - The Law establishes liability for violation of the procedure for the activity of a foreign media outlet, and proposes to impose fines as high as 5,000,000 rubles (\$81,300) for repeated violations of media laws related to FAs. First-time offenses carry smaller penalties: “foreign agent” news outlets face fines as high as 1,000,000 rubles (\$16,260) and individual FAs could be forced to pay as much as 10,000 rubles (\$163).

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

- establish a Russian legal entity or notify the MoJ of all previously established legal entities within one month from the date of recognition as a “mass media-FA.” Information about these legal entities is also subject to inclusion in the Registry of mass media-FAs, and they acquire the status of “Russian legal entity performing the functions of a foreign agent”;
- label messages and materials distributed in the territory of Russia indicating that these messages and materials are created and/or distributed by a “mass media-FA”; and
- comply with the requirements of the NCO law in the part that must be determined by a special act of the MoJ to be issued in accordance with this law.

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

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

The following positive laws were adopted in early 2020:

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

The presidential amendments to the Russian Constitution

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

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

- The law providing for the creation of a single database of Russian citizens' personal data (Federal Law No. 168-FZ of June 8, 2020, "On the Unified Federal Information Register Containing Information about the Population of the [RF]"), which would gather a significant volume of personal data on all citizens without providing reasonable protection of this data or clearly stating the limitations of its use;

- The law on conducting an experiment with the purpose of developing artificial intelligence (AI) in Moscow (Federal Law No. 123-FZ of March 24, 2020, “On Conducting Experiment on Establishing Special Regulation with the Purpose to Create Necessary Terms for Development and Introduction of Technology of Artificial Intelligence in the Constituent Entity of the [RF]— the City of Federal Importance Moscow and Amendments to Article 6 and 10 of the Federal law on Personal Data (<http://publication.pravo.gov.ru/Document/View/0001202004240030?index=1&rangeSize=1>)”); and
- Multiple implementing regulations allowing a broad range of state bodies to collect personal data, without meaningfully defining and restricting its use or addressing data protection (i.e., regulations requiring mandatory installation of movement tracking apps on mobile devices, expanding use of facial recognition technologies, and others).

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

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

- Decree No. 505 of the Russian Government of April 15, 2020, “On Amending the Decree No. 212 of the Government of the [RF] of April 15, 2006 (<http://publication.pravo.gov.ru/Document/View/0001202004150028>).” On April 16, 2020, the MoJ posted information about the adoption of an Order extending the deadline for the submission of the audit report on the results of the annual accounting (financial) statements audit by NCO-FAs as well as other reports to June 1, 2020. The Order also extended the deadline for posting the 2019 activity reports and the messages on the continuation of NCO activities on the online information resources of the MoJ until June 1, 2020. On May 26, 2020, the MoJ issued another extension of the NCO reporting deadline to July 1, 2020 (Order No. 122 of the MoJ of May 26, 2020, and Order No. 123 of the MoJ of May 26, 2020 (<https://rg.ru/2020/06/02/minjust-prikaz122-site-dok.html>)).
- Order No. 120-rp of the Russian President of May 6, 2020 (<http://publication.pravo.gov.ru/Document/View/0001202005060017>). This Order announced (<http://kremlin.ru/events/president/news/63294>) on April 30, 2020, allocated funds from the reserve fund of the Russian President in the amount of 3,000,000,000 rubles to the Presidential Grants Fund for the development of civil society (i.e., through provision of grants to SONCOs), including for the mandatory purchase of personal protective equipment for NCO employees and volunteers. .
- Decree No. 976 of the Russian Government of July 2, 2020, “On Approval of the Rules for the Provision of Subsidies from the Federal Budget in 2020 to Small and Medium-Sized Businesses and [SONCOs] for the Prevention of New Coronavirus Infection (<http://publication.pravo.gov.ru/Document/View/0001202007060007>),” provides for the allocation of subsidies for disinfection of premises, markings, dispensers, masks, and gloves. The subsidy is divided into two parts: the first part is a one-time amount of 15,000 rubles; and the second part is based on a payment of 6,500 rubles per each employee of the organization as of May 2020.
- Federal Law No. 189-FZ of July 13, 2020, “On the State (Municipal) Social Order for the Provision of State (Municipal) Services in the Social Sphere (<http://publication.pravo.gov.ru/Document/View/0001202007130053>),” provides an opportunity for legal entities, including SONCOs, to receive budget funds for the provision of social services through participation in the state procurement system. The Law only allows legal entities providing services related to, or conducting activities in the spheres of, education, health care, social protection, employment, physical culture,

sports, and tourism, to receive budget funding. The Law entered into force on September 1, 2020 in selected regions and is valid until 2025.

- Federal Law No. 282-FZ of July 31, 2020, “On Amendments to the Federal law on Charitable Activities and Volunteerism and the Federal law on the Procedure for Forming and Using the Endowment Capital of [NCOs] (<http://publication.pravo.gov.ru/Document/View/0001202007310046>),” improved the regulation of establishing endowments by NCOs and charitable organizations.
- Order No. 190 of the MoJ of August 31, 2020, “On Approval of the Requirements for the Form and Timing of Publication of the Report of a [NCO] on the Use of Collected Charitable Donations (<http://publication.pravo.gov.ru/Document/View/0001202009080014>),” implemented the provisions of Article 16.1 of the Federal Law on Charitable Activities and Volunteering from October 5, 2020, which regulates the use of boxes for collecting donations. The adopted Order contains both positive norms (designed to eliminate fraudulent actions in the field of charity) and negative ones (imposing an additional obligation on charitable NCOs to submit reports as well as penalties for failing to do so).
- Decree No. 1419 of the Russian Government of September 14, 2020, “On Amending the Decree of the Government of the [RF] of January 26, 2017 No. 89 (<http://publication.pravo.gov.ru/Document/View/0001202009150027>),” established a procedure according to which an operator of president’s grants may issue an opinion on the proper implementation of a particular project on provision of socially useful services, at the request of the NCO-implementor.
- Decree No. 1584 of the Russian Government of October 1, 2020, “On Approval of Requirements for Boxes for Collecting Charitable Donations, the Procedure for Their Installation, Use and Retrieval of Property Collected with their Help (<http://publication.pravo.gov.ru/Document/View/0001202010050013>),” which was developed in implementation of the Federal Law No. 113-FZ of April 7, 2020, “On Amendments to the Federal Law on Charitable Activities and Volunteering.”

Before the State Duma elections of September 17-19, 2021, and since February 24, 2022, the number of adopted restrictive laws and implementing regulations have continued to grow considerably. This has affected both the NCO sector and the freedoms of speech, expression, and assembly.

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