



Shrinking of the space for civil society and human rights defenders

Overview 2015 – august 2016

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Major changes in legislation on NGOs and human rights activity (2012-2016).

After the reelection of Vladimir Putin as president in 2012, Russia had taken dozens of laws restricting freedom of expression and citizen participation in the management of state affairs. This series can be attributed to the law on "foreign agents."

Currently in the register as "foreign agents" included more than 140 best-known and most successful NGOs working both within their region and throughout Russia. As a result, the organization suffered heavy fines, numerous inspections, many of them were forced to stop their activities.

Chase suffered mainly organizations that allow themselves to criticize the state activity in the protection of human rights, fulfillment of social obligations of the state, protection of the environment or represent the interests of socially vulnerable groups, such as LGBT.

Registration of NGOs

NGO registration procedure is complex and lengthy. According to official data, in 2015 from 70 000 applications for registration Ministry of Justice has approved only 16 000¹.

Key changes

NGOs have tried to achieve the replacement of the term "foreign agent" on softer and fair formulation "organization receiving foreign funding." Long negotiations of human rights defenders and the authorities have made clear that the main target "of foreign agents" law is a human rights NGO. Authorities "particularized" the notion of political activity - included virtually any social activity - observation of elections, public appeal to the state bodies, local authorities, dissemination, including via the Internet, of public authorities solutions, implementation and disclosure of public opinion polls, NGO participation in assemblies and processions, activity in efforts "to obtain the result of the election," or referendum.

In October 2015 a government commission approved the amendments to the law on PMC, according to which the NGOs performing the functions of a foreign agent, will not be able to nominate candidates to members of public monitoring commissions².

In December 2015 the Ministry of Justice proposed to recognize foreign-funded contributions from Russians with the second foreign citizenship³.

The Ministry Mass Communications has prepared a bill, which proposes to prohibit "foreign agents" to establish media⁴.

¹ Лишние люди: как государство регулирует некоммерческий сектор // Форбс. 04.03.2015. URL: <http://m.forbes.ru/article.php?id=314095>

² Мухаметшина Е. Иностранным агентам запретят наблюдать за местами лишения свободы // Ведомости. 21.10.2015. URL: <http://www.vedomosti.ru/politics/articles/2015/10/21/613636-ino-strannim-agentam-zapretyat-nablyudat-mestami-lisheniya-svobodi>

³ Бочарова С., Гликин М., Рустамова Ф. Одобрение власти станет поводом для причисления к иностранным агентам // РБК. 6.12.15. URL: <http://www.rbc.ru/politics/10/06/2015/5578267c9a7947135be386d6>

⁴ Чуракова О. Минкомсвязи хочет запретить иностранным агентам учреждать СМИ // Ведомости. 19.08.2015. URL: <https://www.vedomosti.ru/politics/articles/2015/08/20/605526-min-komsvyazi-hochet-zapretit-inostrannim-agentam-uchrezhdatsmi>

Accounting Law is supplemented with a ban for NGOs - "foreign agents" to apply the simplified system of taxation. The statute of limitations for bringing to administrative responsibility for the refusal to include in the register of foreign agents increased from three months to one year⁵.

Undesirable organizations

In 2015, legislation was passed on "undesirable organizations", introducing an absolute ban on foreign or international organization, if the General Prosecutor's Office decides to recognize it as undesirable. According to Deputy Director of the Federal Service for Financial Monitoring Livadny, actively financing of foreign agents - one of the main markers that defines Undesirable effects for foreign organizations.

Under the new law, the organization recognized as undesirable, if it is a threat to the fundamentals of the constitutional system of the Russian Federation, the country's defense and state security. Introduce a ban on the dissemination of information materials of "undesirable organizations", including in the media and on the Internet.

Since the publication of the decision of an organization recognized undesirable, prohibited to carry out on the territory of the Russian Federation in any activity, and this prohibition also applies to projects which the organization funded⁶. Funds from undesirable organizations can not physically get to Russia - credit organizations prescribed refuse to carry out their transactions with their funds and required to inform the federal body on counteraction to legalization of proceeds from crime and financing of terrorism.

For management of undesirable entity or participate in its activities, provided twice during the year bringing to administrative responsibility "for the same act" introduced criminal liability - for up to six years in prison. Administrative liability is introduced for the implementation of activities or participation in the activities of undesirable organizations. This official may be fined up to 50 000 rubles, the organization - to 100 000 rubles.

In August 2016 in "undesirable organizations" list were seven US organizations –

1. *The National Endowment for Democracy*
2. *OSI Assistance Foundation*
3. *Open Society Foundation*
4. *U.S. RUSSIA FOUNDATION FOR ECONOMIC ADVANCEMENT AND THE RULE OF LAW*
5. *National Democratic Institute for International Affairs*
6. *MEDIA DEVELOPMENT INVESTMENT FUND, Inc.*
7. *International Republican Institute.*⁷

Analysis of trends in law enforcement (2015-1016), administrative and judicial harassment of human rights defenders.

Self-liquidation of the organizations

⁵ Продлен срок привлечения к административной ответственности организаций — иностранных агентов // Эхо Москвы. 04.11.2015. <http://echo.msk.ru/news/1652630-echo.html>

⁶ Закон о «нежелательных НПО» исключит возможность работы любых организаций, неугодных властям: правовой анализ // Article20.org. 17.05.2015. URL: <http://www.article20.org/ru/news/zakon-o-nezhelelatelnykh-npo-isklyuchit-vozmozhnost-raboty-lyu>.

⁷ Перечень иностранных и международных неправительственных организаций, деятельность которых признана нежелательной на территории Российской Федерации // <http://minjust.ru/ru/activity/nko/unwanted>

As of mid-2016 at least 18 NGOs, listed in the register as "foreign agents", were forced liquidate itself. A number of organizations have applied for voluntary liquidation, without waiting for inclusion in the register.⁸

In the Penza region non-profit organization "Panacea", which dealt with the help of drug addicts and the fight against HIV, is closed due to the prosecutor's office demands to recognize it as foreign agent.

Rostov "Ekologika" had applied for liquidation, but it was refused because of failure to pay a fine of 300 000 rubles, imposed by the court for failure to apply for voluntary inclusion in the register of foreign agents.

Denial of official structures to cooperate with NGOs

NGOs feared that the status of the foreign agent will create problems in co-operation with the authorities. In fact, it turned out that negative rhetoric from the campaign for the introduction in the legislation of that status were affected all NGOs.

Head of Fund "Public Verdict" Natalia Taubina said that even before the inclusion in the register as "foreign agents", in July 2014, ceased to cooperate with NGOs, law enforcement agencies, which previously interacted productively.

The head of the Union "Women of Don" Valentina Cherevatenko: "The police and inspection juvenile are deaf to us , like a wall, although in the past we have cooperate"⁹.

Penalties for failure to fulfill the duties of a foreign agent

In 2015, authorities began actively penalize NGOs for failing to report on their activities or sites about government-imposed status.

In view of the appellate review in 2016 NGO were fined 8,536,000 rubles:

- The head of the Samara "GOLOS" Lyudmila Kuzmina - 2 200 000 rubles
- Inter-regional public fund to promote civil society development " GOLOS -Ural" - 1.936 million rubles in VAT debts and penalties
- Association " GOLOS " - 1 200 000 rubles (for the lack of marking on the status of a "foreign agent" in publications on the site)
- Movement "For Human Rights" - 900 000 rubles.
- Fund "Public Verdict" - 400 000 rubles
- Center for Support of Indigenous Peoples of the North - 300 000 rubles
- Charitable environmental organization "Green World" - 300 000 rubles
- Committee on prevention of tortures - 300,000 rubles, plus the head of the organization - 100 000 rubles
- • Association "GOLOS" - 300 000 rubles
- • Irkutsk regional public organization "Baikal Environmental Wave" - 150 000 rubles
- • School of Ecology "Tengri" - 150 000 rubles.
- • Inter-regional public organization "Man and Law" - 150 000 rubles.
- Krasnodar regional public organization of university graduates - 100,000 rubles, director - 50 000 rubles.

⁸ Пензенская область: организация по борьбе с ВИЧ закрывается из-за иска прокуратуры //09.08.2016. URL: <http://www.bbc.com/russian/news-37021188>

⁹ «Я чувствую себя как человек, которого посадили в клетку» // Такие дела. 15.06.2015. URL: <http://takiedela.ru/2015/06/ngo/>.

The first deputy chairman of the State Duma Committee on Economic Policy, Innovative Development and Entrepreneurship Emelyanov offered directly prohibit to NGOs receive any grants from abroad: "If we want our country to remain sovereign, to allow foreign funding of our NGO is not necessary. Remember: never the money of a foreign state were used for the benefit of the population of another country. They are only used for the enslavement of the people. This is a political axiom. "

Already now on funding of the Russian "third sector" significantly affects the legislation on undesirable organizations.

After entering the informal stop list MacArthur Foundation, for decades was conducting charitable activities in the Russian Federation, decided to terminate its program: "The statements by Russian officials, as well as the inclusion of the MacArthur Foundation in "patriotic stop-list "of the Council of Federation of the Federal Assembly RF clearly indicate that the Russian authorities are not willing to fund the continued presence on the territory of Russia. "

Funding from Russian sources

Leader of "Ecodefense!" Vladimir Slivyak "Campaigns of environmentalists - is often a history where the public interest is faced with the state. In Russia today, there is no source of funding, which would give the money to fight for the public interest against the state. "

The Ministry of Justice has recognized "foreign agent", "Dynasty" fund, which supported many civic initiatives. The reason was the fact that the Fund is financed with foreign accounts of Russian citizen Dmitry Zimin. One of the reason for the persecution "Dynasty" was that it financing of Fund of fight against corruption and independent media.

Pressure on human rights defenders (2015-2016)

Threats and attacks

2015

On January 16 in the Omsk region were severely beaten by unknown two activists of "Public control", Alexander Alekhin and Ruslan Sedelnikov ¹⁰.

February 4 Makhachkala lawyer Murad Magomedov employee "Memorial" human rights center was beaten. According to his colleague Rinat Hamidov, Magomedov were beaten by five men directly in front of the doors of the Chamber of Attorneys near Supreme Court of Dagestan. As a result of the beating the lawyer partially lost memory, a broken jaw and knocked out his front teeth.

March 5 head of the Society for Human Rights Izzat Amon was beaten by guards of Detention center of foreign citizens of the Federal Migration Service in Sakharovo village, where he had gone to meet with the two detained citizens of Tajikistan ¹¹.

April 13 attack on an office of LGBT organization "Maximum", two people were injured. Unknown persons sprayed in the office suffocating gas¹².

¹⁰ <http://hro.org/node/21154>

¹¹ <http://www.ihahr-nis.org/ohrana-vremennogo-soderzhaniya-inostrancev-v-podmoskovnom-saharovo-izbila-pravozashchitnika>

¹² <http://www.ihahr-nis.org/v-murmanske-soversheno-napadenie-na-ofis-lgbt-organizacii>

May 19 at the website of news agency "Grozny-Inform" published an article containing death threats against the journalist of "Novaya Gazeta" and human rights activist Elena Milashina whose work in Chechnya is linked with documenting cases of enforced disappearances, arbitrary detentions, extrajudicial executions, tortures and persecution of relatives of alleged insurgents in Chechnya and other republics of the North Caucasus¹³.

In May, the head of "Planet Hope" Nadezhda Kutepova was forced to leave his native Ozersk. In the plot of the TV channel "Russia-24" showed the door to activist apartment. Reporter O. Skobeeva on the background of Ozersk, entwined in barbed wire, argued that the human rights organization in its statute were covered by help pregnant women, but in fact engaged in "industrial espionage on American money." In April 2016 Kutepova and her children have received international protection in France.

Special attention deserve the attacks on the offices, apartments and a bus of Joint Mobile Group (JMG) in Chechnya and Ingushetia, as well as on Igor Kalyapin (Committee of the prevention of torture). We give a brief description of the incidents in 2015 and 2016.

At the beginning of June 2015 the Chechen media spread the information that on June 3 at "Garden of the journalists" will be rally "Against the information war waged against Chechnya"¹⁴. Instead, around 10:00 in the courtyard that housed the office and apartments JMG, the group of people gathered in support of Dadaev killed in Grozny by Stavropol police. In 15 minutes after the start among them arrived group of young men armed with crowbars, sledgehammers and grinder in hoods, caps, sunglasses and medical masks. For two hours, these men broke the car belonging to the Committee against Torture, entered the staircase, cracked doors, entered alternately in apartments 18 and 17 and destroyed machinery and equipment. Around 11:00 JMG members, fearing physical violence, left the room through the window. The staff of the Committee against Torture from the office in Nizhny Novgorod watched the proceedings through video surveillance cameras, phoned to the law enforcement bodies of Chechnya and reported to commit crimes. Police arrived at the scene around 14:00, when the attackers had already fled¹⁵.

In the evening, March 9, 2016 at JMG car was attacked on the road from Grozny to Ingushetia. At the time of the attack in the car were: correspondent of the Norwegian media "Ny Tid" Oyten Vindstad, employee of "Swedish Radio" Lena Maria Persson Loeffgren, "Mediazona" journalist Egor Skovoroda, Alexandrina Elagina from the magazine The New Times, blogger Mikhail Solunin, a former employee of "Kommersant" Anton Prusakov, spokesman for the "Committee for the prevention of torture" Ivan Tenants and lawyer Catherine Vanslov and minibus driver Bashir Pliev.

About 20 young people thrown out them from the car and beaten. The car was set on fire. The victims called the police and an ambulance.

All journalists and human rights activists were injured varying degrees of severity, the most severely affected journalist from Sweden.¹⁶

On the same day, March 9, 2016 in the Ingush town of Karabulak, armed men in camouflage and masks attacked the headquarters of JMG. The attackers came to the house where the office is located on five machines. Three men climbed in through the window, and the rest - through the entrance.

March 16, 2016 in Grozny near the hotel "Grozny City" on Kadyrov Avenue was attacked

¹³ Журналисту «Новой газеты» Елене Милашиной угрожают убийством // Новая газ. 09.06.2015. URL: <http://www.novayagazeta.ru/politics/68758.html>.

¹⁴ В Грозном разгромили офис Комитета против пыток // Коммерсант.ru. 03.06.2015. URL: <http://www.kommersant.ru/doc/2740236>.

¹⁵ Каляпин И. Справка по нападению на офис МРОО «Комитет против пыток» в г. Грозном 3 июня 2015 г. // Комитет по преследованию пыток. URL: <http://pytkam.net/u/editor/news/4229/text/spravka.doc>

¹⁶<http://sos-hrd.org/node/1104>

the head of of the "Committee for the Prevention of tortures" Igor Kalyapin. The incident occurred after the man who introduced himself as an administrator of the hotel and police officers evicted Kalyapin from the room almost immediately after the settlement, without giving any explanation. At the entrance to the hotel 15 unknown young men in civilian clothes and black masks attacked human rights activist with eggs, cake, flour and green paint, inflicted several blows and escaped.

Searches

In April 2016, law enforcement officers came to the office of "Open Russia" with a search warrant. Russian Interior Ministry announced that the searches were carried out "in connection with the information received that the community activists carried out the development and storage of banners, leaflets and other products that contain calls for extremist activities." The searches took place, and at least ten employees of the organization, beginning at 06:00. Chief editor of the website "Open Russia" Veronica Kutsyllo was not at home, the investigators through the door threatened her minor child¹⁷.

7 July 2016 were carried out searches in the Moscow Movement headquarters "GOLOS", and also in apartments of employees of the organization Grigory Melkonyants, Roman Udot, Valentina Denisenko and Tatiana Troynova in connection with a criminal case on tax evasion in relation to the head of the Foundation "GOLOS - Povolzhie" Ludmila Kuzmina .

In the morning of November 6, 2016 in the office of "MASHR" the human rights organization working in Ingushetia, and at home of its leader Magomed Mutsolgov in the village Karabulak police officers conducted a search ¹⁸.

Criminal prosecution

In 2015, the investigating authorities had instituted at least three criminal cases against human rights defenders Lyudmila Kuzmina and Constantine Golava in the Samara region, and Mikhail Savva in the Krasnodar region. To all were applied preventive measures related to the restriction of freedom: against Golava and Savva who had to leave the country - detention and replacement of suspended sentence real deprivation of freedom, in the same Kuzmina foreign passport was confiscated.

In winter 2015 the Investigation Department of the Russian IC the Samara region in relation to the head of " GOLOS - Povolzhie " Lyudmila Kuzmina initiated a criminal case under part 1 of article 199 of the Criminal Code (tax evasion).

March 14, 2016 the Samara Regional Court ruled to collect from the head of the GOLOS - Povolzhie of two million one hundred five thousand rubles for a "crippled state non-payment of taxes on" profits ", which is supposedly be the donation.¹⁹

May 13, 2015 it became known that in Togliatti against Konstantin Golava, civil society activists and human rights activist, coordinator of the movement "Alternative to conscription", was initiated the criminal case under part 1 of article 282 of the Criminal Code (incitement of hatred or hostility, and humiliation of human dignity committed publicly or through the media).

¹⁷ Следователи пришли с обыском как минимум к десяти сторонникам «Открытой России» // Медиазона. 22.12.2015. URL: <http://zona.media/news/kak-minimum-k-desyati/>.

¹⁸ В Ингушетии в офис известной правозащитной организации «Машр» пришли с обысками без объяснения причин // Новая газ. 06.11.2015. URL: <http://www.novayagazeta.ru/news/1697781.html>; Силовики обыскивают офис и дом руководителя «Машр» в Ингуше // Кавказ. Узел. 06.11.2015. URL: <http://www.kavkaz-uzel.ru/articles/272015/>.

¹⁹<https://www.facebook.com/golos.samara/posts/1116550705052116>

The home of activist was searched, were seized a laptop computer, flash drives and even a router. Himself Golava was questioned, taking from him subscription about nondisclosure ²⁰.

Golava was forced to leave Russia and appealed to the Swedish authorities for political asylum ²¹. September 18 it became known that the court made a decision on his arrest in absentia, and he was put on the international wanted list. In June 2016 the Swedish authorities provided Golave international protection.

At the end of February 2015 it was reported that sentenced in April 2014 to three years' imprisonment on charges of fraud a member of the Public Monitoring Commission of the Krasnodar region, Professor Mikhail Savva left Russia. In February, he was on the federal wanted list, and March 2 The Soviet district court of Krasnodar replaced Sawa serving a conditional sentence in the three-year term in a penal colony. November 2, it became known that he had filed a new charge under part 2 of article 159 of the Criminal Code (fraud committed by a group of persons by prior agreement)²².

In 2015, the courts and criminal cases have been considered in relation to two human rights activists - Tatyana Kotlyar in Obninsk (Kaluga Region) and Ludmila Bogatenkova in Budennovsk (Stavropol region). Both were found guilty, but fell under the amnesty declared in honor of the 70th anniversary of Victory in the Great Patriotic War.

June 27, 2016 lawyer of Valentina Cherevatenko, head of the Union "Women of Don" and the Foundation "Women of Don" (Novocherkassk) received the decision to institute criminal case against human rights defender because of the fraudulent evasion of the duties defined by the Russian legislation on NGOs carrying out a foreign function agent (Art. 330.1 of the Criminal Code). The office of "Women of Don" on June 24, 2016 was searched, investigators seized documents of the organization. ²³

[Administrative and other pressure against the citizens of other countries to prevent their legitimate human rights activities on the territory of Russia.](#)

May 20, 2015 at the hotel "Ibis" in Nizhny Novgorod, where was held training for human rights activists and psychologists, organized by the Committee against Torture and the Danish Institute against Torture (DIGNITY), Russian FMS officers arrived. Without specifying the claims they asked three DIGNITY employees - citizens of Denmark, Germany and Latvia - to go with them to the management. In foreign experts have been issued business visas, and it was all right with them. Despite of this, on the evening of the same day the court decided to impose a fine on the German citizen in the amount of 2,000 rubles and his expulsion from the Russian Federation for violation of rules of the stay in the country ²⁴. Two of his colleagues had to spend the night in temporary detention. May 21 in respect of them was made the same decision, and all three were forced to leave Russia.

²⁰ В квартире самарского активиста Константина Голава прошел обыск // Международ. сеть — Молодеж. правозащит. движение. 13.05.2015. URL: http://www.yhrm.org/ru/ugent_yhrm/v_kvartire_samarskogo_aktivista_konstantina_golava_proshyol_obysk.

²¹ Правозащитник из Тольятти попросил политического убежища в Швеции // Радио Свобода. 20.07.2015. URL: <http://www.svoboda.mobi/a/27138627.html>.

²² Краснодарскому профессору Савве предъявили новое обвинение в мошенничестве // Газета.Ru. 23.11.2015. URL: http://www.gazeta.ru/social/news/2015/11/23/n_7923941.shtml; Профессор Савва прокомментировал предъявленное ему новое обвинение // Югополис. 24.11.2015. URL: <http://www.yugopolis.ru/news/politics/2015/11/24/88389/grajdanskoe-obshestvo-moshennichestvo-mihail-savva-ugolovnoe-presledovanie>

²³ новость СК проводит проверку в отношении главы "Женщин Дона" // СК проводит проверку в отношении главы "Женщин Дона". 24.05.2016. URL: <http://graniru.org/Society/ngo/m.251620.html>

²⁴ Немецкого правозащитника выдворяют из России за нарушение миграционного законо- дательства // Полит.ру. 21.05.2015. URL: <http://polit.ru/news/2015/05/21/board/>.

In 2015 also continued efforts to challenge in court the expulsion from Russia of the US citizen Jennifer Gaspar, NGOs consultant and the wife of lawyer Ivan Pavlov, head of the "Team 29" (earlier - Protection of Freedom of Information Foundation). August 5, 2014 Gaspar received in the letter from the Federal Migration Service of Russia in St. Petersburg and Leningrad region that her previously issued residence permit "in connection with a threat to national security" was annulled and she must immediately leave Russia²⁵. Gaspar lived in Russia for ten years, her husband and five year old daughter - the Russian citizens. Presumably pressure on her due to the human rights work of her husband, who is a defender of the freedom of information, open government and conducts high-profile cases on charges of espionage and disclosure of state secrets. Gaspar had to leave Russia with her daughter.

April 4, 2016 in the Nizhny Novgorod State University, were detained a citizen of Norway, Director of the Norwegian Academy of Human Rights Yurt Lillian and her assistant Langmir Marit, who came to the course of lectures on dialogue of cultures and organizing peaceful protests. Migration officials have questioned the legality of stay of Yurt and her assistant on the territory of Russia. The purpose of the visit, according to employees of the Federal Migration Service does not correspond to reality, and to carry out educational activities, having a business visa, a human rights activist was not entitled.²⁶

CONCLUSION

In 2015 - 2016 authorities have demonstrated that it is not going to slow down the pace of persecution of independent organizations. In order to reduce NGOs financing was passed the legislation on the undesirable entities. The State Duma adopted the amendments, limiting the rights of NGOs, which Ministry of Justice included in the register of foreign agents.

In addition to the direct intervention of the state legislation of recent years has a serious "cooling effect": NGOs refuse to have foreign funding, to adjust their activities, constrained in the statements, many of them were closed. Numerous, sometimes "very heavy" penalties also play a role in reducing the number of active organizations.

The last two years are also distinguished by an increase in direct pressure on human rights defenders. The criminal and administrative cases, searches and checks, which are difficult to distinguish from the searches. Threats, attacks and damage to property, which is practically not investigated. All this has become almost the norm in the Russian Federation. With regret have to admit general decline in human rights activity in Russia. Activists and leaders of organizations go abroad as part of the activity goes out of Russia.

²⁵ Резунков В. Нежелательная иностранка // Радио Свобода. 06.08.2015. URL: <http://www.svoboda.org/content/article/26517149.html>.

²⁶ Директора академии по правам человека в Норвегии выдворяют из России // 04.04.2016. URL: <https://life.ru/t/новости/194852>