

INCREASED PRESSURE ON THE RUSSIAN ENVIRONMENTAL MOVEMENT AND ACTIVISTS

STATUS REPORT 2018



Russian Social-Ecological Union
Friends of the Earth Russia


 Naturvernforbundet



Photo: Gennadi Shabarin

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TABLE OF CONTENT

Preface	4
Introduction	5
Background: Law on foreign agents	7
Development of the law on foreign agents in 2018	9
Background: The law on undesirable organizations	13
Development of the law on unwanted organizations in 2018	15
Development of the additional legislation in 2018	17
What to look out for in 2019	19
Additional pressure: state inaction as a type of repression	23
Conclusion	24
Summary	25
Tables	26

PREFACE:

The Russian Social-Ecological Union (RSEU) is a non-governmental, non-profit and member-based democratic organization, established in 1992. RSEU brings together public organizations and active citizens from all regions of Russia. All RSEU activities – projects and programs, actions and campaigns – are aimed at nature conservation, protection of health and the wellbeing of people in Russia and around the world. RSEU members act together for nature conservation, for sustainable development of Russia and the planet. In 2014, RSEU became the Russian member of Friends of the Earth.

In Russia, activists, groups and organizations fighting for environment and human rights often face severe consequences of their work. Persecution and pressure come in different forms from the state, from private businesses and from individuals. Supporting activists, groups and organizations has therefore a prominent place in RSEU work.

Founded in 1914, Naturvernforbundet/ Friends of the Earth Norway is Norway's oldest environmental and nature protection organization. Naturvernforbundet is membership based

and democratic, and consists of over 24 000 members divided between approximately 100 local groups across the country, working to solve environmental issues both locally and globally.

Naturvernforbundet/ Friends of the Earth Norway has over many years worked closely with Russian environmental organizations. The cooperation has been helpful for both sides on a wide range of environmental topics. The work has always faced challenges from regulations on Russian side, but the situation deteriorated significantly with the Foreign Agent NGO laws that were approved in the Russian parliament and by the president in 2012. Especially since 2015, the time and resources spent to cope with constantly growing demands and pressure from the authorities have increased in our partner organizations.

For several years, Naturvernforbundet and its Russian partners have published status reports on the conditions for civil society in general, and how it affects environmental organizations. All reports and updates are available at naturvernforbundet.no/civilsocietyreports



Russian Social-Ecological Union
Friends  of the Earth Russia



Naturvernforbundet
Friends of the Earth Norway



INTRODUCTION

The space for civil society in Russia started shrinking around 2000, when Vladimir Putin came to power. After non-governmental organizations (NGOs) bloomed in the 1990s, more regulations were slowly imposed in the areas of reporting and finances.

Already from 2006, Russia imposed increased reporting requirements on NGOs, especially relating to foreign funding. It also provided for planned, annual inspections from the authorities of the organizations, as well as unannounced inspections. Following this, several NGOs were inspected in 2007-2008, but most environmental organizations continued their work as before.

The situation severely deteriorated in 2012 when the Foreign Agent law was introduced. The law intended to restrict foreign funding for electoral monitoring NGOs, after the massive protest movement that followed the irregularities in the 2011 and 2012 parliamentary and presidential elections. After NGOs refused to register as Foreign Agents, the Ministry of Justice was given the authority to register NGOs.

Every year, the situation for civil society is becoming worse. Existing legislation becomes stricter, new limitations are imposed every year, and more limiting regulations are proposed. Even if a new bill does not become law, it

still serves the function of spreading fear of the restrictive state. And after relief from not approving a very strict bill, a softer restrictive law becomes more acceptable. This is why we also reflect on some bills that do not become law, but still have an impact on the society.

We have been following the condition and the development of the situation for environmental NGOs and activists in Russia for many years, and have made annual reports since 2013. After the Foreign Agents law was introduced, the pressure on civil society became what we can call systemic, through regular inspections, labelling, fines, courts and so on. Thus, it was necessary for the NGOs to start more systemic monitoring and documentation.

In this report, we show how civil society space in general, and the space for environmental groups and activists in particular, was further shrinking during 2018, and how restrictions for NGOs were moving towards oppression of individuals.

As environmentalists, our focus in this report is mainly on pressure towards environmental NGOs and activists. However, we want to point out that other NGOs and activists also face problems, sometimes even more severe. We mention some of them here, when we see it as a beginning of a new trend or a path that environmental groups will follow soon after.





BACKGROUND: LAW ON FOREIGN AGENTS

The Russian law on Foreign Agents¹ aims to marginalize, defame and shut down critical voices. An organization can be labelled a Foreign Agent if it has received foreign funding at the same time as engaging in “political activity”. The definition of “political activity” is vague and covers in practice any normal advocacy work that any organization would be engaged in. Activities such as information work and arranging meetings can also be considered “political” and lead to labelling, which means that no organization is safe.

The law on Foreign Agents, since it was approved in 2012, has served as Russian authorities’ main tool to repress the Russian civil society groups. The law hinders Russian organizations in working efficiently by restricting foreign funds, marginalizing “political” and almost any other NGO’s activity, spreading distrust in non-governmental actors among society and introducing self-censorship among NGOs. In addition, the various aspects and processes of the law, as inspections, increased reporting, huge fines and even sometimes court cases, draws time and resources from the NGOs.

The implementation of the Foreign Agent

law sends a message to the Russian population that NGOs are dangerous to be involved in, and people who otherwise would have sympathized and participated in activities chose to stay away. Also, representatives from authorities, politicians, scientists and others who would otherwise be valuable partners for the environmental organizations are afraid to be affiliated with civil society organizations in general, and those labelled Foreign Agents in particular. It has also been seen several times that implementation of the Foreign Agent laws towards organizations and individuals seem to justify violence against activists. This process has been going on for several years and every new year it is becoming clearer.

A change in the law from 2014 gave the Ministry of Justice the right to include organizations in the register themselves, without a court ruling. This change had a clear effect: in 2015, the number of NGOs in the register increased enormously – 20 environmental NGOs were labelled in that year out of 31 labelled in total during 5 years; four NGOs in 2016, five in 2017, two in 2014. Consequences for NGOs that are registered are huge, and in practice it has proven difficult to continue the activity of these organizations. Thus, many groups decided to close down: four in 2015, seven in 2016, seven in 2017

1. This chapter leans on our previous reports on this topic, published in 2014, 2016, 2017 and 2018. They can all be found on naturvernforbundet.no/civil-society-reports

and four in 2018. The forced registration also led to court cases and big fines for not having registered voluntarily. Several groups express their intention to close down without spending much time to fight the labelling. The reason is clear: it costs a lot of time, effort, and money to seek legal protection in Russian courts.²

It is worth pointing out that since so many

2. <https://thebarentsobserver.com/en/2017/09/putins-year-ecology-aetas-declared-foreign-agents>

organizations have been labelled, there are not so many left to be labelled and the numbers per year will be rather low. Thus, the reason for the low numbers is not any softening of this practice.





DEVELOPMENT OF THE LAW ON FOREIGN AGENTS IN 2018

For five years (2014-2018), the Russian authorities have actively targeted more than 160 civil society organizations and registered them as Foreign Agents. 31 of these NGOs are environmental groups, at least one third of which were engaged in anti-nuclear work.

No environmental groups were labelled as Foreign Agents in 2018 from a total of 7 NGOs labelled during the year. We should keep in mind that most active NGOs were already labelled in the previous years or imposed self-restrictive censorship on their activity. Many groups found other ways of working as commercial organizations providing services or as unregistered environmental groups.

During 2018, four environmental NGOs were closed down because of the labelling in the previous years.

One of them - Ozersk Urban Socio-Environmental NGO «Planet of hope» - from Chelyabinsk region was labelled in 2015. The organization and its leader Nadezhda Kutepova worked for many years on defending rights of local inhabitants affected by the nuclear reprocessing facility Mayak. Shortly after labeling Kutepova, facing possible allegations of espionage in the closed nuclear city Ozersk, had to flee the country with her three children.¹

1. We have written more details of Kutepova's story in our 2017 report «Pressure towards Russian environmental

Two youth environmental organizations labelled in 2017, Youth Public Organization of Soloneshensky District «Pro-Motion» from Altay region and Arkhangelsk regional youth environmental public organization «Aetas», an RSEU member, also closed themselves down in 2018. Aetas reorganized themselves into the regional movement «42» as Article 42 of the Russian constitution states the right for a healthy environment, and the organization sought to spread information about Article 42 and continue their work in a new form.

Another organization labelled in 2017, Murmansk Regional Public Organization Kola Environmental Center (KEC), an RSEU member, is one of the oldest environmental groups on Kola peninsula. The organization was labelled as a Foreign Agent in April of 2017 and right away applied to be removed from the register because they stopped receiving foreign funding long before labelling. Three months later, in August of 2017 KEC was delisted from the Foreign Agents register. But the possible fines and further prosecution led the organization to a decision to close down anyway. And in June 2018 after a number of procedures KEC was liquidated. The

NGOs. Status of Russia's Foreign Agents law and consequences» for civil society in 2016. Available at naturvernforbundet.no/civilsocietyreports

Nadezhda Inieva, Arkhangelsk, Arkhangelsk region

Board member of the organization «Aetas», activist of the movement «42»

The need for closure came with the understanding that instead of being able to work, endless reports, checks and fines are waiting for us. The Ministry of Justice did not allow us to close immediately, so we had to report at least once as a «foreign agent»; the report was so big that the needle broke as we bound the pages of the report together. Closing down allowed us to not think about it.

But the absence of a legal entity and activity on behalf of public association put us on a par with associations that are often organized spontaneously and have only a group in Vkontakte (Russian social network similar to Facebook). We have a long history (Aetas was created in 1999), but in fact, this is not obvious for new subscribers. We have only the team, logo, and priorities that remain unchanged, but we had to change our well-known office and name. Therefore, we now spend a lot of time on creating a recognizable image.

group keeps up most of their work as an unregistered environmental group.²

The only delisted organization in 2018 was Environmental Watch on North Caucasus (EWNC), an RSEU member from Krasnodar. The delisting happened on January 10th 2018 - less than two weeks after a brutal attack to its leader Andrey Rudomakha. The organization earlier stated that labelling in 2016 as a Foreign Agent, along with other pressure and marginalization via state affiliated media, led to the attack in a first place. EWNC has continued most of their local work, despite tremendous pressure applied in a systemic way.

By the end of 2018, in total 31 environmental groups had been labelled during the years of

2. You may find more details in our 2018 report «FOREIGN AGENT LAW RESHAPING RUSSIAN CIVIL SOCIETY. ENVIRONMENTAL ORGANIZATIONS STATUS REPORT» 2017. Available at naturvernforbundet.no/civilsocietyreports

implementation of the Foreign Agents law. Only nine – less than one third - continue their work as NGOs. Only three of them remain in the register and work as a Foreign Agent. Seven NGOs were delisted after proving no foreign funding. In addition, one of the delisted NGOs closed down anyway (Kola Environmental Centre in 2018). 22 environmental NGOs were closed down during the law implementation – more than 2/3 of those labelled. It is clear now that the Foreign Agents law directly or indirectly leads to the closure of environmental groups.

Though not all NGOs were labeled, we can say that the Foreign Agents law has affected the most active and well-known environmental NGOs in their respective regions. Some continue their work, but have ceased foreign funding and cut some programs. Some, after the labeling or in order to avoid labelling, transformed into commercial organizations to enable receiving foreign funds and maintain their work. Some

Elena Kruglikova, Apatity, Murmansk region,

Board member of the Kola Environmental Center

Formally, KEC closed down by the organization's General Assembly decision, since members of the organization, who for many years gave their knowledge, strength, and energy to the cause of environmental protection and environmental awareness, did not consider it possible to continue working under the “foreign agent” label.

I think we shouldn't be under any illusions about the reasons why we were removed from the registry. Perhaps they decided to remove us because the process of liquidation had already started. Great help was provided by lawyers. This gives, most importantly, moral support in order to resist injustice, and, of course, competent legal conduct of the defense.

In our work, little has changed, KEC continues to operate as a non-legal entity. The most important resource in general, including in NGOs, is people who are not indifferent and ready to act. Legal registration is secondary, it is necessary only for financial operation.

Dmitry Shevchenko, Krasnodar region
Deputy chief of Environmental Watch on North Caucasus

The main problem was not the status of a “foreign agent” as such, but the fines that fell on the organization and its head, Andrei Rudomakha, from the Ministry of Justice and Roskomnadzor.

Thanks to the qualified legal support of the NGO Club of Lawyers, it was possible to successfully challenge all the fines in court, except for one. All this took a lot of time that could be spent much more efficiently.

As for the label “foreign agent” itself, it had no effect on the activities of the organization. We were not thrown out of the Public Ecological Council under the governor of the Krasnodar region, we actively contacted various officials in that period (this was the period when the new governor came, and opportunities opened for solving many problems that were not solved under Tkachev, former governor of Krasnodar region), without any hidden or overt discrimination.

It is important to note that the listing of Environmental Watch in the register of foreign agents did not happen by itself. It was part of a broader campaign against our organization and its activists in 2016-2017. In 2016, for example, a criminal case was initiated for «slander» against the deputy of the State Duma Alexander Remezkov (this happened at about the same time as the organization was included in the register), and pressure was exerted along other lines. For example, at the same time, Rosfinmonitoring decided to block my personal bank account, which was not used to finance the organization and was not used at all for public activities. As a result, the bank offered to terminate the service contract with me and return the money to me.

groups transformed into unregistered initiative groups to avoid or minimize interactions with the government.

Among the first to be labelled were environmental groups working with nuclear issues. Also groups working with forest and nature protection were labelled across the country. Anti-mining, indigenous and youth groups were labelled as well. Even groups working with “softer” issues such as education or garbage were not safe.

The environmental work of the groups was damaged dramatically. Some programs have ceased, and some groups spent months defending themselves in courts or changing their structures instead of their primary environmental work. Some groups closed down completely and some continue most of their work, while others focus only on low budget or non-conflictual activities.

SEEKING JUSTICE OVERSEAS

The Foreign Agent law itself seems unlawful, which was noted by both human rights groups and international justice institutions, like the Venice commission (European commission for

democracy through law). The law is also written in such a vague way that could be interpreted quite broadly and implemented unlawfully as well. On top of that, the court system in Russia does not seem to be independent, especially when it comes to political cases related to “state interests”. It comes as no surprise that most of the cases on the Foreign Agents law in the Russian court system are decided in the favor of the State. This is why groups and activists are seeking justice in the European Court on Human Rights (ECHR), known as “the closest justice institution” for the Russian people.

There are two cases before the court. Both the first and the second cases refer to the same articles of the European Convention on Human Rights: Art. 10 (“Freedom of expression”), Art. 11 (“Freedom of assembly and association”), Art. 14 (“Prohibition of discrimination”) and Art. 18, setting limits on rights.

The first case on the Foreign Agents law «Ecodefense and other 48 organizations» was communicated in March 2017. The case went through all the communication procedures and is waiting for a decision.³

3. Source: <https://www.facebook.com/photo.php?fbid=1992420947477355>. You can also read more

The second case was communicated in June 2018 («Levada Center and 14 others»). It includes 15 complaints from 16 applicants: 13 NGOs and 3 individual activists. This group case also includes one of the 31 environmental NGOs listed - Sakhalin Environmental Watch, labelled in September 2015, delisted in February 2017.⁴

In addition to Sakhalin Environmental Watch and Levada Center, the applicants are Foundation «Legal Mission» (Pravovaya missiya) and Authonomus Non-commercial Organisation «Recruit School» (Shkola prizyvnik) from Chelyabinsk, the organization «World of Women» from Kaliningrad, Southern Human Rights Center from Sochi, Center «SOVA» and 7 other non-profit organizations. They were all labelled Foreign Agents by the Ministry of Justice in Rus-

sia in 2015-2017. Many of them were brought to administrative responsibility for refusing to register voluntarily as a Foreign Agent with the imposition of administrative fines in the amount of 300,000 rubles for the organization and 100,000 rubles for the head of the organization.⁵

The Justice Ministry did not respond in its defense before the deadline set by the court and asked for deferment, which is a usual procedure. The Ministry sent a memorandum (response) to Strasbourg on November 23, 2018. This is stated in the message on the website of the Ministry of Justice on November 26.⁶ The NGOs will have to comment on the response and the court will take its time to make a decision.



about the case in our reports from 2017 and 2018.

4. Read more on this group case in our 2016 report FOREIGN AGENT LAW: IMPACT ON RUSSIAN ENVIRONMENTAL ORGANIZATIONS

5. Source: <https://www.kommersant.ru/doc/3670932>

6. Source: <https://www.kommersant.ru/doc/3812323>

Dmitry Lisitsin, Yuzhno-Sakhalinsk, Sakhalin region Head of the Regional Public Organization «Sakhalin Environmental Watch»

Labelling of the organization as a "foreign agent" affected us extremely negatively. First of all, this greatly deteriorated the reputation of the organization, which caused enormous problems to cooperation with various interested parties and in relation to the financing of the organization. We also had to refuse foreign sources of funding, which also severely affected the organization's budget and, accordingly, opportunities for work. There is no doubt that if we were not enlisted in the «foreign agents» list, and at the same time refused foreign money, we would be able to find a replacement from Russian sources. But the stigma «foreign agent» very much prevented us from doing so. Russian people, frightened and disoriented by propaganda, do not want to support «foreign agents», either financially or by other means.

BACKGROUND: THE LAW ON UNDESIRABLE ORGANIZATIONS

The Undesirable organizations law followed three years after the Foreign Agents law, targeting not only the recipients of foreign aid (NGOs) but also the providers (donors), as well as individuals involved in any cooperation with such organizations.

In 2015, a law that criminalizes “Undesirable organizations” was approved by the Duma and signed by the President. The law targets international organizations that operate in Russia.

The scope for the law on Undesirable Organizations is even wider than the Foreign Agent law, and both laws rely on the same kind of vagueness and unclear writing that benefits the authorities and creates fear and uncertainties within NGOs¹. More detailed analysis is available in our 2016, 2017 and 2018 reports.

Anyone working for or cooperating with an “undesirable” organization — including in an unofficial capacity — faces fines of up to 15,000 rubles (200 eur / 1875 nok) for ordinary citizens, up to 50,000 rubles (660 EUR / 6 250 NOK) for officials, and up to 100,000 rubles (1332 EUR / 12 500 NOK) for the organization itself. Criminal proceedings will be initiated against repeat offenders and the punishments can be even harsher, with fines of up to 500,000 rubles (6 666 EUR / 62 500 NOK) and prison sentences ranging from two and six years.²

Regarding the register of undesirable organizations, most of them are US based foundations or connected to these, and providing financial support for Russian NGOs. Two of four listed in 2017 are institutions of Mikhail Khodorkovsky, an ex-oligarch who fled Russia after being pardoned and released from prison.

The state list of the Undesirable organizations can be viewed at the web-site of the Ministry of Justice.³

1. We have previously written about the law on Undesirable Organizations in our report published in 2016 “Foreign Agent law: Impact on Russian environmental organizations” which is available at <http://naturvernforbundet.no/civilsocietyreports>

2. Look for legal analysis of the law in our 2016 report (APPENDIX 1).

3. <http://minjust.ru/activity/nko/unwanted>



DEVELOPMENT OF THE LAW ON UNWANTED ORGANIZATIONS IN 2018

Four more organizations have been listed in 2018. This is about the same rate as before; four in 2015, three in 2016, and four in 2017. From four organizations listed in 2018, two were listed at the same day – March 12th - and related to election monitoring: European Platform for Democratic Elections (EPDE) and International elections study center (IESC). Another one was listed one week later – on March 20th - The German Marshall Fund of the United States (GMF). The last one listed in 2018 - on August 24th - is Pacific Environment (PERC), an US based environmental NGO.

By the end of 2018, altogether 15 organizations were listed in three years.

FIRST ENVIRONMENTAL UNDESIRABLE ORGANIZATION

The first environmental group was listed on August 24th among four new undesirable organizations – the San Francisco-based group Pacific Environment (PERC, Pacific Center for the Protection of the Environment and Natural Resources). The group worked in Russian Far East, Siberia and Altai with local and indigenous groups to defend the region's natural and cultural treasures against fossil fuel extraction, reckless gold mining, and illegal logging, and educate the public on coal's dangerous health harms.

«The work of the organization poses a threat to the foundations of the constitutional system of the Russian Federation and the security of the state», the prosecutor stated.¹ «Its activists have instigated public opposition to several major mining and energy projects», explained an RT web-article.²

Many NGOs in the eastern part of Russia were affected. They had to immediately stop ongoing programs and remove any information about cooperation with the undesirable organization from their web sites, even about cooperation in the past, in order to avoid possible prosecution.

We have in a previous report given examples of Information-analytical center «Sova» in Moscow, Yaroslavl public organization «Center for Social Partnership» and the Center for Independent Social Research (CISR) in Saint-Petersburg, that faced fines for having mentioned undesirable organizations on their web pages even before labeling.³

1. Source: <https://www.genproc.gov.ru/smi/news/genproc/news-1437246/>

2. <https://www.rt.com/russia/436762-pacific-environment-undesirable-russia/>

3. Chapter 4 in our report FOREIGN AGENT LAW RESHAPING RUSSIAN CIVIL SOCIETY published in 2018. All reports are available at <https://naturvernforbundet.no/civilsocietyreports>

FIRST CRIMINAL CASE UNDER THE UNDESIRABLE LAW

Another important aspect of development with Undesirable law is the first criminal persecution of an individual for cooperation with an undesirable organization.

The first criminal case was initiated under article 284.1 of the Criminal Code of the Russian Federation. It punishes “The implementation in the Russian Federation an activity of a foreign or international non-governmental organization, which activity was recognized as undesirable in the Russian Federation”. The case was initiated on January 18th against Anastasia Shevchenko, board member of the Russian unregistered movement «Open Russia», whose name is similar to the UK based Open Russia Civic Movement listed as undesirable in 2017. Also, searches within the framework of the same case were conducted on January 21st at the homes of eight activists in three cities of the country: Rostov-on-Don, Kazan and Ulyanovsk. Shevchenko was detained for two days and on January 23rd left under home arrest.⁴

After two administrative cases for participating in an undesirable organization, Shevchenko did not stop her activity; at the Open Russia meeting in September, she asked activists to join protest groups and to offer them legal assistance.

Earlier, the Ministry of Justice stated that there are no branches of British “Open Russia”

4. <http://president-sovet.ru/presscenter/news/read/5202/>

in Russia. Thus, the “Open Russia” operating in the country has no relation to them and should not be considered as undesirable. Also, the Prosecutor General’s Office earlier stated that the decision on British organizations would not affect the work of the Russian movement of the same name.

Memorial Human Rights Center named Shevchenko a political prisoner.⁵ Amnesty International recognized Shevchenko as a prisoner of conscience⁶ and Human Rights watch also issued a statement in her defense.⁷

This is an important case to follow in 2019. Its result will have an effect on the future implementation of the Undesirable organizations law.

This example we can compare with the 2016-2017 first criminal case under the Foreign Agent law - prosecution of Valentina Cherevatenko, - which in the end was dropped by the prosecutor’s office. You can read more about this in our 2017 and 2018 reports.⁸

5. Source: https://memohrc.org/ru/news_old/memorial-priznal-aktivistku-otkrytoy-rossii-anastasiyu-shevchenko-politicheskoy

6. Source: <https://amnesty.org.ru/r/2019-01-25-russia/>

7. Source: <https://www.hrw.org/ru/news/2019/01/24/326844>

8. Chapter 3 in our report FOREIGN AGENT LAW RESHAPING RUSSIAN CIVIL SOCIETY published in 2018 and pages 15-16 in our report Pressure towards Russian environmental NGOs. Status of Russia’s Foreign Agents law and consequences for civil society in 2016. All reports are available at naturvernforbundet.no/civilsocietyreports



DEVELOPMENT OF ADDITIONAL LEGISLATION IN 2018

Some small changes for the better, and a pause of the new restrictive legislation, was heavily compensated by new severe legislation that confirms the general direction towards a more restrictive future.

DECRIMINALIZATION OF HATRED AND ENMITY

The well-known article 282 of the Criminal Code of the Russian Federation focuses on incitement of hatred or enmity, as well as humiliation of human dignity. But in reality it was used broadly for any critical or even ironic posts, reposts, comments and likes in social networks.

Criminal prosecution of internet users under the Article 282 reached its peak in 2018 and led to a media and public response. As a result, on December 27th, Vladimir Putin signed two laws to partially decriminalize the article 282. Amendments provide administrative punishment instead of criminal prosecution for extremist statements on the internet, if they were committed for the first time. Although the law has been softened, it still functions as a repressive tool against activists, covering statements far outside what can rightfully be called extremist.

In our previous reports, we wrote about the environmentalist Valery Brinikh from Adygea that faced two years of imprisonment according to this law, because of one of his articles on in-

dustrial farming.¹ In 2017, the court case ended successfully for Brinikh, as the court decided that his article was not extremist material, which is very rare for Russian legal system. The accusation took multiple years of an activist's life to defend himself. It is also important to note that, on October 30th 2018, Valery got 300,000 rubles (4,000 euro / 40,000 NOK) of compensation for unjust prosecution, which is of course much lower than he asked for, but quite a rare success in the Russian justice system.

LAW ON INDIVIDUAL FOREIGN AGENTS

In the first reading, the bill was passed in January 2018. The bill proposes to recognize individuals as foreign agents if they distribute printed, audio, or video materials to the public. At the same time, they should receive money or property from foreign states, their state bodies, foreign and international organizations, foreign citizens, stateless persons, or from Russian legal entities receiving money from foreign sources.

For the second reading, the wording should be clarified, parliamentarians said. For example, "individual foreign agents" could be recognized among staff members of foreign print media, as well as freelancers and employees of NGOs that

1. Naturvernforbundet 2017: «Pressure towards Russian environmental NGOs», page 88. Available at <http://naturvernforbundet.no/civilsocietyreports>

are labelled Foreign Agents. Among the possible restrictions that may be imposed against “individual foreign agents”, in addition to putting them in a special register, are restrictions on participation in tenders for state and municipal posts, and work in the civil service.²

RESTRICTIONS ON INFORMATION

Not only is civil society space shrinking, but also the internet as a space for expressing and spreading information is quite heavily regulated now.

A variety of new legislation and changes have been approved and enforced in order to control the spread of information: fines for media, bloggers, reposts and likes, and blocks for websites with all sorts of information. “Yarovaya law” was adopted in 2016 and came into force in 2018, requiring, among other things, semi-annual storage of traffic on the side of telecom operators in order for the state to access it.

2. Source: https://www.znak.com/2018-1024/gosduma_dorabatyvaet_zakonoproekt_o_fizlich_inoagentah_im_zapretyat_byt_municipalnymi_i_gossluzhach

The number of departments responsible for blocking information and web sites is expanding. The Federal Service for Bailiffs (FSSP) and the Federal Agency for Youth Affairs (Rosmolodezh) are added to Roskommnadzor, the Prosecutor General’s Office, the Federal Tax Service, the Ministry of Internal Affairs, the Ministry of Finance, the Federal Service on Alcohol Market Regulation, the courts and the Rospotrebnadzor.³

3. Source: <https://roskomsvoboda.org/44118/>

Valery Brinikh, Maykop, Republic of Adygeya

Head of the Russian Society for the Conservation of Nature’ Branch in Republic of Adygeya

Investigation of my case began in September 2014, and the criminal case under Art. 282 was instituted in November of the same year. The investigation lasted until the end of 2015, and in January 2016, a trial began in the Maykop City Court. The trial ended in August 2017 with acquittal for rehabilitating circumstances.

All this time I continued my public activity, and in addition since March 2016 I became involved in political activities, leading the regional branch in the Republic of Adygeya of the Russian Ecological Party “Greens”. I also participated in the election campaigns of 2016 and 2018. In 2015, after the recommendation of the President Human Rights Council, I was included in the Head of the Republic of Adygeya Council on human rights and civil society development.

Of course, the investigation and court proceedings seriously limited the possibilities for both social work and income. I had several court proceedings per month. Practically everything that I was earning that time, I had to spend on family maintenance and court expenses. In addition, for all 3 years of illegal criminal prosecution, I was under a travel restriction order, i.e. was officially restricted in freedom.

However, I did not lose heart, and believed in my victory. My spirit and vitality, given by nature and parental genes, helped me to last. In fact, criminal prosecution has become for me the strongest mobilizing factor, since overcoming difficulties for me has always been commonplace.



WHAT TO LOOK OUT FOR IN 2019

More restrictive legislation that might affect environmental NGOs heavily in 2019 was already proposed in the end of 2018. Proposals are targeting both collectives and individuals. Restrictions towards groups seem to be a follow-up to deal with NGOs' adaptations to the Foreign Agents law. Restrictions towards individuals seem to be a stronger response to criticism in the media and on the internet.

CONTROL OF UNREGISTERED GROUPS

The main restriction in 2019 is expected to be an attempt to take under control unregistered activist groups. Many NGOs decided, after being labelled as Foreign Agents, to close down and continue their work as unregistered environmental groups. This seemed to be an easier way to work without comprehensive governmental control and pressure, even with some trouble compared to being registered, for instance a bank account is not possible. Yet, if the state intervenes again, it will mean a big setback.

On December 25th 2018, the Ministry of Justice drafted amendments to the law “On Public Associations” on the compulsory registration of non-profit associations that do not have a legal entity. The period of public consultations mostly matched winter holiday – a common way for the Russian authorities to discuss major changes for the society.

Without inclusion in the new register, NGOs will be deprived of the rights of public associations, including using their own name, requesting information, organizing meetings and rallies and disseminating information about their activity.¹ It is impossible to imagine an environmental group working without disseminating information and holding meetings, so in reality this is a ban on all their activity as a group.

The changes could be discussed already in the spring session of the Russian Duma. If adopted, it will enter into force after nine months from the date of its official publication – most likely in 2020.

In the end of 2016, the plenum of the Russian Supreme Court adopted Resolution No. 64 “On some issues arising when the courts consider cases related to the suspension of activities or liquidation of non-profit organizations, as well as the prohibition of activities of public or religious associations that are not legal entities”. The Supreme Court explained the procedure for the liquidation of such associations, noting that the Ministry of Justice is not entitled to file an administrative lawsuit banning a religious group if its leader has not given notice of the start of its activities. We wrote about it in our 2017 report. Now it seems this gap will be filled with the new law.

This move against unregistered organizations

1. <https://www.kommersant.ru/doc/3854782>

was expected, since in neighboring Belarus, acting on behalf of unregistered organization has been prohibited for 10 years and could be punished up to two years of imprisonment.² The change proposed by the Russian Ministry of Justice is not exactly the same, but the direction is clear.

UNDESIRABLE TRUTH

In the middle of December 2018, senators in the Federation Council Andrei Klishas and Lyudmila Bokova proposed the draft law on prohibiting “inaccurate information that creates a threat to the lives of citizens or a massive violation of order”.

The bill focuses on distribution in the media and internet of “unreliable socially significant information” disseminated “under the guise of reliable messages”, that creates “a threat to the life and (or) health of citizens, a massive disturbance of public order and (or) public safety, the cessation of functioning of life support objects, transport or social infrastructure, the occurrence of other serious consequences». This means that activists, or any individual, could be punished for spreading «incorrect information» and for «disrespecting authorities», only by what we would consider normal criticism of authorities’ policies.

Violators will be fined up to 5000 rubles (66 euro / 660 NOK) for citizens; up to 50 000

2. <https://www.lawtrend.org/other/nezaregistrirovannye-organizatsii>

rubles (666 euro / 6 660 NOK) for officials; and from 400,000 rubles (5 333 euro / 53 330 NOK) to 1,000,000 rubles (13 333 euro / 133 330 NOK) for legal entities (media and website owners).³

It is necessary to point out that when state institutions are the main source of “unreliable socially significant information”, then well-founded scientific information presented by environmental groups might be received by the authorities as undesirable information.

THE DRAFT LAW ON PUNISHMENT FOR INSULTING STATE SYMBOLS AND AUTHORITIES

The same senators at the same time submitted to the State Duma a package of bills, providing a fine up to 5,000 rubles, or 15 days of arrest for internet users who expressed indecent disrespect for society, the state, and government agencies. And after this, new extrajudicial blockages, which can be carried out instantly at the request of the General Prosecutors Office. This bill is under discussion and has a high chance of adoption after the start of the winter session of the State Duma.⁴

The state officials will soon decide which information is good and which is not. And criticizing them for any wrongdoings might be punished.

3. <https://roskomsvoboda.org/44118/>

4. <https://roskomsvoboda.org/44118/>

Oleg Bodrov, Sosnovy Bor, Leningrad region

Ex-head of Green World, Chairperson of the Public Council of the South Coast of the Gulf of Finland

Green World was closed, because during the year of labeling, 13 court sessions were held and 400,000 rubles (5,333 euro, 53,333 NOK) fines were imposed on us. Members of the organization could only deal with court hearings, communicate with lawyers and search for money to pay fines. The organization suffered damage estimated at 1,000,000 rubles (13,333 euro, 133,333 NOK). This includes fines, lawyers, travel, and working hours to prepare for the courts.

Only liquidation of the organization could have helped to stop this process. We had to reframe the organization’s activities and work as an unregistered, inter-regional environmental movement of the Leningrad region and St. Petersburg.

On the one hand, this form has limited the ability to conduct public expertise; on the other hand, a great experience has been gained of interacting with opponents, which made us stronger. In addition, the interaction with NGOs in Europe, the United States, and Japan during the crisis raised the authority and range of our activities. We have acquired new partners and the opportunity to act not only at the national, but also at the international level. We have become stronger!





ADDITIONAL PRESSURE: STATE INACTION AS A TYPE OF REPRESSION

It is important to mention that despite governmental restrictions and oppressions towards NGOs and individuals through legislation and state institutions, the state that seems to be so big and powerful has completely failed to protect activists that were attacked during the past years.

We know about at least ten physical attacks on environmental activists, or of damage to property, that happened in 2018. A volunteer of Utrish zapovednik¹ was killed in suspicious circumstances, activists' houses were purposely put on fire in Altay and Buryatia, activists' cars were damaged in Moscow and Rostov-on-Don, and activists of Stop GOK movement were attacked during a demonstration in Ekaterinburg. Activists were also attacked in Sverdlovsk and Moscow regions, in Dzershinsk and Krasnodar.

In March 2018 unknown persons distributed defaming leaflets about one of the «STOP-GOK movement» leaders Sergey Belogorokhov. The leaflets also contained a picture of the activists and said «do not report to the police, when detected, but crack down on the spot ...». Another leader, Vasily Moskovets, faced offensive writings close to his apartment, and the mother of his child faced similar graffiti close to her work

place.

Criminal investigations, apartment and office searches, and fines are common things for the activists of the «STOP-GOK movement».

So far, only in Krasnodar, one attacker, a security guard that was pointed out by an activist, was fined with 5,000 rubles, the minimum you can get for such an act. Also a number of threats and criminal cases were initiated to target environmental activists.

The two most known cases of recent years, specifically linked to environmental protection work, are the attacks on a joint camp of fire-fighters from Environmental Watch on North Caucasus (EWNC) and Greenpeace in September of 2016 and the brutal attack on Andrey Rudomakha, Dmitry Shevchenko and other activists of EWNC in December 28th 2017, including following death threats. Nobody was found after two years and a year respectively. Implementation of the prosecutor's order to provide state protection for Rudomakha was also not forthcoming from the police department of Krasnodar region.

It seems clear that the state is not able or does not want to protect environmental human rights defenders, as well as other activists, and ensure their work for better environment and healthy

1. Zapovednik is a nature reserve

living conditions in Russia. In fact, the pressure towards the NGOs from the state might even encourage hatred and attacks on activists, as they are portrayed as enemies of the state.

In total, in combination with all the pressure that the state imposes to NGOs and activists, the impunity of perpetrators seems to be intentional by the state.

TORTURE

We cannot name any environmental activist that has been tortured, but it is clear that torture is going on. According to media reports and human rights defenders, at least 100 people suffered from torture in Russia in 2018. Of these, six died. At least 25 people were tortured with electric shocks, 12 were put in a bag or in other ways prevented from breathing. The most commonly reported cases of torture are done by police officers and Federal Penitentiary Service system, but the most well-known cases are related to FSB officers.²

Probably the most severe case took place in Yaroslavl correctional colony No. 1.

After the appearance of several videos of torture of prisoners, 14 of the employees were arrested, and another, the former deputy head of the colony, Ivan Kalashnikov, is under house arrest.³

2. A list of more than 100 torture cases can be found here: <https://meduza.io/feature/2018/08/09/vse-soobscheniya-o-pytkah-etogo-goda-v-odnoy-tabletse-ih-uzhe-bolshe-polusotni>

3. <https://www.svoboda.org/a/29673603.html>

Vasily Moskovets, Chelyabinsk region

Leader of Stop-GOK movement

On November 9, 2017 Russian President Vladimir Putin said: “I will give a command so that people (“activists of STOP-GOK movement”) will be left alone.”¹ But despite the position voiced by the President of Russia, the persecution of civic activists - participants of the STOP-GOK movement - continued and even increased.

Only due to their experience, professional legal protection, as well as broad public support, the activists, nevertheless, continue to act. In general, despite all the facts of pressure, people do not give up, do not reduce their activity, persistently and skillfully continue to defend their constitutional right to a favorable environment and the right to take their opinions into account when making decisions by state and local authorities

1. source: <https://www.chel.kp.ru/daily/26756.7/3785478/>

The fear of torture if caught by the penal system or any military authority, is contributing to the general apathy and unwillingness to protest and criticize the authorities.

CONCLUSION

The Foreign Agent law has been an important repressive tool for Russian authorities against civil society for almost five years. The majority of the most active Russian NGOs were labelled during the first three years. The message to the general society was clear: NGOs with foreign finances are foreign agents, or enemies of the state. Just being an NGO cooperating or being supported from abroad, marginalizes even those who are not (yet) labelled.

Some NGOs closed themselves even without being labeled, to prevent the status or avoid the enormous fines; and some are still in the closing process. Those NGOs who decided to keep foreign support adapted by reorganizing themselves into commercial entities. Former NGOs also work without foreign financing as unregistered environmental groups, which is limiting their possibilities of influence.

The Russian authorities are also adapting and following up. The Undesirable organizations law followed three year after the Foreign Agents law, targeting not only the recipients of foreign aid – the NGOs, but also the providers – the donors, as well as individuals involved in any cooperation with such organizations.

The state seems to be taking a move to control all non-state activity by obliging activists groups that did not need a registration before to register. This is an attempt to follow up with many of groups that shut down their NGOs because of the Foreign Agents law and decided to work as initiatives rather than formal NGOs.

In addition, moving focus of repression from the institution (NGOs) to individuals (activists) have become more effective from the repressive state's perspective, as we expected in our previous reports.

We know about at least ten physical attacks on or damage to the property of environmental activists that happened in 2018. None of the criminals, except one obvious case, were found and charged. Specifically, no one was found after the

two most severe attacks, a year and two years ago. The state is not able to, or does not want to, protect environmental human rights defenders. In combination with all the pressure that the state imposes to NGOs and activists, such impunity of perpetrators seems intentional.

HOW TO HELP?

A reader might ask what, if anything, can and should be done to help Russian environmental activists. Although it might seem hopeless, a number of actions could be done by ordinary people, collective groups and environmental NGOs, as well as authorities and politicians.

Here are some suggestions:

1. Information: Paying more attention to the situation in Russia, following and distributing information about violations, and organizing information events.
2. Pressure: Demanding that authorities and politicians should investigate violations, punish perpetrators, repeal restrictive legislation for NGOs and activists, and ensure public participation in decision making process on environmental and other issues.
3. Support: Supporting grassroots activists' work by organizing solidarity events, cooperating on common environmental issues, and bringing forward their opinions and campaigns.

Solidarity is stronger than repression.

SUMMARY

No environmental groups were labelled as Foreign Agents in 2018, out of 7 NGOs labelled during the year. We do not know if this is because the authorities do not consider the Foreign Agents law as an actual repressive tool after five years of enforcing it, or because enough environmental groups are already labelled or fear labelling.

Several groups have found other ways of working: as commercial organizations providing services or as unregistered environmental groups. In both these examples of new ways of working, they are not as vulnerable to the Foreign Agent law. Thus, the focus of the pressure has switched towards individual activists, without giving relief to the groups.

During the same period, 2018, four environmental NGOs were closed down because of labelling and one delisted. Most environmental groups prefer to shut down their formal structures and keep environmental work in other forms, rather than to operate with Foreign Agent status or become involved in yearlong court battles with the state to get rid of the label (with no clear chance of succeeding).

By the end of the year, from in total 31 environmental groups labelled during all years of the Foreign Agent law implementation, only nine – less than one third - continue their work. Three of them remain in the register and work as Foreign Agents, and seven NGOs were delisted after proving no foreign funding. Still, one of those delisted closed down in 2018 anyway.

22 environmental NGOs closed down during the law implementation. This is more than two-thirds of those labelled. Some of these groups continue their work as companies or unregistered NGOs. This means that their work gets more difficult but, at least to some extent, the work continues.

After the Foreign Agent law was first focused on NGOs and then on media, a proposal for labelling individuals passed the 1st hearing in

the Duma in January 2018, then paused, and in the end of October 2018, new restrictions were proposed for the second hearing.

The first environmental group was listed among four new undesirable organization in 2018 – the US based organization Pacific Environment. The organization worked mostly in the Asian parts of Russia, and many NGOs from that regions were affected. At the same time the first criminal case charges towards an individual for cooperation with an undesirable organization is taking place in Krasnodar.

One of the most important and expected developments from the end of the year is the Ministry of Justice's initiative to register all the unregistered groups. Those who will ignore the demand will not be able to enjoy NGOs' rights, including request for information. This is a move against NGOs' recent adaptations to the Foreign Agent law.

Another important development from the end of 2018 is the law that will punish spreading of «incorrect information» and responsibility for «disrespecting authorities» through criticizing them.

The broader picture is even worse. Random persecution of individuals, for internet activity that is not even political, spreads fear of expressing any alternative thoughts or criticism. Small changes have made the main “anti-extremist” law somewhat lighter: amendments in article 282 provide administrative punishment instead of criminal prosecution, for extremist statements on the Internet, if they were committed for the first time.

Torture is one of the main topics of 2018. It would be wrong to say that torture did not happen before in Russian penal system, but in 2018 numerous cases became public and some perpetrators were brought to justice. The fear of being tortured if caught by the penal system is contributing to the general apathy and unwillingness to protest and criticize the authorities.

Table 1

Full list of environmental NGOs registered as Foreign Agents

Updated January 2019

Red – shut down Blue – left the register Black – still in the register

#	# of all	Name	Region (oblast, republic etc)	Date written into register	Date for exiting the register	Reason to exit the register	Comments
2014							
1	10	Kaliningrad Regional Public Organization "Ecodefence! – Womens' Council"	Kaliningrad	21.07.2014			Keep denying following requirements for Foreign Agents and keep getting fines for not reporting as Foreign agents.
2	15	Association "Partnership for Development" (leader RSEU member)	Saratov	02.10.2014	06.11.2015	shut down	Main pressure has been streamed personally to the head of the NGO, Olga Pitsuova.
2015							
3	35	Jewish Regional Branch of the Russian Public Organization "Municipal Academy"	Birobidzhan	26.01.2015	22.05.2015	shut down	One of the reasons for signing them in is that they organized an environmental seminar.
4	39	Interregional Charity Organization "Siberian Environmental Center"	Novosibirsk	12.02.2015	27.12.2017	shut down	Their political activity is the petition to free Arctic-30 activists.
5	43	Chelyabinsk Ecological Social Movement "For nature" (leader RSEU member)	Chelyabinsk	06.03.2015	18.04.2017	Closed down by Supreme court because of Min. Justice lawsuit	Both were added at the same time, even though the movement didn't have any finances. But the Ministry of Justice decided that there is

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Report by RSEU/ Friends of the Earth Russia and Naturvernforbundet/ Friends of the Earth Norway

6	44	Chelyabinsk Regional Charitable Social Foundation "For nature" (leader RSEU member)	Chelyabinsk	06.03.2015	13.12.2016	Closed down by court because of MinJustice lawsuit	a connection because the two organizations had a common leader.
7	48	Murmansk Regional Public Environmental Organization "Bellona-Murmansk"	Murmansk	19.03.2015	16.10.2015	shut down	
8	49	"Educational Center for Environment and Security»	Samara	20.03.2015	8.10.2015	Proved that they did not have foreign funding for a year	
9	51	Rostov City Public Organization "Eco-Logic"	Rostov-on-Don	03.04.2015	30.03.2016	Proved that they did not have foreign funding for a year	
10	53	Ozerskaya Urban Socio-Environmental NGO Planet of hope	Chelyabinsk region	15.04.2015	27.09.2018	shut down	Leader Nadezhda Kutepova had to flee the country because of danger of state treason accusation.
11	65	Nizhny Novgorod Regional Public Organization "Ecological Center "Dront"" (RSEU member)	Nizhny Novgorod	22.05.2015	22.05.2015	shut down	Stopped receiving foreign funding almost a year before labelling. Only a small donation from Bellona-Murmansk, as well as a loan from another NGO that received foreign funds, and a grant from orthodox church affiliated foundation with money from offshore in Cyprus (see more in 2015 report)

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Report by RSEU/ Friends of the Earth Russia and Naturvernforbundet/ Friends of the Earth Norway

12	75	Altai regional public organization "Geblerovskoe Ecological Society"	Barnaul, Altay krai	23.06.2015	19.01.2017	shut down	
13	78	Interregional public organization "The Northern Environmental Coalition"	the Republic of Karelia	8.07.2015	08.07.2016	shut down	Continue their work as newly registered regional NGO
14		Altaj ecological and cultural public foundation "Altaj 21st century"	Altai region	22.7.2015	28.03.2016	shut down	
15	83	Nizhny Novgorod ecological public non-profit organization "Green World"	Nizhny Novgorod region	29.07.2015	28.10.2016	Proved that they did not have foreign funding for a year	
16	88	Interregional Social Ecological Foundation "ISAR-Siberia"	Novosibirsk	26.08.2015	19.12.2017	shut down	
17	93	Regional public organization "Sakhalin Environment Watch"	Sakhalin region	18.09.2015	16.02.2017	Proved that they did not have foreign funding for a year	Even though the NGO returned the money to the donor (DiCaprio foundation), it wasn't removed from the register until February 2017.
18	95	Society for the Protection of Consumer Rights and the Environment «Printsip»	Moscow region	05.10.2015	05.10.2015	Proved that they did not have foreign funding for a year	
19	99	Krasnoyarsk regional public environmental organization "Friends of Siberian forests" (RSEU member)	Krasnoyarsk krai	28.10.2015	28.11.2016	shut down	Was labelled even they didn't have any money since the Foreign Agent law came into force. So the law was implemented retrospective.
20	102	Irkutsk regional public organization "Baikal environmental Wave" (RSEU member)	Irkutsk	10.11.2015	01.08.2016	shut down	Continue their work as a new RSEU regional branch.
21	106	Public charity environmental organization "Green World" (leader RSEU member)	Sosnovy Bor, Leningrad region	02.12.2015	06.02.2017	shut down	Took decision to close down and continue work in another form

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 Report by RSEU/ Friends of the Earth Russia and Naturvernforbundet/ Friends of the Earth Norway

		2016					
22	111	Baikal regional public institution "Public Environmental Center Dauria"	Chita, Chita region	30.12.2015	01.09.2016	shut down	
23	125	Regional public environmental organization of the Altai Republic "Arkhar"	Altai Republic, Gorno-Altaiisk	05.04.2016	06.10.2016	shut down	
24	127	Regional public environmental organization "Ecological soul's school "Tengri"	Altai Republic	17.05.2016	20.06.2017	shut down	
25	142	Inter-regional environmental and human rights public organisation "Environmental Watch on North Caucasus" (RSEU member)	Krasnodar region	13.09.2016	10.01.2018	Proved that they did not have foreign funding for a year	Members' participation in actions for nature protection considered as a "political activity" of the NGO. Receiving finances by members of the NGO was considered as NGO's "foreign funding".
26	147	Chapaevsk local public organization "Association of medical workers of the Chapaevsk city"	Chapaevsk, Samara region.	21.10.2016			Working with effects of pollution to human health
		2017					
27	156	Environmental Human Rights Center Bellona	St.Petersburg	16.01.2017	08.06.2017	shut down	
28	157	Youth Public Organization of Solonshensky District "Pro-Motion"	Altay kray	25.01.2017	19.02.2018	shut down	Foreign funding from 2014-2015. Formally stopped acting in the fall of 2016.
29	160	Murmansk Regional Public Organisation Kola Environmental Center (RSEU member)	Apatity, Murmansk region	20.04.2017	07.08.2017 - delisted 15.06.2018 - shut down	Proved that they did not have foreign funding for a year in 2017.	But decided to close down the NGO anyway, which is happened in 2018

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Report by RSEU/ Friends of the Earth Russia and Naturvernforbundet/ Friends of the Earth Norway

30	161	Fund for the Promotion of Sustainable Development "Silver Taiga"	Syktvykar, Republic of Komi	14.06.2017		
31	164	Arkhangelsk regional youth environmental public organization "Aetas" (RSEU member)	Arkhangelsk region	01.09.2017	15.05.2018	shut down



Russian Social-Ecological Union
Friends **O**f the Earth Russia

The Russian Social-Ecological Union (RSEU) is a non-governmental, non-profit and member based democratic organization, established in 1992. RSEU brings together public organizations and active citizens from all regions of Russia. All RSEU activities are aimed at nature conservation, protection of health and the wellbeing of people in Russia and around the world. In 2014, RSEU became the Russian member of Friends of the Earth.

Naturvernforbundet/Friends of the Earth Norway has over many years worked closely with Russian environmental organizations. The cooperation has been helpful for both sides on a wide range of environmental topics.



Naturvernforbundet
Friends of the Earth Norway