

FOREIGN AGENT LAW RESHAPING RUSSIAN CIVIL SOCIETY

ENVIRONMENTAL ORGANIZATIONS STATUS REPORT 2017



Russian Social-Ecological Union
Friends of the Earth Russia

 **Naturvernforbundet**

FOREIGN AGENT LAW RESHAPING RUSSIAN CIVIL SOCIETY

**PUBLISHED BY:
RUSSIAN SOCIAL-ECOLOGICAL UNION/
FRIENDS OF THE EARTH RUSSIA
NATURVERNFORBUNDET/
FRIENDS OF THE EARTH NORWAY**

■ St. Petersburg/Oslo, April 2018

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Photo: Gennadi Shabarin

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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 all the time 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 and onwards, 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 effects environmental organizations. All reports and updates are available at naturvernforbundet.no/civilsocietyreports



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INTRODUCTION

The situation for Russian civil society continues to deteriorate. The law on Foreign Agents has since it was approved in 2012, served as Russian authorities' main tool to repress the Russian civil society. The law hinders Russian organizations in working efficiently. 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 law on Foreign Agents aims to marginalize, defame and shut down critical voices. As organizations did not initially register as Foreign Agents voluntarily, the Russian authorities have actively targeted more than 160 civil society organisations and registered them as Foreign Agents. Of these are 31 environmental groups, of which at least one third were engaged in anti-nuclear work. 19 of the 31 environmental groups that were registered have chosen to close down because of the difficulties they face operating as

an organization labelled Foreign Agent, and we expect more to follow.

An organization can be labelled 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 as information work and arranging meetings can also be considered as "political" and lead to labelling, which means that no organization is safe.

In this report we will show that the law on Foreign Agents and its implementation is changing the structure of Russia's civil society.

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, often even more severe.



Photo: Gennady Shabari



1. BRIEF HISTORY OF THE FOREIGN AGENT LAW

■ In this chapter we briefly explain the history of the Foreign Agent law and other relevant laws. The chapter leans on our previous reports published in 2014, 2016 and 2017.

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 towards the organisations, as well as unannounced inspections. Following this, several NGOs were inspected in 2007-2008, but most environmental organizations continued their work as before.

After a mild softening of NGO regulations under Medvedev's presidency, the conditions for Russian civil society severely worsened after 2012. This year Vladimir Putin's government adopted several new laws, among them the "Foreign Agent law". The law has been actively used by the Russian authorities to increase pressure on NGOs and activists. The law demands that non-governmental organizations that receive funding from abroad and at the same time engage in "political activity", register as Foreign Agents. The law was extremely vague on what was considered to be political activity. Most Russian NGOs soon decided to not register voluntarily, as they considered they were not Foreign Agent, and that the law was unjust and vague. Thus, the Ministry of Justice initiated a broad range of inspections during the first half of 2013,

and from March to September 2013 all Russian non-governmental organizations were checked by the public prosecutor in their district. Several were asked to register as Foreign Agents, others received warnings or notifications of violation of the Foreign Agent law. It could be noted significant differences on how environmental NGOs were treated by the authorities, a result of the vague law and probably subsequent uncertainties among officials on how to handle it.

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 gave a clear effect: in 2015 the number of NGOs in the register increased enormously. Consequences for NGOs that are registered are huge, and in practise it has proven difficult to continue the activity of the organizations. Thus, many groups decided to close down. The forced registration also led to court cases and big fines for not having registered voluntarily.

In 2015, a law that criminalizes "Undesirable organizations" was approved by the Duma and signed by the President. The law targets international organizations that are based in Russia. The scope of the law 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 the NGOs.

In 2016, adjustments were made to the Foreign Agent law to clarify the term “political activity”. NGOs had been asking for amendments since the 2012, since the term “political activity” was vague and unclear, and seemed to be interpreted randomly, or at least different in different regions. The amendments merely justified the wide interpretation of the term “political activity”. In the implementation of the law, any kind of contact with authorities, even requests for information, could be considered “political”. Any influence on the public opinion, which means expression of any public opinion, could be considered “political”.

In June 2016, another law was adopted by the Russian parliament, a law for NGOs providing so-called public benefit services. According to this law, NGOs that can prove that they contribute to providing public benefit services, can be included in a special register and can be supported by the government both politically and financially. An NGO registered as Foreign Agent cannot be in the register of organizations providing public benefit services. This creates a clear division between the “good” and obedient on the one side, and the “bad” and critical on the other side. During 2017, 68 NGOs have been listed in

the register of organizations providing public benefit services. A full list can be found at Ministry of Justice web page.¹

Also in 2016, new repressive anti-terrorist laws were adopted, unofficially called “Yarovaya’s legislation package”, after the state дума representative who spearheaded the bill in the state Duma. Expression of any opinion critical to the Kremlin and its power base might be considered extremist behavior and this law could be applied. In a previous report we wrote about the environmentalist Valery Brinikh from Adygea that faced charges on one of his articles on industrial farming.² In 2017, the court case ended successfully for Brinikh, the court decided that it was not extremist material. Still, the laws are being used against other groups and activists. Recent cases against anarchists and antifascists from Saint-Petersburg and Perm involves torture.³

More information can be found in our previous reports, all available on naturvernforbundet.no/civilsocietyreports

1. <http://unro.minjust.ru/NKOPerfServ.aspx>

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

3. <https://www.novayagazeta.ru/articles/2018/02/02/75366-zvenya-odnoy-seti>





2. MAIN DEVELOPMENT FOR RUSSIAN CIVIL SOCIETY IN 2017

■ In this chapter we present the main developments for Russian civil society in 2017. Later chapters will go deeper and more detailed into various aspects.

2017 was the year of ecology in Russia. The year saw many officially sponsored events all over Russia, showing the public that the authorities care for the environment and peoples' health.

Still, it is questionable how much the year benefited the environment. Some protected areas were created in 2017, and the important national park in Khibini was developed in 2017 and finally approved early 2018. However, the year was certainly not a good one for environmental groups struggling to protect valuable Russian nature, environment and people's health, as they still face the same pressure and not support. Environmental groups that work with softer issues like recycling and planting trees, have support like in previous years.

In 2017, five more environmental NGOs were labelled Foreign Agent; among those RSEU members and long-time partners of Naturvernforbundet Kola Environmental Centre (KEC) and Aetas. 31 environmental NGOs have been listed totally, the list can be seen in table 1 in the end of this report. In 2017, seven more organizations have closed down after labelling, which means that by now a total of 19 environmental

organisations have closed down. Other environmental NGOs are considering closing down after or even prior to labelling. To avoid huge fines and extra work for dealing with labelling, more and more NGOs now give up their NGO status, which means that the civil society structure in Russia is being re-shaped.

The civil society structure is also being re-shaped by a clearer division between the NGOs confronting official views or engaging in controversial issues, and those NGOs that are considered to be useful for the authorities in doing voluntarily work on planting trees and sorting waste.

The implementation of the Foreign Agent law sends a message to the Russian population that NGOs are dangerous to involve in, and people who otherwise would have sympathized and participated in activities chose to stay back. 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 organisations in general, and 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.

Regarding the law on Undesirable organizations, 4 more organisations are listed in 2017, approximately the same amount as the last years. The first fines for cooperation with Undesirable organisation were imposed.

As will be presented later in this report, more repressive legislation has been adopted and even more has been proposed.

Fear and censorship keep spreading around and poisoning the civil society sector. As will be shown, also NGOs that are not yet labelled as a Foreign Agent, or groups that are removed from the register, decide to close down.

In December 2016 the president's Human rights Council (HRC) initiated a review of the practice of the Foreign Agent law, intended to clarify the law and definitions for political activity. The HRC worked on the report through the spring 2017 and delivered it to the new Head of President administration Sergey Kirienko (former head of Rosatom). At the annual meeting with the HRC on October 30th 2017, Putin said

that the register is thinner now, as “the number has decreased from 165 to 89”.¹ At least 31 of the NGOs removed from the register were taken out as they are closed. Of environmental groups, 19 of the 31 so far labelled have closed down.

The European Court on Human Rights (ECHR) have accepted 49 cases on the Foreign Agent law.² The communication has started; Russian officials have provided their position on the cases and the NGOs are going to comment on it soon.

The Council of Europe Commissioner on human rights, Nils Muižnieks, has declared that he believes the law is a repressive instrument towards human rights activists. The Russian Ministry of Foreign Affairs of course considers such statements as political and hostile criticism of Russia. “We consider such statements and the tone of the comment chosen by the Commissioner as an unfriendly gesture towards our country” – says statement of the Ministry.³

1. <https://rg.ru/2017/10/30/putin-zaiavil-o-sokrashchenii-chisla-inostrannyh-agentov-sredi-nko.html>

2. <https://www.svoboda.org/a/28396416.html>

3. <https://ria.ru/society/20170804/1499767617.html>



Photo: Katrine Osland Netland

3. LAW ON FOREIGN AGENTS: SLOWER SPEED, BUT STILL NEW FOREIGN AGENTS

■ In this chapter we present the effects of the Foreign Agent law on environmental groups in 2017. For information about the law itself, please refer to our previous reports, in particular “Foreign Agents” or environmental heroes? from 2014.

By the end of 2017, 170 NGOs in total were labelled as Foreign Agents. Of the 31 environmental NGOs listed during these five years, 19 have closed down, 7 are delisted and 5 remain in the register with different approaches of actions.

There can be several reasons for why an organization choose to close down or stay in the register of Foreign Agents. EcoDefence has a political decision to stay as Foreign Agent. But most of the groups remaining are labelled more recently, something which could indicate that more will close down or seek to be removed. Several groups express their intention to close down without spending much time to fight the labelling. The reason is clear: it cost a lot of time, efforts and money to seek legal protection in Russian courts.¹

It should be noted that the rules for being taken into the register in the first place, are not the same as the rules for being removed. The Ministry of Justice can list NGOs that have received

foreign funding in the period after the law came into force in 2012. This means that a NGO can be listed for receiving foreign funding that stopped several years ago. This is why some groups that ceased to receive foreign funds shortly after the law appeared, still were labelled. To be removed from the register, the NGO needs to prove that it did not receive foreign funding during the last year. But this also does not always help (see example of Dront in the 2017 report)². Obviously, it is not possible to prove that you stopped having “political activity” as the term is so vague and broad. Another aspect is that once being labelled it is difficult to restore your public reputation – a reason why some groups decided to close down even after being removed from the register.

Compared to the earlier years of implementation of the law, especially 2015, less environ-

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

2. Naturvernforbundet 2017: “Pressure towards Russian environmental NGOs. Status of Russia’s Foreign Agents law and consequences for civil society in 2016”, pages 10-11. Available at <http://naturvernforbundet.no/civilsocietyreports>

mental NGOs where labelled as Foreign Agents in 2017. In 2017 not more than 5 new NGOs were registered, very much in line with 2016, when 4 were labelled. In 2015 a total of 49 organizations, of them 21 environmental NGOs, were labeled. This is mainly because most of the NGOs in question are already labeled.

In 2017 the following 5 new environmental groups were labelled:

1. (156) Environmental Human Rights Center Bellona, St. Petersburg (16.01.2017)

Left the register 08.06.2017 because they closed down

2. (157) Youth Public Organization of Solonshensky District «Pro-Motion», Altay krai (25.01.2017)

3. (160) Murmansk Regional Public Organisation Kola Environmental Center, Apatity, Murmansk region. (20.04.2017)

Removed 07.08.2017

4. (161) Fund for the Promotion of Sustainable Development «Silver Taiga», Syktyvkar, Republic of Komi, (14.06.2017)

5. (164) Arkhangelsk regional youth environmental public organisation «Aetas», Arkhangelsk region (01.09.2017)

A list of environmental NGOs that have been registered as Foreign Agents, can be found in the end of this report (table 1). The official register can be found at the web-site of the Ministry of Justice.³

Naturvernforbundet's long-time partner and RSEU member in Murmansk region Kola Environmental Center (KEC) was labelled a Foreign Agent in April 2017⁴ and in June got a fine of 150 000 rubles, more than 20 000 NOK. KEC had previously received warnings after inspections, and ended its foreign funding, but was still listed. After juridical assistance, KEC was delisted from the register in August 2017, as they managed to prove that they had not received foreign funding the last year. However, KEC still had to pay the fine for not having registered voluntarily. Money to pay the fine was collected

3. <http://unro.minjust.ru/NKOForeignAgent.aspx>

4. <http://minjust.ru/ru/novosti/murmanskaya-oblastnaya-obshchestvennaya-organizaciya-kolskiy-ekologicheskij-centr-vklyuchena>

in Russia and in Norway. Even though being removed from the register, the organization has chosen to continue their path to closure, as at least a half of affected environmental groups.⁵

Aetas, a RSEU youth group from Arkhangelsk, was labelled as a Foreign Agent in September 2017. Even before labelling, when Aetas was facing inspection in July, the organisation stopped its activity and decided to close down. Aetas spent more than a half year on its efforts to close down, but the Ministry of Justice so far have not allowed them to do so.⁶ The Ministry is demanding to pay the fine first, even though both the Ministry's decisions about labelling and the fine came into force after the appeal of Aetas to close down. Currently lawyers are trying to help Aetas to appeal the decision of Ministry of Justice.

Naturvernforbundet's partner in Chelyabinsk, the Foundation "Za prirodu" has also closed down. In April 2017, the Supreme court supported the regional court's decision from December 2016 to close down the NGO⁷. Za Prirodu is the only environmental NGO that was shut down by a court ruling. Generally, NGOs have decided themselves to shut down, as they consider it will be too difficult to continue operation as Foreign Agents and as they don't have the resources to fight in court.

Other groups were also inspected in 2017, and some of them are considering closing down even if they so far have not been labelled Foreign Agents. They know that in many cases planned inspections have been followed by additional inspections and subsequent Foreign Agent labelling, as in the case with Aetas. Therefore, in order to avoid huge fines and extra work for dealing with the labelling process, more and more NGOs give up their NGO status upfront such a process. But even this does not always help, as we see in the Aetas case.

5. <https://thebarentsobserver.com/en/civil-society-and-media/2017/04/kola-eco-centre-labeled-foreign-agents>

6. http://www.news29.ru/novosti/obschestvo/Arhangel'skij_Etas_hochet_samolikvidirovatsja_no_ne_mozhet/70308

7. <http://article20.org/ru/news/chelyabinskije-ekologi-popali-pod-zapret-iz-za-uralskogo-olig>

MORE RESTRICTIONS PROPOSED

The Ministry of Justice has proposed more restrictions for the NGOs that are labelled Foreign Agents. According to the proposed changes, officials will be banned from participating in the activities of organizations labelled Foreign Agents. Officials should also be restricted from participating in any travel, like study trips funded by either international organizations or even Russian legal entities receiving money from them. Similar restrictions are also proposed for municipal officials.⁸

As we have seen earlier in the report, both ordinary people and officials are already afraid to interact with organizations that are listed as Foreign Agents. So, this decreasing of cooperation we have seen in practice for some years now. This proposal will, if accepted, make it institutionalized.

In addition, the head of the upper chamber of the Parliament has called for more restrictions to prevent foreign influence before and during the upcoming president elections in 2018, and suggested to monitor individuals regarding foreign financial support as well.⁹

FIRST CRIMINAL CASE AGAINST AN INDIVIDUAL UNDER THE FOREIGN AGENT LAW

The first criminal case against a leader of a NGOs listed as Foreign Agents started in 2016 and was going on throughout 2017. Valentina Cherevatenko, head of the Women of the Don from Rostov region, became the first person to face criminal prosecution under the Foreign Agent law and was facing up to two years imprisonment.

The Women of the Don had two separate entities. The Women of the Don Union was labelled as a Foreign Agent in 2014 and the Women of the Don Foundation for Civil Society Development was labelled in 2015. Both were added to the Foreign Agents register by the Ministry of Justice. Both organizations however have refused to accept this label and have appealed listing and related fines in civil and administrative

8. <https://www.vedomosti.ru/politics/articles/2017/04/28/688025-chinovnikam-zapretyat-ezdit>

9. <https://www.kommersant.ru/doc/3319818>

proceedings. In May 2016, an investigative committee started investigation of Cherevatenko as the leader of both entities, for “systematic denial of voluntarily registering as a Foreign Agent”. Later in June 2016, Cherevatenko’s office was searched by police and a criminal charge was opened.

As the investigators have noted, Cherevatenko continued to evade the requirements of the law. Cherevatenko convened the coordinating council of the union in 2014 and proposed to establish an affiliated structure - The foundation for the development of civil society «Women of the Don», which should become the legal successor of the union. The union transferred an office building and material and technical values worth 506 000 rubles to the new foundation. Investigators claim that Valentina Cherevatenko was obliged to register the new foundation in the Foreign Agents register. Finally, in July 2017, the case against Valentina Cherevatenko was dropped. The investigator came to the conclusion that the offenses of the accused, which do not pose a threat to society, are of little significance.¹⁰

FINANCIAL HARASSMENT

The following examples show how the Foreign Agent law can be used to financially harass activists for many years. This keeps them busy with self-protection and prevents them from being able to do their work for the society.

Lyudmila Kuzmina, «Golos-Volga region»

The claims from the tax inspection agency towards Lyudmila Kuzmina began after the Ministry of Justice in 2015 labelled her organization «Golos-Volga» as a Foreign Agent. Afterwards a case of non-payment of taxes was filed, stemming from a money transfer from the US Agency for International Development (USAID) received before 2012. In 2015, it was demanded that the NGO paid 2 222 501 rubles in tax, as the tax inspection considered the transfer as profit and not as a donation. At the 28th of March 2015 the case expired according to the courts own statutes, but the court refused to close the case.

«Golos-Volga» was closed by a court decision,

10. <https://www.kommersant.ru/doc/3377414>

and tax claims were redirected to the head of the organization Kuzmina, who was accused of non-payment of taxes. In 2016, to account for the repayment of the tax debt, the authorities confiscated Kuzmina's bank account, apartment and car.

In June 2017, the Samara Regional Court returned the case to the lower court for a new trial. In July, the lower court partially granted Kuzmina's complaint against the investigator's decision. In the end however, on December 18th, 2017, the Samara Court of Appeal upheld the decision to collect a fine of 2 222 501 rubles from Kuzmina.¹¹

Olga Pitsunova, RSEU co-chair, Partnership for development (Pfd) in Saratov

This story started back in August 2014, when a local court found Pfd guilty in failing to register as a Foreign Agent on its own, and fined of 300,000 rubles. On August 8th, Olga Pitsunova, as the head of the Pfd, was found guilty of failing to register a Foreign Agent organization and was given a personal fine of 100 000 rubles. However, the ecologists did not receive the bank account details for where to pay the fine they were given. In a court hearing regarding a second fine that was held in January 2015, the judge doubled the fine even though the first fine had been paid in 2014 and despite Pitsunova's financial troubles. Attempts to find out the bank account details for the second fine through the court and Sberbank went nowhere. The bailiffs service confiscated Olga Pitsunova's pension account and began to withhold 50 % of all payments, including her disability pension. Twice, both in autumn 2016 and in spring 2017, the Bailiffs service tried to withhold 100 % of her pension. Both times they had to revert this decision after public attention including media coverage. Olga Pitsunova spent half her pension payments to cover the enormous fine.¹² In 2017, money to pay the fine was collected from Olga's supporters and the whole fine was paid by the end of 2017.

11. <http://sos-hrd.org/node/1649>

12. <https://www.opendemocracy.net/od-russia/alexei-kozlov/russias-foreign-agents-law>

PRESSURE FOR LABELLING MORE NGOS AS FOREIGN AGENTS

At the end of December 2017, Alexander Dyatlov, member of the Arkhangelsk regional parliament, appealed to the Minister of Justice of the Russian Federation with a request to inspect the activities of Greenpeace for compliance with the Foreign Agent legislation. According to Dyatlov, the Russian branch of Greenpeace with regular frequency makes sharp public ambiguous statements that, if taken into account, will lead to a reduction in logging volumes in the region and make it difficult to export timber products from the territory of the Arkhangelsk region to environmentally sensitive markets. All this will radically affect the economy of Pomor territory and the standard of living of the population.

This appeal has already been supported by the legislative assemblies of Karachay-Cherkess Republic, Kamchatka Territory, Penza and Orenburg regions. The Ministry of Justice, having considered the appeal of the parliamentarians, asked the General Prosecutor's Office to conduct a verification and decision on recognizing Greenpeace as a Foreign Agent.¹³

This initiative is not the first one. In our previous report we described similar activities such as online petitions concerning specific organizations. An example is a petition started in August 2016 by the NGO Environmental Chamber of Russia, where they called for registration of Greenpeace and WWF in Russia as Foreign Agents. This Environmental Chamber was established by a President grant in 2013. By the end of the year, 13 000 signatures were collected in support of this idea. 92 used the opportunity to vote against at the petition page.

SEEKING JUSTICE INTERNATIONALLY

On March 28th, 2017, the European Court on Human Rights (ECHR) accepted 49 cases of 61 affected NGOs and individuals vs. Russia on the Foreign Agent law.¹⁴ The case is known as Eco-defence and others versus Russia. Among the

13. http://www.news29.ru/novosti/obschestvo/Regiony_odobrili_deputata_Djatlova_v_voprose_o_priznanii_Grinpisa_inoagentom_/70325

14. <https://www.svoboda.org/a/28396416.html>

cases, ten are from environmental groups:¹⁵

- Ecodefense, Kaliningrad
- Partnership for Development, Saratov (RSEU)
- Educational Center for Environment and Safety, Samara
- Planet of hope, Chelyabinsk
- Dront, Nizhny Novgorod (RSEU)
- Siberian Environmental Center, Novosibirsk
- Green World, Nizhny Novgorod
- For nature, Chelyabinsk (RSEU)
- Green World, Sosnovy Bor (RSEU)
- Rikhvanova and others (Baikal wave), Irkutsk (RSEU)

From these ten environmental groups, five groups are related to RSEU through direct membership or individual members. Four groups are closed down, another four are delisted. Ecodefense and Planet of Hope are still in the register of Foreign Agents.

In June 2017, ECHR requested the position of the Russian Federation on the cases, later in July Russia said it needed more time to look at all the cases and requested more time for the answers.¹⁶ On September 19th the Ministry of Justice sent its answer to the Court.¹⁷ Russian authorities claim that listing to the register is directed «only to additional transparency» of organizations. «An NGO performing the functions of a foreign agent» does not imply a negative assessment of the organization by the state and cannot be perceived as discrediting. They say that the state supports all NGOs, including those listed as Foreign Agents.

15. <https://www.kommersant.ru/doc/3255549>

16. <https://www.vedomosti.ru/politics/articles/2017/07/21/725058-rossiya-otsrochku-nko>

17. <https://www.kommersant.ru/doc/3415504>

In a court document to prove that the law on Foreign Agents is not discriminatory, Russian authorities list organizations that received presidential grants even while being listed as Foreign Agents. In 2014, presidential grants were distributed among 106 NGOs, including among «20 organizations, information about which are currently on the register» of Foreign Agents. Of these were Agora, Solders mothers of St. Petersburg, the Public Verdict and other organizations. In 2017, two of the applicants also received grants, the Russian authorities say.¹⁸

At first the deadline for commenting Russia's answer was in January 2018. After receiving a delay, the comments were sent in March 2018. Here, the NGOs pointed out that the definition of "political activity" in fact includes all kinds of activities that could influence public opinion. The NGOs also reminded that even the term "foreign financing" was unclear, as the Ministry of Justice has included also symbolic presents and indirect advantages, even a situation where an organization refuses donations from abroad. At the same time, the Ministry has not needed to prove that the "political activity" was organized through use of "foreign financing". The NGOs also disagrees with Russian authorities in their claim that the term "foreign agent" has no negative connotations. Regarding financing of NGOs, the NGO pointed out that Russian authorities are wrong to claim that support has increased sevenfold, and that the government did not prove that financing was not discriminatory.¹⁹

18. <https://www.vedomosti.ru/politics/articles/2017/10/05/736662-espch-inostrannih-agentah>

19. <https://www.kommersant.ru/doc/3570102>



4. LAW ON UNDESIRABLE ORGANISATIONS: CLOSELY CONNECTED WITH FOREIGN AGENT LAW

■ In this chapter, we briefly present the law on Undesirable Organizations, and list the organizations that have entered the register in 2017. For more information of the law, please refer to our 2016 report “Foreign Agent law: Impact on Russian environmental organizations”.

On May 19th, 2015, the Russian Duma approved a third and final draft of the new legislation that criminalizes “undesirable organizations”, which was signed by the president at the 23rd of May. The law targets international organizations based 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 the NGOs.¹

Regarding the register of undesirable organizations, 4 more have been listed in 2017. This is about the same rate as before; 4 in 2015 and 3 in 2016. 11 are listed altogether. Most of them are US based or rooted foundations or connected to

such, and providing financial support for Russian NGOs. Two of four listed in 2017 are institutions of Mikhail Khodorkovsky, an ex-oligarch who fled from Russia after being pardoned and released from prison.

The 2017 organizations are:

- Open Russia Civic Movement, Open Russia (Общественное сетевое движение «Открытая Россия») (UK)
- OR (Otkrytaya Rossia) («Открытая Россия») (UK)
- Institute of Modern Russia, Inc («Институт современной России») (USA)
- The Black Sea Trust for Regional Cooperation (Черноморский фонд регионального сотрудничества) (Romania)

The state list of Undesirable organizations, can be viewed at the web-site of the Ministry of Justice.²

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

In December 2016, the information-analytical center «Sova» (owl) was included in the Foreign Agents register. In September 2017 Sova was brought to the court on the article on Undesirable organizations. The reason for the case was a link on the official Sova's website in the section «about us» to the foundation National Endowment for Democracy and to the Open Society Foundation of George Soros. Both are in the register of Undesirable organizations, which means that organizations currently recognised as undesirable previously have provided financial support to the Sova center. For having online links to the previous donors, the Center faces a fine of up to 100 000 rubles.³

In October 2017 the Yaroslavl public organization «Center for Social Partnership» was fined 50 000 rubles for violation of the law on Undesirable organizations. The NGO has been fined for having a link on its website to the National Endowment for Democracy, listed as we have seen as Undesirable organization. The organization does not agree with this decision of the court, since the link is in the archival part of the

3. <http://www.sova-center.ru/announcement/2017/09/d37827/>

site, and will appeal it.⁴

On June 22nd, 2015, the Center for Independent Social Research (CISR) was labelled as a Foreign Agent. On December 26th, 2017, the St. Petersburg court finished the case against CISR. The reason was a complaint from Ilya Craft, a member of the Public Chamber of the Russian Federation. There were several episodes of mentioning the structures of George Soros, whose foundations are listed as undesirable organisations in Russia, in the biographies of the staff of CISR and in the descriptions of the projects of CISR on their website. This information was published long before November 2015, when the register of Undesirable organizations was opened in Russia. Someone from the staff in the last century received a scholarship or worked in a project supported by the now Undesirable foundation, at the beginning of this century a scientific collection was published, and this information is available on site. Only now, it is an Undesirable foundation that supported touring or competition of articles.⁵

4. <https://www.asi.org.ru/news/2017/10/11/nko-sud-nezhelatelnie-organizacii/>

5. <http://www.cogita.ru/nko/presledovanie-nko/obratnaja-sila>



Photo: Gennadi Shabarin

5. NEW LAW ON MEDIA AS FOREIGN AGENTS

■ In this chapter, the new law on media as Foreign Agent is presented and the first media that are labelled so far, are listed here. We also briefly present proposals for a new law on individuals as Foreign Agents.

This law is a response to the labelling of the American chapter of the Russian state media Russia Today – RT America - as a Foreign Agent in the United States.

In September 2017, US authorities demanded RT-America to get registered as Foreign Agent. Also in September, a group of Russian parliamentarians proposed a new law to amend the old Law on Media, adding restrictions for the media operating inside Russia with foreign funding. On November 13th, RT-America was registered as Foreign Agent in the US. The Russian parliament adopted their law shortly after, on November 15th. On November 22nd, the upper chamber of the parliament adopted the law, and the President signed it up on November 25th.

A Foreign Media Agent in Russia can be recognized as a foreign legal entity or a structure that disseminates information and receives foreign financing. The Ministry of Justice determines who exactly from the media corresponds to such a broad definition of the Foreign Agent. The Ministry of Justice will also determine which restrictions that will be imposed on Foreign Media Agents.

Later, the deputies submitted amendments

to the State Duma for consideration, which stipulate fines for Foreign Media Agents. The maximum penalty is five million rubles for gross violation of the law. Under a gross violation, the deputies imply a repeated, more than twice a year, violation of the law on Foreign Agents, which is committed by the media itself, its officials, employees or representatives.¹

Media labelled as Foreign Agent so far:

- Voice of America («Голос Америки»),
- Radio Free Europe/ Radio Liberty (Радио Свободная Европа/Радио Свобода (РСЕ/РС)),
- TV Nastoyashee Vremya (Телеканал Настоящее Время),
- Tatar-Bashkir Radio Liberty (Татаро-башкирская служба Радио Свобода (AzatliqRadiosi)),
- Sibiria. Reality («Сибирь.Реалии»),
- Idel.Reality («Idel.Реалии»),
- Faktograf («Фактограф»),
- Kavkaz.Reality (Кавказ.Реалии),
- Krimea.Reality (Крым.Реалии).

All of them are parts of the Radio Free Europe/ Radio Liberty media conglomerate, which

1. <https://www.vedomosti.ru/politics/articles/2017/12/05/744169-minyust-smi-inoagentov>

only confirms that this law is a response on labeling RT-America as a Foreign Agent in the US.

A full state list of media that are listed as Foreign Agents, can be found at the website of the Ministry of Justice.²

PROPOSAL FOR LAW ON INDIVIDUAL FOREIGN AGENTS

A group of lawmakers has proposed to extend the law on Media Foreign Agents so that also individuals, and not only NGOs, can be labelled as Foreign Agents. This is meant to target owners

2. <http://minjust.ru/ru/deyatelnost-v-sfere-nekommercheskih-organizacij/reestr-inostrannyh-sredstv-massovoy-informacii>

of media organisations. The amendments are considered another response to the US ruling in November 2017 that the Pro-Kremlin English-language broadcaster RT and radio Sputnik, must register as a Foreign Agent when operating in USA.³

3. <https://echo.msk.ru/news/2114330-echo.html>



Photo: Gennady Aleksandrov

6. OTHER OBSTACLES

- ▣ Also for those cleared of Foreign Agent-suspicion, there are new barriers.

Another member of RSEU and a partner organization of Naturvernforbundet, Friends of the Baltic (FoB), was inspected in December 2017, and the decision was that they are not Foreign Agents. However, they face other problems. The Ministry of Justice claims that FoB runs illegal activities: Since FoB is registered in St. Petersburg, the Ministry claims that it is illegal for them to participate in for instance international youth camp in Finland, youth river festival in Leningrad oblast and events in Kaliningrad in cooperation with their Kaliningrad partners. According to the Ministry, since FoB is a St. Petersburg regional NGO they can legally act only inside this region. This violation of the rules means that the Ministry of Justice should liquidate FoB. To avoid punishment, FoB has started the liquidation process themselves. Still, FoB are better off compared to other Russian environmental NGOs, as they did not receive the “black label” of Foreign Agents, and thus probably will have more possibilities to re-establish their organization.

One of the results of the tough pressure from authorities, companies and mass media is the growing level of self-censorship among different groups. Stepping off conflict issues, going to more negotiable ways of work are well known in many regions and areas of work.

PHYSICAL ATTACKS AND THREATS

The most dramatic event in 2017 was the beating of Andrey Rudomakha, head of the Environmental Watch on North Caucasus (EWNC), in December. The group was labelled as Foreign Agents in September 2016 and for a long time continued to operate even with the Foreign Agent labelling.

In December 2017, Rudomakha and his colleagues almost made it back home after documenting illegal landfills near Krasnodar in Southern Russia. The attackers were clearly on a mission to destroy the photo evidence of the illegal landfills that the group had obtained. Rudomakha sustained severe injuries.¹ Two weeks after the attack Andrey Rudomakha and his deputy Dmitry Shevchenko received anonymous threats from the address “smertrudomaxe@gmail.com” (which translates as «Death to Rudomakha), saying they should both leave the country.² After a month since the attack, no proper investigation has been done, no-one responsible for the attack was found and no requested protection for the Andrey Rudomakha and his group has been provided.

In January 2018, EWNC managed to leave the register, after proving they had no foreign funding anymore.

1. <https://www.rferl.org/a/russian-activist-beaten-hospitalized-krasnodar-rudomakha/28945448.html>

2. <http://www.foei.org/press/russia-investigate-attacks-protect-environmental-activists>

7. CONCLUSION

■ The Foreign Agent Law remains one of the main instruments of the authorities to marginalize civil society groups and individuals in Russia, giving authorities a justification for wide specter of possible ways of pressure, such as inspections, huge fines both for NGOs and individuals, to confiscate property and criminal persecution.

The law and its implementation have resulted in an ongoing process that is dramatically re-shaping the Russian civil society. As this report has shown, the Foreign Agent law and its implementation results in several NGOs closing down their organizations. This is the case for more than a half on the environmental NGOs that have been listed as Foreign Agents.

Some NGOs that close are “re-born” as new unregistered groups, but then without the same possibilities as registered NGOs, regarding for example participation in Independent environmental impact assessment (EIA). Also, unregistered groups cannot have bank account or hire an office, which limits the activity. Without registered NGO, focus can be tougher on individual activists.

Also, the Russian civil society is re-shaped by a clearer separation between the NGOs useful for the authorities and the more controversial or even troublesome NGOs. If the authorities manage to show that some NGOs receive funding and are treated as useful, it can be easier to treat the others as a threat.

Third, the implementation of the Foreign Agent law, and the words used to describe the Foreign Agents seems to work as a legitimization or a “green light” to attacking or harassing activists from Foreign Agent organizations, without fear of prosecution.

The law implementation and the words used, also means that people that could sympathize with environmentalists or other activists, get several reasons to stay away. The organizations lose potential supporters and cooperation partners, which contribute to their marginalization. Russian tradition for an active and participatory civil society is weak. We see that the organizations struggle to get acceptance for their right to speak their opinion on environmental issues, is getting harder.

Altogether, the situation in 2017 is a civil society becoming weaker and less organized, with a clear tendency of a clearer division between “useful” and critical organizations.

Table 1

Full list of environmental NGOs registered as Foreign Agents

Updated February 2018

#	# 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.

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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 MinJustice 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 a connection because the two organizations had a common leader.
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	
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			Leader Nadezhda Kutepova had to flee the country because of danger of state treason accusation.

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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)
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),

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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	it wasn't removed from the register until February 2017.
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
22	111	Baikal regional public institution "Public Environmental Center Dauria"	Chita, Chita region	30.12.2015	01.09.2016	shut down	
2016							
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	Krasnodar region	13.09.2016	10.01.2018	Proved that they did not have	Members' participation in actions for nature protection considered as a "political

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2017							
26	147	"Environmental Watch on North Caucasus" (RSEU member)	Chapaevsk, Samara region.	21.10.2016	foreign funding for a year	activity" of the NGO. Receiving finances by members of the NGO was considered as NGO's "foreign funding". Working with effects of pollution to human health	
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	Proved that they did not have foreign funding for a year	Even though the NGO was delisted, they decided to close down.
30	161	Fund for the Promotion of Sustainable Development "Silver Taiga"	Syktvkar, Republic of Komi	14.06.2017			
31	164	Arkhangelsk regional youth environmental public organization "Aetas" (RSEU member)	Arkhangelsk region	01.09.2017			Trying to close down

Red – shut down

Blue – left the register

Black – still in the register



Photo: Evgeny Usov



Russian Social-Ecological Union
Friends  of 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
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