Crackdown on civil society in Russia

A brief overview of how the 'foreign agents' and 'undesirable organizations' laws are enforced in Russia[1]

A report by the Public Verdict Foundation

with support of the EU-Russia Civil Society Forum and

the Civic Solidarity Platform[2]

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In the past few years, the Russian Federation has adopted a number of laws significantly restricting fundamental rights and freedoms. Some of these new laws undermine the guarantees of the right to freedom of association—in particular, by introducing concepts such as 'non-profit organizations performing the functions of a foreign agent' and 'undesirable international and foreign non-governmental organizations'. Being branded a 'foreign agent' or 'undesirable organization' leads to substantial restrictions or, in certain cases, a total ban on activities, heavy fines and potential criminal charges.

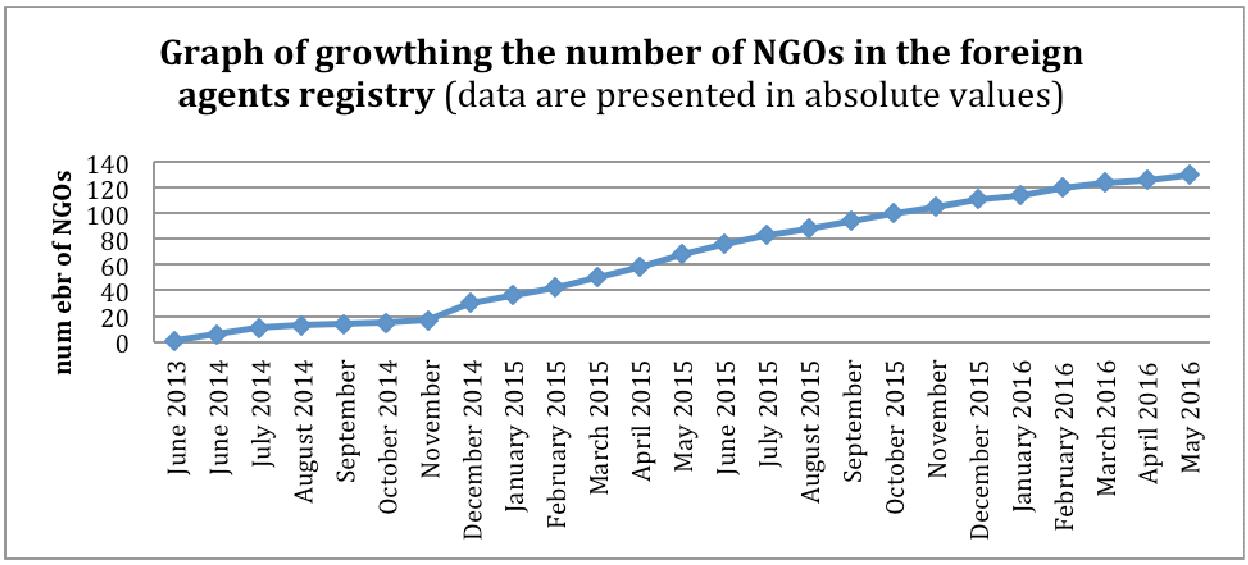
The Foreign Agents Law

Since mid-2014, a pressure campaign against Russian NGOs has been growing, primarily through the enforcement of the Foreign Agents Law. The June 4, 2014, amendments of the legislation regulating NGOs empowered the Ministry of Justice (MoJ) to enter organizations in the foreign agents registry upon the Ministry's sole discretion without any request from the NGO in question, and the Ministry has been using its new powers quite often. This development triggered a new wave of checks by the Ministry of Justice and public prosecutors, sometimes also engaging experts from other government agencies. Most such checks have resulted in administrative charges against NGOs for failing to register as foreign agents, followed shortly by the Ministry of Justice forcibly entering the organization in the registry of NGOs performing the functions of foreign agents.

As of May 31, 2016, a total of 130 organizations were listed in the foreign agents registry—ten had applied for the foreign agent status voluntarily, and the other 120 were forcibly entered in the registry by the Ministry of Justice. The first five NGOs were forcibly entered in the registry in June 2014, on the next day after amendments came info force; the registry listed 30 NGOs by the end of 2014, and 111 NGOs by the end of 2015.

[1] In preparing this report, we used data from the case files available to the Public Verdict Foundation and findings from the monitoring of courts in respect of proceedings concerning NGOs, performed by the Emergency Response Center for the Protection of Human Rights Defenders.

[2] This is the third version of the report. The first version of this report was produced jointly by the Public Verdict Foundation and the EU-Russia Civil Society Forum and presented in Brussels on 29-30 June 2015. The second version produced with support from the EU-Russia Civil Society Forum and Civic Solidarity Platform was presented at the OSCE Human Dimension Implementation Meeting in Warsaw on 22 September - 2 October 2015.



A review of the reasons why NGOs have been entered in the foreign agents registry reveals that foreign funding is the main criterion, broadly understood to include funds contributed by Russian benefactors but stored in foreign accounts (as in the case of the Dynasty Foundation, where Russian philanthropist Dmitry Zimin has been the sole donor), membership fees contributed by individuals who have earned their income from an unrelated organization which receives foreign funding (as in the case of the Committee for the Prevention of Torture), and private donations from non-Russian nationals (as in the case of the Golos Foundation).

The second criterion of 'engaging in political activity with the purpose of influencing decision-making by public authorities aimed at changing public policies' has also been interpreted broadly to potentially include any civic activity, such as a bike ride or donating books to municipal libraries, by arbitrarily branding it as political activity in the form of either political action or attempt to influence public opinion.

> *Igor Kalyapin, Chair of the 'Committee against Torture', commented on ineptitude of the 'political activity' interpretation in the law of 'foreign agents': "To label us as a 'foreign agent' NGO, the prosecutor's office accuses us in telling the public and the government authorities about torture in the hands of police and ineffective investigations by the Russian Investigation Committee. The prosecutor's office also refers to our annual picket on the International Day in Support of Victims of Torture and related publications as 'political activity' and an intention to change the Russian government policy. Therefore, according to the argument of the prosecutor's office, the Russian government's policy consists of police torture and its concealment by the investigation authorities. As far as torture and ineffective investigation do not constitute the government policy in our country, our work cannot be considered as an intention to change it."*[3]

[3] Foreign agents have been discovered in Mari El (in Russian), 25.01.2015, Vash Novy Den', http://www.vnd12.ru/news/obschestvo/4083-v-mariy-el-poyavilis-inostrannye-agenty.html

Legal provisions exempting certain types of activities[4] have not been observed, and NGOs listed in the registry include charitable, social and environmental organizations.

> *Anna Kireeva, PR specialist of 'Bellona-Murmansk' describes the challenge that her environmental NGO is facing: "This year, the Russian Ministry of Justice conducted an unscheduled inspection in our office following unknown denunciation. As a result, 'Bellona-Murmansk' founding documents and its 20-year long working materials were referred to as 'political activity.' The most surprising fact was that a year ago the Murmansk Ministry of Justice did not find any 'political activity' in our work. Moreover, two years ago the Murmansk Prosecutor's Office inspection did not find any signs of political activity either. We have not changed anything in our work – we publish reports on environmental issues, organise round table discussions, seminars and conferences… 'Bellona-Murmansk' decided not to litigate the allegations of the Ministry of Justice. We think there is no chance to win the case. Today, 'Bellona-Murmansk' has to terminate its work as a Russian environmental organisation."*[5]

As a new aspect of the more recent checks performed since November 2014, NGOs subjected to such inspections have almost simultaneously faced both administrative proceedings for failure to register as foreign agents and involuntary entry in the registry. Administrative proceedings usually result in fines of 300,000 to 500,000 rubles for the organization and 100,000 to 300,000 rubles for its director. Despite the Constitutional Court's ruling of April 8, 2014, judges rarely keep administrative fines below the lower limit.

We know of at least 108 cases of administrative proceedings initiated against NGOs for failure to register voluntarily as 'foreign agents'; of these, 17 were opened against NGO directors and 91 against NGOs as entities. The total amount of fines imposed on NGOs for failure to register voluntarily as 'foreign agents' currently exceeds 14,000,000 rubles (including fines imposed by court judgments already in force, as well as those imposed by first instance courts which have not yet come into force).

Overall, NGOs are required to pay a total of 12.3 million rubles pursuant to the 55 judgments which have come into force; another 2.5 million rubles' worth of fines have been imposed by 12 first instance court judgments—most of which, to the best of our knowledge, are being appealed at the moment.

At the time of this writing, 29 administrative proceedings have been closed—in most cases, on appeal; of these, the reasons for the proceedings to be discontinued included absence of offense in eight cases, expired statute of limitations in 12 cases, and the rest of cases were dropped on formal and other grounds.

In eight other instances, appeal courts have sent the cases back to be reconsidered.

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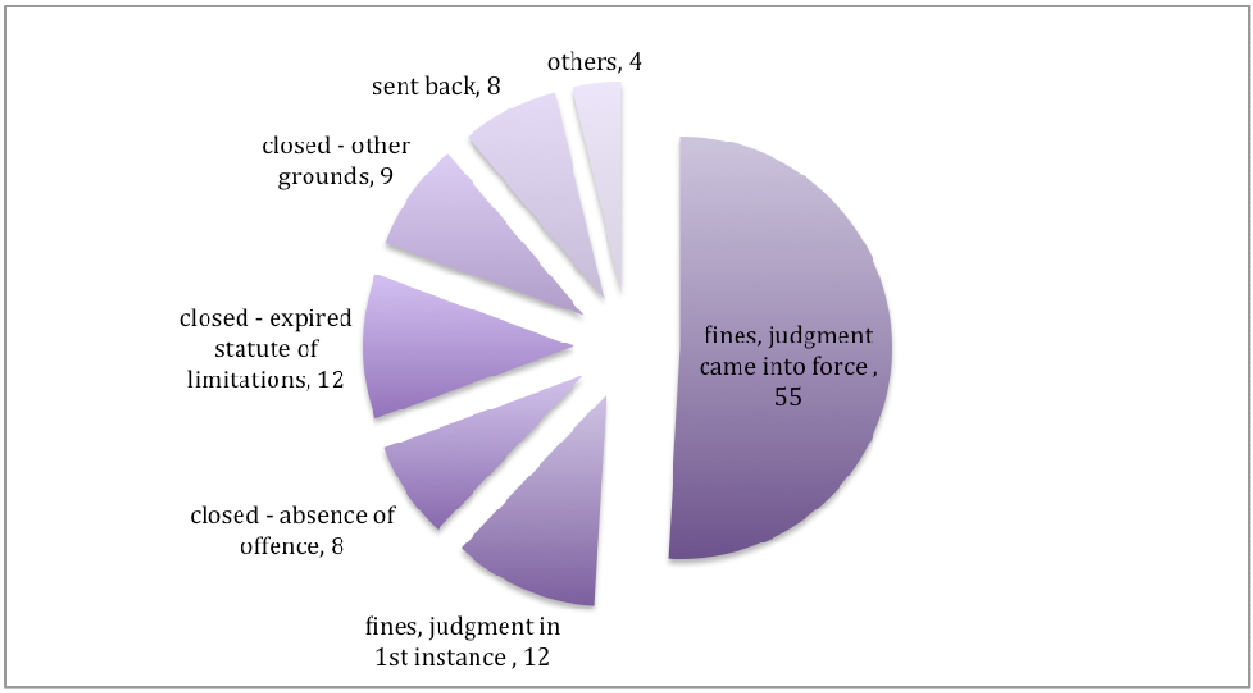
[4]"Political activity shall not include activity in fields such as research, culture, art, health care, public health and disease prevention, social support and social protection, motherhood and childhood protection, social support of people with disabilities, health promotion, physical culture and sports, plant and wildlife protection, charitable work, and support of philanthropy and volunteerism," article 2, para 6, of the Federal Law of 12 January 1996 № 7-FZ on Nonprofit Organizations.

[5] Branded 'agents' for assistance to refugees? (in Russian), 21.04.2015, Radio Liberty/Radio Free Europe, http://www.svoboda.org/content/transcript/26970192.html

The outcomes of court proceedings based on administrative charges of failure to register as a 'foreign agent'



In no known instance of being forcibly included by MoJ in the foreign agents registry have NGOs accepted the Ministry's actions as legitimate. Instead, NGOs have declared being prepared to dissolve rather than accept the stigmatizing and misleading label of 'foreign agent' imposed on them. The vast majority of organizations entered in the registry against their will have challenged or are planning to challenge this decision in court. However, in no known case to date has a Russian court overturned the Ministry's decision to forcibly enter an NGO in the foreign agents registry.

> *Natalia Taubina, Director of the 'Public Verdict' Foundation, described the organisation's position regarding the 'foreign agents' law: "The Russian Ministry of Justice forcefully enlisted us in the registry [of 'foreign agents'] on the grounds of the Prosecutor's order, which we were litigating in the court at the very same time. We do not accept this label and try to contest it in the court, while submitting all necessary reports. We state that the Public Verdict's independence and objectivity is based on a variety of its funding sources – institutional and private, Russian and international. Today's budget of 'Public Verdict' is mainly formed from the federal budget, foreign charitable foundations, intergovernmental charitable foundations and private donations. I think that today's option that gives an NGO a chance to leave the registry is detrimental: you can be discharged from the list only when you renounce your foreign funding. While the law gives two main grounds for enlistment: foreign funding and engagement into 'political activity', it provides only one way out of the registry (unless you do not want to shut your NGO down) – to give up foreign funding. This means that the 'political activity' charge can still be applied to the rest of NGOs. 'Public Verdict' will continue its original work and keep its founding principles. If they*

drain our budget with the fines for not labeling ourselves as 'foreign agent,' we will have to liquidate our legal entity. But the team will continue its work."[6]

In late June and early July 2015, the Russian Ministry of Justice sent out warnings to several Russian NGOs, previously entered involuntarily in the foreign agents registry, demanding that the said NGOs label all their materials with an indication that the organization is listed in the foreign agents registry, otherwise they would be in violation of the Code of Administrative Offences.[7] Following the Ministry of Justice's warnings, Roskomnadzor filed reports of administrative violations for failing to indicate the foreign agent status on their materials.

Thus, a new practice of punishing NGOs for failure to place the 'foreign agent' label on their materials has emerged.

Out review of this practice suggests that the legal provision on 'foreign agent' labeling has been interpreted arbitrarily both by executive authorities and courts; thus, it is not only used to further stigmatize NGOs, but also serves as a weapon of their destruction. Fines ranging from 300,000 to 500,000 rubles have been imposed on NGOs based on every single report of administrative offense consisting of failure to label a publication. While in some cases one report of administrative violation covered several unlabeled publications, in certain other cases separate reports were issued for each publication (as in the cases of the Committee against Torture, Golos Association, Memorial Human Rights Center, and others). Indeed, the number of such reports targeting an organization operating in the public space can be unlimited. For example, four reports have been filed against Golos, of them three have resulted in effective court judgments imposing a total of 1,200,000 rubles worth of fines, and the fourth report has resulted in a fine of 300,000 rubles imposed by the first instance court and not yet effective.

Roskomnadzor has filed reports against NGOs branded as 'foreign agents' even for unlabeled publications posted by other organizations on other websites (in particular, in the cases of the Memorial Human Rights Center and Golos Association). In certain instances, reports have been filed against NGOs for publications which in fact contained a reference to the organization being included in the 'foreign agents' registry (in particular, the Public Verdict Foundation). In Krasnodar, a local alumni organization placed the 'foreign agent' label on their publications immediately after receiving a letter from Roskomnadzor concerning potential charges against them; although the organization had officially corrected the violation before the report was filed, Roskomnadzor took the case to court anyway.

Courts tend to ignore NGOs' arguments and side with Roskomnadzor, exercising their discretion only in determining the amount of the fine. Lower fines of 150,000 rubles have been imposed in respect of just three NGOs: Bellona-Murmansk (two reports), Agora Association (three reports) and Krasnodar Alumni Organization (one report).

As of end-May 2016, there were 39 known cases of administrative proceedings pending, including four cases against NGO directors and the rest against NGOs as entities. In total, NGOs are required to

[6] Natalia Taubina on the Registry of 'foreign agents' (in Russian), 22.06.2015, Human Rights in Russia, http://hro.org/node/22553

[7] "Publication and/or dissemination of materials, including through mass media and/or the internet, by a non-profit organization acting as a foreign agent without specifying that such materials are published and/or disseminated by a non-profit organization acting as a foreign agent is punishable by an administrative fine of 100,000 to 300,000 rubles for officials and 300,000 to 500,000 for legal entities," article 19.34, part 2, of the Russian Code of Administrative Offences.

pay 3.35 million rubles pursuant to 14 judgments which have come into force. Another 4.250 million rubles worth of fines have been imposed by 13 first instance court judgments, which are currently being appealed. Three reports have been returned to Roskomnadzor, one sent back to the first-instance court for reconsideration, one case dismissed, and the rest still pending.

In March 2015, new amendments to the legislation regulating NGOs came into force; they established a procedure for taking NGOs off the foreign agents registry. Organizations which have not received foreign funding and/or have not engaged in political activity for at least a year can ask MoJ to take them off the registry; the Ministry of Justice will then conduct an ad-hoc check to verify that the NGO in question does not receive foreign funding and/or does not engage in political activity and decide within thee month whether the organization may be removed from the registry. As of May 31, 2016, eighteen NGOs have been deleted from the registry following their dissolution, and twelve more have been removed following MoJ's ad-hoc checks confirming that they stopped acting as a foreign agent and were not receiving any foreign funding.

It needs to be mentioned that in a number of cases in which NGOs applied to be taken off the list, the Ministry of Justice denied the request insisting that their inspection of the NGO in question had detected foreign funding. However, what they described as foreign funding of the NGO concerned had nothing to do with it and included, e.g. funds which belonged to a different organization—member of a broader network where the 'foreign agent' NGO was also involved (the case of the Movement for Human Rights) or payment earned by a member of the 'foreign agent' NGO as a freelancer under a service contract with a foreign company, properly declared as personal income, with all taxes paid (Golos Association).

> *"Golos has never received any foreign funding, yet [the authorities] have been inventing pretexts for declaring certain funds to be [the NGO's] foreign funding, thus giving rise to practices which contradict the law" (Grigory Melkonyants, co-chairman of the Golos Movement).*[8]

It should be noted, however, that the foreign agents registry on MoJ's website still displays the entries of all NGOs ever included in the registry even after they have been officially removed.

The foreign agents law and its enforcement have had a stifling impact on Russia's civil society. Dozens of organizations have decided to dissolve. As a result, Russia has lost an NGO defending the rights of Roma and offering multiple support programs for vulnerable citizens (the 'Memorial' Anti-Discrimination Center was dissolved in 2014), the unique 'Perm-36' Museum, and a number of research and educational centers. Organizations are forced to reconsider their programs and close some of them either because the 'foreign agent' label makes running them impossible or for lack of support. A few organizations have decided not to accept foreign funding; however, none of the NGOs entered in the foreign agents registry has been awarded any of the so-called 'presidential grants' in Russia in 2015. In addition to forced dissolutions, NGOs branded as 'foreign agents' have been legally prohibited from monitoring elections, while debates are ongoing in the government on whether they should be banned from yet more types of activities, such as serving on Public Observation Commissions engaged in civilian monitoring of places of detention, or collecting and analyzing data on law enforcement practices.

[8] https://www.vedomosti.ru/politics/articles/2016/05/11/640573-kritika-zakona-inostrannih-agentah-yavlyaetsya-povodom-priznaniya-organizatsii-agentom

"Pressure against the museum began in the summer of 2012, when the authorities, under the pretext of sequestering the regional budget, refused to host the annual Pilorama [Sawmill] Civil Society Forum at the former political prison [i.e. the 'Perm-36' Museum]. Later, the regional Ministry of Culture established the 'Perm-36' State Autonomous Institution of Culture and transferred the museum's collections and land to the new entity, while the archives and property of the 'Perm-36' NGO were sealed off"[9] *(the 'Perm-36' Memorial Museum is the only existing museum of the GULAG; the NGO is currently in the process of dissolution initiated following their forced entry in the foreign agents registry; in the summer of 2015, the NGO and its director Tatiana Kursina were fined 300,000 and 100,000 rubles, respectively, for refusing to voluntarily register as 'foreign agents')*

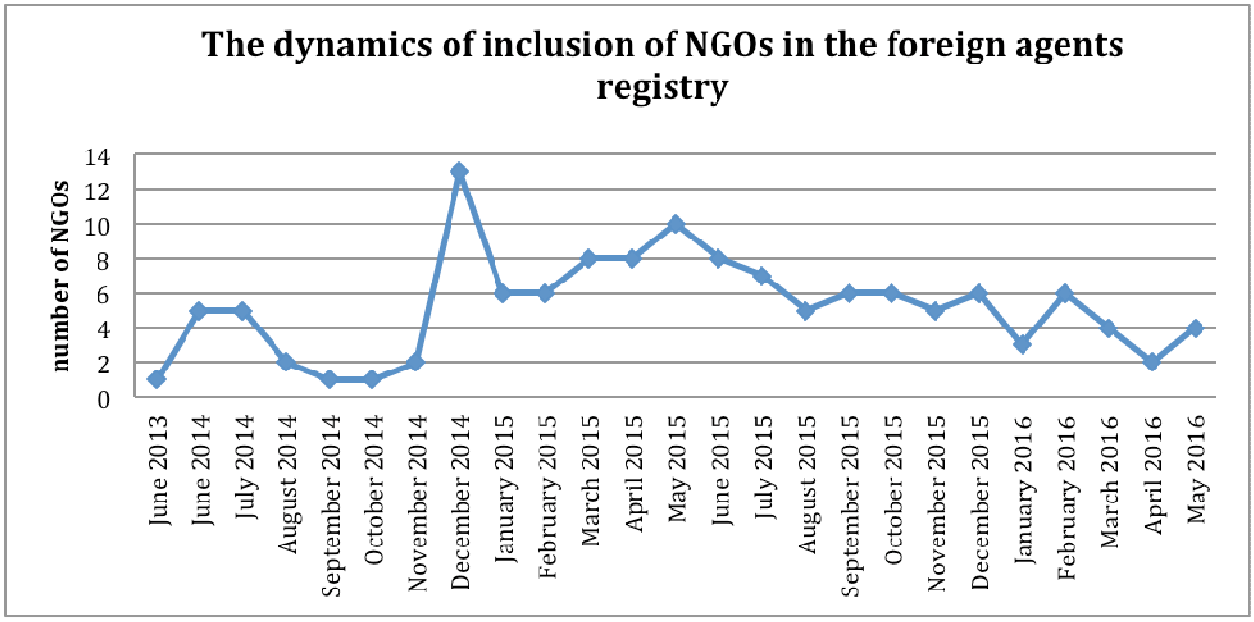
"Like other NGOs, this organization never engaged in political activity in the true sense of the word; it did not seek political power and did not participate in elections. The only thing that the enthusiasts who created the museum were doing was to restore, bit by bit, the little-known and unpleasant pages of this country's history. Entering this museum in the 'foreign agents' list is nothing but trying to suppress our memory and our history" (Irina Kizilova, director of the human rights advocacy service run by the the Perm branch of the 'Memorial' Society that first initiated the 'Perm-36' Museum, now the 'Perm-36' Memorial Center of the History of Political Repression.)[10]

In addition to that, NGOs forcibly entered in the foreign agents registry face increasing problems in dealing with various authorities wary of making contact with such organizations. Lawyers and attorneys taking human rights cases to courts have been faced with attempts to remove them from proceedings solely for their collaboration with 'foreign agents'. Pro-government mass media have continuously engaged in campaigns to stigmatize NGOs branded as foreign agents.

Svetlana Gannushkina, Chair of the 'Civic Assistance Committee for Refugees and Asylum Seekers' referred to reluctance of the government agencies' to cooperate with the 'foreign agent' NGOs: "The law ruined our reputation. Russian society has been persuaded that, as Vladimir Putin likes to argue, 'he who pays the piper calls the tune.' At some point I had to circulate invitations [to our legal seminars] not on our behalf but from on behalf of the human rights ombudsman. Only representatives of the Russian federal migration agency accepted invitations. This is very frustrating because we are eager to cooperate with the government agencies. No civic organization can solve the problems of migrants alone."[11]

Generally, it should be noted that in recent months, the practice of applying the 'foreign agents' law has shifted from efforts to add new NGOs to the registry to building pressure and tightening sanctions against the already listed NGOs. This is evidenced by the above data on court-imposed fines and the graph showing the dynamics of new additions to the registry.

[9] http://newsland.com/news/detail/id/1538978/
[10] http://newsland.com/news/detail/id/1538978/
[11] *Ibid*



> *"They [*NGOs*] face huge fines for failure to label their materials or to apply to be listed in the register, and a number of requests for [*involuntary*] liquidation of such organizations have been filed " (Kiriil Koroteyev, senior lawyer, Memorial Human Rights Center).*[12]

In May 2016, the first pre-investigation inquiry was opened against an NGO director—Valentina Cherevatenko, leader of the Women of the Don Union and Women of the Don Foundation in Rostov region—for alleged "malevolent evasion" of duties imposed by the legislation on "non-profit organizations performing the functions of foreign agents." The Russian Penal Code provides for criminal liability punishable by up to two years of prison for non-compliance with the 'foreign agents' law in article 330.1, added in 2012 in a series of amendments pursuant to the enactment of the 'foreign agents' law; criminal charges under this article can be brought against an individual for "malevolent evasion of the duty to file the documents required for inclusion in the register of non-profit organizations performing the functions of a foreign agent."

> *"We are convinced that the Russian Investigative Committee's actions in regard of Valentina Cherevatenko constitute an unfounded and disproportionate interference in the operation of civil society organizations and violate Russia's international human rights obligations. Moreover, these actions can establish a dangerous new precedent for criminalization of peaceful and legitimate human rights activity, thus violating the foundations of a democratic society and the rule of law. We strongly believe that by prosecuting Valentina Cherevatenko, the Russian authorities are effectively bringing charges against the entire Russian civil society. This case makes it even more obvious that the 'foreign agents' law is unlawful, repressive and needs to be abolished" (from a Statement signed by 195 Russian and international civil society activists representing NGOs from more than 20 countries).*[13]

Signed by the Russian President on June 2, 2016, a new law amending the definition of political activity has effectively legalized the emerging arbitrary practices of enforcing the 'foreign agents' law. While according to the former definition, NGOs could be found to engage in political activity for attempting to influence decision-making by public authorities with the aim of changing public policies, and this definition had enabled NGOs to contest their inclusion in the 'foreign agents'

[12] https://www.vedomosti.ru/politics/articles/2016/05/11/640573-kritika-zakona-inostrannih-agentah-yavlyaetsya-povodom-priznaniya-organizatsii-agentom

[13] http://publicverdict.org/topics/appeals/12176.html

registry by arguing that they were not trying to change public policies, but instead trying to get the government officials to comply with such policies. The new amendments make this argument invalid, as any type of public activity is now defined as political activity. For example, "dissemination of opinions concerning public authorities' decisions and policies" is now considered a form of political activity.14

The Law on Undesirable Foreign and International NGOs

On June 3, 2015, a federal law came into force amending a number of existing legal acts[15] and introducing the concept of 'undesirable organizations'.

By this law, any foreign or international non-governmental organization can be declared 'undesirable' in Russia if its activity is found to threaten the foundations of Russia's constitutional system, defense or national security. Such 'undesirable' organizations are not allowed to have any structural subdivisions in Russia, implement any programs (projects), produce, store and distribute informational materials, conduct mass actions and public events, and use bank accounts and deposits, except for settlement of the organization's obligations. In essence, being declared 'undesirable' means a total ban on working in Russia.

By the same law, the decision to declare an organization 'undesirable' lies with the Russian Prosecutor General or their deputy who makes it in consultations with the Foreign Ministry. The Ministry of Justice is responsible for maintaining a list of 'undesirable' organizations. There is no requirement in the law for the officials to substantiate their decision, no any provisions for judicial review at the stages of finding and listing an organization as 'undesirable'. Instead, any organization declared 'undesirable' can then challenge the decision in court.

The law also provides for administrative and criminal liability imposed on organizations declared 'undesirable', their directors and anyone who continues to collaborate with such organizations. Thus, continuing operation of an organization declared 'undesirable' (i.e. either running such an organization or being involved in its activities) in Russia may result in an administrative fine, and

[14] From the following definition of political activity in Federal Law № 179-FZ: "A non-profit organization, with the exception of political parties, shall be considered engaging in political activity in the territory of the Russian Federation if notwithstanding the goals and objectives stated in its founding documents, it carries out activities in spheres such as state-building; protecting the foundations of the constitutional system of the Russian Federation, its federal structure, sovereignty and territorial integrity; promoting law and order, national security and public safety; national defense and foreign policy; economic, social and national development of the Russian Federation and the development of its political system; operation of government authorities and local self-government bodies; and legal regulation of individual rights and liberties—with the aim of influencing public policy elaboration and implementation, formation of government and local self-government bodies, their decisions and actions. The above activities can take the following forms: participation in organizing and conducting public events such as meetings, rallies, demonstrations, marches or pickets or various combinations of these forms; organizing and conducting public debates, discussions, talks; participation in activities aimed at obtaining a specific result in elections and referenda; monitoring elections and referenda; formation of election commissions and referendum commissions; participation in the activities of political parties; public appeals to government and local self government bodies and their officials, as well as other actions which can have an impact on the activities of such bodies, including those seeking the adoption, amendment, or repeal of laws and other regulations; dissemination—including via modern information technology—of opinions concerning public authorities' decisions and policies; efforts to shape public and political opinions and beliefs, including by conducting public opinion polls and publication of their results, and other types of sociological research; involving citizens, including minors, in the above activities, and financing the above activities. "

[15] FZ-129 of May 23, 2015

following two such fines within one year, running such an organization or continued involvement in its activities will be treated as a criminal offense punishable by up to six years of imprisonment.[16]

And finally, the law stipulates that a foreign national or stateless person involved in activities of an 'undesirable' organization may be banned from entering Russia.

Experts have expressed concerns that the law's vague wording, lack of judicial review at the decision-making stage and no requirement to substantiate the decision open the door for arbitrary enforcement and may lead to further isolation of civil society and to the dismantling of all legal and transparent mechanisms of supporting civic initiatives in Russia.

Since the law was adopted, the Prosecutor General's Office has received a series of requests to declare 'undesirable' internationally recognized human rights organizations such as Amnesty International and Human Rights Watch and international donors such as the Open Society Foundations, the MacArthur Foundation, the National Endowment for Democracy, and others.

On June 24, 2015, addressing a meeting of the Council for Science and Education in Kremlin, Russian President Vladimir Putin said, "We all know—or maybe someone does not know—that the so-called foreign foundations work in schools; a network of such organizations have 'rummaged' through schools in the Russian Federation for many years under the guise of supporting talented young people. In reality, they simply hoover everything up like a vacuum. They find [potential students] at schools and get them hooked on grants, and then take them away. Therefore, we need to pay attention to them, too."[17]

Considering that many experts associated the onset of the pressure campaign against civil society with the President's speech at the FSB Board meeting in February 2013, this statement, according to experts, may have triggered a campaign to stop foreign support of Russia's civil society by using the law on undesirable organizations.

In early July 2015, Russia's Federation Council came up with a 'patriotic stop list' and made a related appeal to the Prosecutor General, the Minister of Foreign Affairs and the Minister of Justice of the Russian Federation. The stop list included: the Open Society Institute (Soros Foundation), the National Endowment for Democracy, the International Republican Institute, the National Democratic Institute for International Affairs, the MacArthur Foundation, Freedom House, the Charles Stewart Mott Foundation, the Education for Democracy Foundation, the East European Democracy Center, the World Congress of Ukrainians, the Ukrainian World Coordinating Council, and the Crimean Field Mission on Human Rights.

Presenting the appeal, Chairman of the Federation Council Committee on International Affairs Konstantin Kosachev said that "the patriotic stop list serves primarily a warning function sending a signal to our [domestic] civil society institutions that contacts with certain foreign entities can bring big problems to them in the future."[18]

As a result, on July 27, 2015, the Ministry of Justice entered the National Endowment for Democracy in its Registry of foreign and international non-governmental organizations whose activities are

[16] Anyone who voluntarily stops any involvement in the activities of an 'undesirable' organization shall be free from criminal liability (Article 1).
[17] RIA Novostihttp://ria.ru/society/20150624/1084949791.html#ixzz3dzQHHTxJ
[18] Official site of the Federal Council of the Russian Federation РФ http://www.council.gov.ru/press-center/news/57334/

considered undesirable in the Russian Federation. Subsequently, more organizations were added to the 'undesirable' List, including the Open Society Institute Assistance Foundation, Open Society Foundation, U.S. Russia Foundation for Economic Advancement and the Rule of Law, and the National Democratic Institute for international Affairs. Their activities have been banned in Russia.

Over the year since the President's speech at the Council for Science and Education, government officials have made numerous public statements containing negative comments on international donor organizations.

In addition to that, a campaign of stigma and blame against international donors has led to decision by the MacArthur Foundation and the Charles Stewart Mott Foundation to announce termination of their programs in Russia.

> *"The recent passage and implementation of several laws in Russia make it all but impossible for international foundations to operate effectively and support worthy civil society organizations in that country. These measures include a law requiring Russian non-governmental organizations to register as foreign agents if they receive foreign funding and engage in "political activities." The most recent such measure is a law allowing authorities to declare the activities of international organizations "undesirable" if they present "a threat to the foundations of the constitutional order of the Russian Federation, the defense capability of the country or the security of the state."… Contrary to the premise underlying the Federation Council's vote, our activities in Russia, at all times, have been to further charitable purposes and benefit Russian citizens and society. We are entirely independent of the United States government and receive no funding from it. We have never supported political activities or other actions that could reasonably be construed as meeting the definition of "undesirable."*[19]

Recommendations

1. We urge the Russian authorities to comply with their international human rights obligations, in particular the right to freedom of association. We urge the Russian authorities to stop their campaign of pressure and persecution against NGOs engaging in their professional activity and ensure, without delay, a favorable environment for the work of NGOs and civil society activists in the country, including by bringing the legislation on non-profit organizations in full compliance with international standards.
2. We urge the international community to continue pushing for full implementation of international standards by the Russian Federation. During negotiations with Russian officials at different levels, it should be insisted that Russia should perform its international obligations.
3. Crackdown on civil society in Russia should be put high on the agenda in all levels of interactions with the Russian government. It should be made clear to Russian official that this

[19] From the official Statement of MacArthur President Julia Stasch https://www.macfound.org/press/press-releases/statement-macarthur-president-julia-stasch-foundations-russia-office/#sthash.ZHE7h3Di.dpuf

crackdown goes contrary to the very essence of international human rights norms and principles.

4. International community should also continue to publicly express its strong disagreement with unprecedented harassment of NGOs in Russia and to call and demand guarantees of unhindered and free activity of Russian civil society organizations.
5. International community should also continue to counter false statements by Russian officials that the Russian law on foreign agents is modeled after Western laws, is compatible with international human rights standards, and is not of a punitive nature. The same concerns the claims of the Russian official that the law on “foreign agents” and its repressive implementation are an ‘internal matter.” It should be made clear to Russian official that according to universal human rights principles, including Helsinki Final Act, human rights are a matter of legitimate concern to other states and international organizations and these principles should be respected by the Russian Federation.
6. We urge international community to call for a repeal of the 'foreign agents' law and for elimination of the 'foreign agents' registry as well as for removing any legal ban on certain types of activities for organizations branded as 'foreign agents'.
7. To demand that the law on 'undesirable organizations' should be repealed or revised to conform with the international standards of clarity; ensure its legal certainty, justification and transparency of decisions, and provide for judicial review at the decision-making stage.