

PRESSURE TOWARDS RUSSIAN ENVIRONMENTAL NGOS

Status of Russia's Foreign Agents law and consequences for civil society in 2016



Naturvernforbundet



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This report is available at www.naturvernforbundet.no/civilsocietyreports

**Published by Naturvernforbundet,
April 2017**

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Naturvernforbundet



PREFACE

Naturvernforbundet has over many years worked closely with Russian environmental organizations. The cooperation has been helpful for both sides on a number of environmental issues, such as preservation of biodiversity in the Barents region, phase out of old nuclear plants and promotion of low carbon development. The work has all the time faced challenges from regulations on Russian side, but the situation deteriorated significantly with the new NGO laws that were approved in the Russian Parliament and by the president in 2012. 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.

Naturvernforbundet has regularly produced reports and short papers on the effects of the NGO laws, in particular on the Foreign Agent law and how it affects environmental organizations. All reports and updates can be found in our web page www.naturvernforbundet.no/civilsocietyreports

In this report on the situation in 2016 we shortly repeat background information about the laws, and provide updated information on the number of NGOs listed. The reader will also find examples from different NGOs. Our new focus in this report is the increased additional pressure that the Russian organizations face from a wider spectre of the society, namely media and popular movements. The NGO laws have in many ways prepared the ground for a wider pressure from the society on the organizations, as they in many ways legitimate that forces also outside the governmental structures attack the organizations in public.

We express our gratitude to the Norwegian Radiation Protection Authority and the Norwegian Ministry of Climate and Environment, whose financial support enables us to follow the situation around civil society development in Russia, and help us make the information public.

As usual, this report would not have been possible without the invaluable help from our colleagues and partners in Russia.



INTRODUCTION

The conditions for civil society have severely worsened in today's Russia after Vladimir Putin's government adopted several new laws in 2012. So far one of the most controversial of these laws has been the "Foreign Agent law", which has been actively used by the Russian authorities to increase pressure on NGOs.

As environmentalists, our focus in this report is mainly on pressure towards environmental NGOs. However, we want to point out that other NGOs also face problems, often even more severe. For a long time, prior to the Foreign Agent law, human rights organizations were more often subject to harass-

ment and attacks from the authorities than the environmental organizations in Russia, but with the Foreign Agent law, the situation for the environmental NGOs changed for the worse.

A well-functioning civil society is important both for any state and for the society as a whole, and is a necessary prerequisite for finding good solutions for everyone. Human rights are important for everyone, not only those who are being affected by violations of human rights.

We want to stress that the pressure towards Russian NGOs does not come from authorities alone. Increasingly also mass media is helping to track down and highlight “foreign agents”. One example is how an individual by name Maxim Rummyantsev, who is a person affiliated to Rosatom and a self-appointed watchdog of environmentalists, has been able to get a lot of media publicity based on his reports of hostile activity on behalf of the environmentalists. Two of our partners in our nuclear decommissioning work have been subject to his open attacks in mass media. Another example is the federal governmental channel “Rossiya-1”, which has been accusing Nadezhda Kutepova from Planet of Hope in Ozersk in Chelyabinsk region for disclosing state secrets.

We also see increasingly more examples of how groups of people and other popular movements for example publish petitions against or in other ways put pressure on and attack NGOs and their representatives. It is not clear to which degree such actions are initiated from authorities and what comes from fear and anger in the people (which, it could be argued, is fuelled by the authorities). Hate attacks towards environmental activists occur, like an attack in Ufa towards Alexander Veselov (RSEU) from Ufa Environmentalists’ Union, who was attacked right after his meeting with a waste company he was criticising. In September a camp in Krasnodar by Environmental Watch on North Caucasus (RSEU) together with Greenpeace was attacked at night, and several people had to be treated in the hospital. Such attacks continue without reactions from authorities, so at least they approved it silently.

As in most other countries, Russian environmental NGOs disagree with the authorities on several specific environmental issues. Despite what is sometimes portrayed in the media, environmental NGOs have no programme for revolution; they simply work for protection of natural values, for better and safer environmental conditions and for improved health situation for Russian citizens. The NGOs want open access to information and an open and participatory debate in the society. But federal authorities, with the Ministry of Justice as spear head, continue to treat environmental NGOs like enemies of the state and to claim that they work against “Russian interests”.

It is important to note that all the cases vary and depend on region and local authorities. We have seen how the Ministry of Justice has been quite actively backed by regional prosecutor in Saratov region and violating many laws in their intention to persecute Olga Pitsunova to stop her from defending a local park from planned construction work. Sometimes other stakeholders than the Ministry of Justice initiate the cases against the organisations. In Chelyabinsk for example, the Ministry of Justice’s protocols were based on FSB’s requests and information. The inspection of the very popular NGO Dront in Nizhny Novgorod was based on a complaint from a local pro-Kremlin activist. At the same time in Murmansk there has been quite slow process by the Ministry of Justice in listing NGOs to the register, and so far the lowest received fine for Bellona-Murmansk (50 000 rubles / 666 EUR / 6 250 NOK¹) for not voluntarily entering the register.

In addition, the court system in Russia is quite unjust when it comes to politically motivated cases. This has been visible in cases on labelling NGOs as Foreign Agents for example. The legislation is implemented selectively and judges do not always follow the rule of law. Also quite a lot of Russian cases in the European Court on Human Rights are based on the right for a fair trial and numerous violations of fair trial processes. We present examples of this later in the report.

BACKGROUND

■ In this chapter we present background information on the most relevant laws and the challenges they present for the civil society. In the presentation we lean on our previous reports published in 2014 and 2016².

The law on Foreign Agents and its implementation

In 2012, several laws concerning NGOs were approved by the Russian parliament and the president, the law on “Foreign Agents” (law number 121-FZ) being the most controversial. The law went into force in November 2012, and required that all NGOs that received foreign funding and at the same time has any “political activity” should enter a register of Foreign Agents. Most Russian NGOs soon decided that they did not want to register voluntarily, as they considered themselves not to be “Foreign Agents” and also that the law was unjust and vague. As the authorities saw that few organizations entered the register, the Ministry of Justice initiated a broad range of inspections during the first half of 2013, and from March to September many NGOs were checked by the public prosecutor in their district. Many of them received warnings or notifications of violation the Foreign Agents law.

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 gave results; in 2015 the number of NGOs in the register increased enormously. The consequences for organizations that receive this label are huge, and in practice it has proven difficult to continue the activity of the organizations. With the forced registration follows also court cases and big fines for not having registered voluntarily, for the NGO and for the leader or leaders of NGOs. Once an organization has entered the register, the reporting demands are increasing significantly, and all publications must be labelled

with the “Foreign Agent” label. Fines for insufficient reporting or failure of labelling are quite often given as well. As we will show later, also NGOs that complied with all demands have faced trials and fines.

A Constitutional Court ruling on April 8, 2014 clarified a somewhat vague interpretation of the law, confirming that “protection of flora and fauna” shouldn’t be considered as political activity, political activity of the leader or member of an NGO is not always political activity of the NGO, and a number of other clarifications. However, several environmental NGOs were listed, and many of them because of “political activity” of its members or leaders.

Only on May 21, 2015 Ministry of Justice issued an order of form to apply for delisting from the register.³ Many of NGOs have tried to apply for delisting but only few of them were successful. We will show examples later in the report.

In the beginning NGOs tried various ways to avoid the label as Foreign Agents, as to stop receiving foreign money or change the way of doing this, but kept anyway facing difficulties with continuous inspections and fines that make work impossible. Human rights NGOs are trying to appeal all the possible formal stages in the court system as a part of their fight for freedom of association.

Environmental NGOs on the other hand, not having human rights as their main objective, have mostly decided that they cannot spend all their time fighting the Ministry of Justice. They

have therefore mostly chosen to close down in order to avoid almost a year or more with fight for survival. One of those organizations is for instance our partner Green World.

It should be noted that “Foreign Agents” gives connotations like “enemy of the state”, “traitor” and “spy”, which pushes people to be hesitant to support NGOs. Our partners tell us that several people are increasingly sceptical towards NGOs in themselves, also if they are not registered as “Foreign Agents”.

Law of “Undesirable Organizations” and its implementation

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

So far only a few organizations have been registered as Undesirable Organizations. We anticipate that Russian authorities will start to use this law more actively when the Foreign Agent law somehow has used up its “potential”, seen from the authorities’ side. At the moment the Foreign Agent law is obviously well functioning as a tool for the authorities to break down the civil society.⁴

Anyone working for or cooperating with an “undesirable” organization – including in an unofficial capacity – faces fines of up to 15,000 rubles (200 eur / 1875 nok) for ordinary citizens, up to 50,000 rubles (660 EUR / 6 250 NOK) for officials, and up to 100,000 rubles (1332 EUR / 12 500 NOK) for the organization itself. Criminal proceedings will be initiated against repeat offenders and the punishments can be even harsher, with fines of up to 500,000 rubles (6 666 EUR / 62 500 NOK) and prison sentences ranging from two and six years.⁵



LEGAL CHANGES IN 2016

Adjustments in the “Foreign Agent” law in June

In June 2016 adjustments were made to the Foreign Agent law in order to clarify the term “political activity”, which forms the basis of the Foreign Agent law. NGOs have been asking for amendments since the beginning of the law implementation, as the term “political activity” was vague and unclear, and also seemed to be interpreted randomly.

The new definition remains vague, and it will be possible to define all kinds of activity as political.⁶ The new amendments only justify the practice of wide interpretation of “political activity”.

The amendments were approved by the parliament in May and signed by president at 2nd of June. The amendments were proposed by the Ministry of Justice and adopted by parliamentarians without significant changes.

The law still says that the following activity is not “political”:

“Activities in the field of science, culture, art, health care, prevention and health protection, social services, social support and protection of citizens, protection of motherhood and childhood, social support to persons with disabilities, promoting healthy lifestyles, physical culture and sport, protection of flora and fauna, charity.”⁷

But this exception was covered in the original text of the law as well. Also, the Constitutional Court decision on April 8th 2014 explained that “protection of flora and fauna” shouldn’t be considered as political activity. However, we have seen that these formulations have not been of any help for the environmental organizations.

Criticism of the Foreign Agent law is also considered “political”⁸. In fact, any kind of contacts with authorities, even simply a request for infor-

mation, could be considered “political”. Any influence on the public opinion, which means expression of any opinion publicly, is now could be considered “political”.⁹ This leaves an extremely limited space for environmental work.

The United Nations has asked Russia to amend the Foreign Agent law. “I continue to urge the [Russian] authorities to follow recommendations from UN bodies and to amend the law in accordance with Russia’s international human rights obligations,” UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein said in a session in Geneva in June 2016.¹⁰

A new good law - for obedient NGOs

Another law was adopted by the Russian Parliament in the end of June 2016, a law for NGOs providing so-called public benefit services. The law went into force at January’1st 2017. After having proved that they contribute to providing public benefit services, these NGOs will be listed in a special register for two years, afterwards they will need to confirm this status. Such NGOs will be supported by the government both politically and financially.¹¹

At the same time NGOs that are registered as Foreign Agents cannot be in the list of NGOs providing public benefit services. This creates a clear division between «good» and «bad» NGOs, which can be seen as a display of the future of both groups. The Foreign agent-NGOs are becoming more and more marginalized and restricted from certain activities, whereas “good” NGOs are allowed to replace them and become a new obedient civil society.

Problematic anti-terrorist laws (Yarovaya's legislation)

In early summer 2016, new repressive anti-terrorist laws were adopted in Russia. The laws are unofficially called “Yarovaya’s legislation package” after the state Duma deputy Irina Yarovaya, who spearheaded the bill in the state Duma. The laws passed their first reading in May 2016, and at the last day before summer the final draft was approved by the Duma, after several changes. The Yarovaya’s bill was signed into law by the President at July 7th 2016.

Several elements that were included in the first reading were later removed, such as the possibilities to revoke people’s citizenship and revoking people’s right to leave the country. As the Russian constitution clearly states that “A Russian Federation native person cannot be stripped of his citizenship”, this provision caused a media outcry. Also, it was somewhat unclear what concrete circumstances could lead to revoking of citizenship; the text included working for an “international organization” in whose creation Russia did not take part, or were found guilty of terrorism and extremist crimes, including incitement to hostility against an ethnic, social or religious group. Human Rights Watch point out that this article of Russia’s criminal code often has been misused and abused by the authorities to oppress dissent¹².

These parts of the bill were removed right before the second reading, but even without them, Yarovaya’s law is deeply concerning from a human rights perspective.

Among the elements that still remain in the law are ¹³:

1. “Failure to report a crime” becomes a criminal offense in itself, meaning that Russians will be required to inform the authorities about anything they know regarding several crimes on a list.
2. Publishing online incitements to terrorism, or expressing approval of terrorism, will be regarded legally as publishing such comments in the mass media, the maximum punishment is seven years in prison.
3. Cellular and internet providers are required to store all communications data in full for six months and all metadata for three years in the interests of the security services.

4. Data encryption help would be required; “organizers of information distribution on the internet” must help FSB decipher any message sent by its users.

5. Preaching, praying, or disseminating religious materials outside officially recognized religion institutions is banned.

6. Longer sentences and more use of jail for people convicted of extremism, and higher fines.

7. It introduces a new criminal code that outlaws “inducing, recruiting, or otherwise involving” others in organization of mass unrest, with maximum penalty at 10 years.

8. Youngsters over 14 can now be prosecuted for 32 different criminal-code articles, compared to 22 before, for instance they can now be prosecuted for the new offence of failing to report a crime.

At first glance, fighting terrorism and extremism might seem non-controversial and necessary. Here we need to keep in mind that the selective implementation of legislation in Russia puts every citizen at risk. Expression of any opinion critical to Kremlin and its power base might be considered extremist’s behaviour and this law could be applied. An example here is environmentalist Valery Brinikh from Adygea, who faced charges and trial for one of his articles on impact from industrial farming. The article was considered an extremist’s publication and he is facing 2 years of imprisonment¹⁴. After summer his case has been frozen and has no changes. But the possibility to be convicted remains, keeping an activist at permanent risk.

With the new law, anyone could be called an extremist for liking, reposting and retweeting anything about the Crimea annexation or the role of Stalin during World War II, even anti-fascist posts containing Nazi swastika might be considered as an expression of extremism.

A petition at change.org to cancel Yarovaya’s laws has gathered over 600 000 signatures, and a public initiative petition has been signed more than 100 000 times. In addition there have been organized protests in a number of Russian cities.

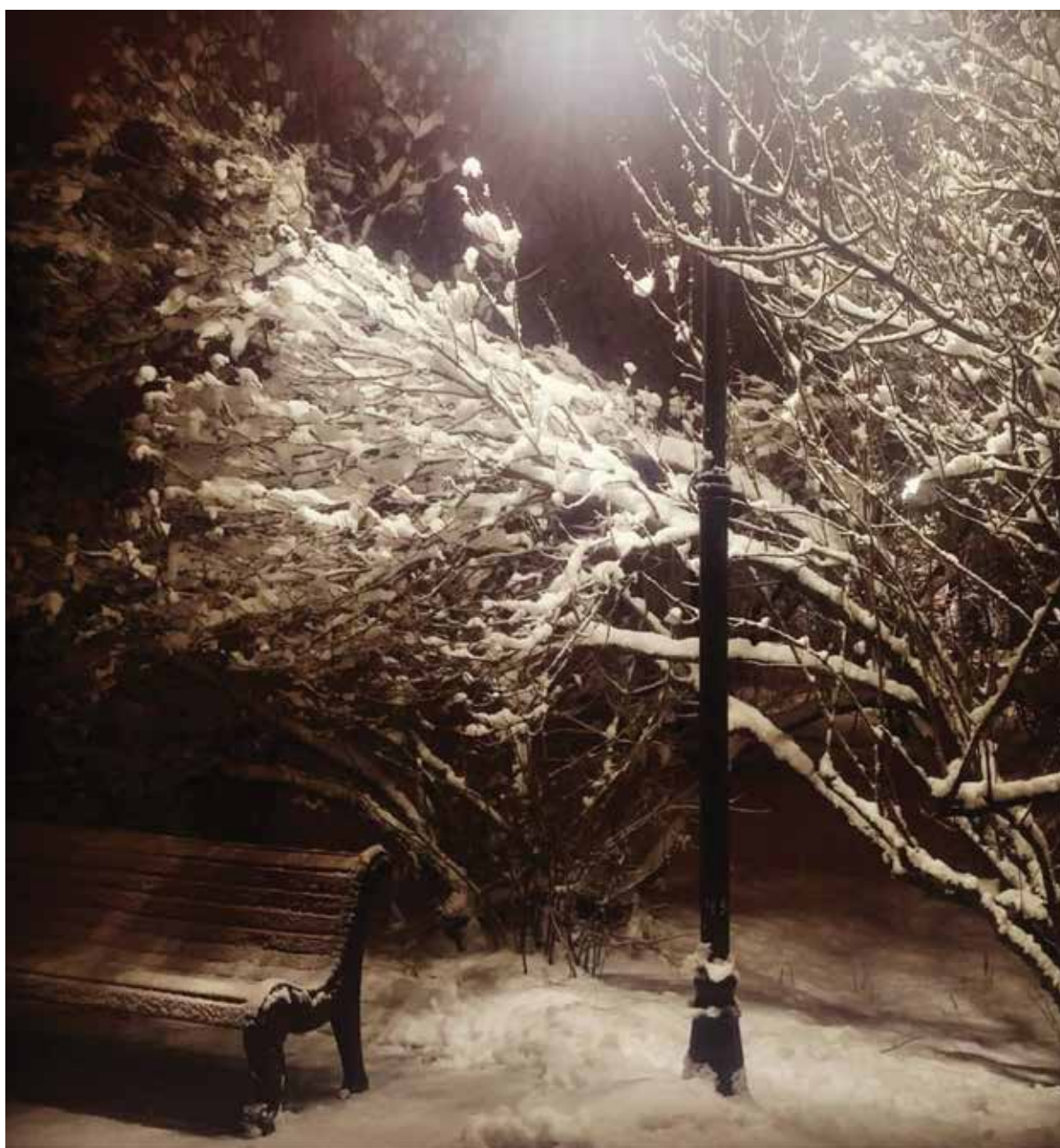
Applications to European Court on Human Rights

Currently the European Court on Human Rights is about to communicate applications from number of NGOs that are labelled Foreign Agents to the Russian government in the end of 2016 or beginning of 2017, one of the lawyers said to Vedomosti newspaper. But we haven't heard any further development until date of publishing.

The European Court on Human Rights has received around 50 such applications; lawyers of

28 of them had already received requests for confirmation and clarification. Rulings of European Court on Human Rights could have both individual effect – to pay compensations to the NGOs, and general recommendation to the Russian Federation to correct the Law.¹⁵

In the beginning of February 2017, all of the organizations unlisted from the register were removed from the Ministry of Justice web page. Some lawyers believe this is because remaining in the register was mentioned in appeals to the European Court on Human Rights as a discriminatory example.



STATUS OF THE FOREIGN AGENT REGISTER

■ In this chapter we present the changes in registered NGOs, the pressure and the most relevant related incidents in 2016. In the end of the chapter we include some short information about the status of the law of Undesirable Organizations.

Modest increase of environmental groups registered as Foreign Agents

In this chapter we sum up the status of the register. More detailed information can be found in table 1, pages 25-26. The information is updated per March 1st 2017.

In 2016, only 4 environmental organizations were listed in the register. One of them was Ekovakhta/ Environmental Watch on North Caucasus from Krasnodar region, the organization of widely known ex-environmental political prisoner Evgeny Vitishko. Another two were from Altay republic: Regional public environmental organization of the Altai Republic “Arkhar” and Regional public environmental organization “Ecological soul’s school “Tengri”. The last one in 2016 was Chapaevsk local public organization “Association of medical workers of the Chapaevsk city”, working with effect of pollution to human health.

In 2017 two more organizations were already listed, the well-known Environmental Human Rights Center Bellona in Saint-Petersburg and Youth Public Organization of Soloneshensky District “Pro-Motion” from Altay krai, working against gold mining and protecting vulnerable areas.

By March’1st 2017, totally 158 NGOs were included in the Foreign Agent register. Of these there are 28 environmental organizations or or-

ganizations working with environmental issues. For those NGOs where it is not self-evident that they are environmental NGOs, we have added a comment in our table.

By the end of 2015 there were 111 NGOs in the register, of which 22 environmental. So the increase in 2016 was 43 NGOs in total – a significantly lower increase than in 2015. Still, more NGOs were registered as Foreign Agents in 2016 than in 2014. The increase in 2016 was modest only compared to the enormous amount in 2015.

Of these 28 environmental organizations (by March’1st 2017), 17 NGOs have been taken out of the register, 4 of them “have ceased to act as foreign agents” (stopped receiving foreign funding), the remaining 11 environmental NGOs have been taken out because they had to close their organizations down. Out of 17 continuing operation, at least 4 are considering a soon closure.

It is in theory possible to exit the register if the foreign funding ceased. However, in practice we see that it has been very difficult to get out of the register, even if foreign funding has ended. Even indirect funds like personal donations from persons with salary from abroad or any additional funding that was not considered as “foreign funds” in previous inspections, might now be counted as “foreign funds”. An example that was also mentioned in a previous report is the environmental organization Dront, which stopped receiving foreign funding in 2014. A week after

they were included in the register, Dront applied for exclusion, as they had no income from foreign sources for a year (This is the requirement for leaving the register). The appeal was refused by the Ministry of Justice, arguing that one of the Russian donors Dront received money from, the grant program «Orthodox Initiative» by the foundation «Co-working», had foreign income.¹⁶ This source of foreign funding wasn't mentioned in the previous inspection by the same institution. The «Co-working» foundation itself is still not listed as a Foreign Agent, but Dront remains in the register. The persons involved can help to explain why: the head of the coordinating committee of this grant program is Kirill, the Patriarch of Moscow and All Russia, and the program's executive director is Sergey Kiriyyenko, (by then) Director General of the State Atomic Energy Corporation Rosatom. Among members of the coordinating committee is Aleksander Konovalov, Minister of Justice.¹⁷ This is one example among many that shows how this law is used by the authorities as they like, and in an unpredictable and seemingly random manner for the organizations.

Another organization that has tried to get out of the register is the human rights organization Golos. Golos was the first organization of all to be included in the register. The reason was a prize of 7.728 Euro that they received from the Sakharov Freedom Prize, even if the prize was returned by Golos. In the beginning of October 2015 the Ministry of Justice refused Golos to leave the register because a project coordinator and member of the board of Golos had received a private research grant of USD 4,600 from the International Center of Lithuanian electoral research. There is no shown evidence that this money were received to finance the activities of Golos.¹⁸

By March 1st 2017, of the 158 NGOs that have been listed in the register, 55 organizations in total and 15 of 28 environmental have been removed from the register. Of these 15, only 4 environmental organizations have been removed as they have "ceased to act as foreign agents", which means that they have stopped receiving foreign funding. The remaining 11 environmental organizations have been taken out of the register because they had to close their organizations down.

The official register can be found at <http://unro.minjust.ru/NKOForeignAgent.aspx>

Increased pressure towards those listed

Although the numbers of new NGOs listed in the Foreign Agent register has slowed down during 2016, the pressure towards previously listed NGOs has increased in 2016.

The law on Foreign Agents allows fines for not labelling all of your materials, or not reporting properly. The fine for not labelling is 300 000 – 500 000 rubles (4 000 – 6 666 EUR / 37 500 – 62 500 NOK) for an NGO and additionally 100 000 – 300 000 rubles (1 333 – 4 000 eur / 12 500 – 37 500 nok) for the head of an NGO¹⁹.

Even NGOs that do everything they can to follow the rules, are still fined. For instance, in the case of the NGO Dront, which we wrote about in our 2016 report, the court did not consider a screenshot of the Dront web page as sufficient testimony for mentioning "Foreign Agent" status and fined the NGO for not labelling.

Also reporting requirements are increasing after being labelled, and for not reporting or reporting incorrect the quarterly fine is also quite high: 100 000 – 300 000 rubles (1 333 – 4 000 eur / 12 500 – 37 500 nok) for an NGO and warrant or 10 000 – 30 000 rubles (133 – 400 eur / 1 250 – 3 750 nok) for a head of an NGO²⁰. Such fines are becoming a more and more usual struggle for NGOs that so far have decided to keep operating their NGOs. The information about amounts are taken from www.consultant.ru, please see our reference list in the back for details.

Some NGOs that predict labelling and fines deny inspections. The fine for denying inspection by Ministry of Justice is 20 000 – 50 000 rubles (267 - 666 EUR / 2 500 - 6 250 NOK) for the first time and 50 000 – 100 000 (660 – 1 333 EUR / 6 250 – 12 500 NOK) for repeating.²¹ Denying inspection by Prosecutor results in fines 50 000 – 100 000 rubles (660 – 1 333 EUR / 6 250 – 12 500 NOK) or suspension of operation for 90 days.²²

In the end of 2015 Association “Lawyers for Civil Society” estimated that employees of an organization labelled as a “Foreign Agent” spend an average of 284 working hours per year on additional reporting, which is 35.5 working days.²³ This amount does not include time for appealing labelling in a courts.

As an example, our partner Green World during the Foreign Agent Law attacks paid fines with total amount of 400 000 rubles (5 333 EUR / 50 000 NOK), went through 17 trials and spent about 300 000 rubles (4 000 EUR / 37 500 NOK) for courts.

Another example is Perm Civil Chamber, which got a 400 000 rubles (5 333 EUR / 50 000 NOK) fine in November 2016 for not registering as Foreign Agent. The fine happened even after the exclusion of the NGO from the register in September 2016. The Chamber had received no foreign finance for more than three years, which they proved in the court earlier²⁴.

As shown here, the pressure towards the NGOs is high, with increasingly amount of time and resources needed to operate an NGO that is labelled. The time needed for reporting and the money needed for fines lead to shutting down NGOs. In the meantime, the NGOs are too occupied to manage any environmental work. This pressure to close down does not come from the government directly, but from within the NGOs themselves because of the pressure and burden of fines and reporting.

In November 2016 NGO lawyers club from Saint Petersburg in their report on 4 years’ anniversary of the Foreign Agent law estimated that at least 28.3 million rubles or 404 000 euro were imposed to NGOs labelled as Foreign Agents, during 4 years of the law implementation. Of this, at least 17.6 million rubles were fines for not registering voluntarily, and at least 9.6 million rubles for not labelling their materials, and at least 1.1 million rubles for not reporting properly as a Foreign Agent.²⁵

Another human rights group, the Moscow-based Public Verdict, calculated in their report together with Rapid Response Center on protection of

human right defenders, that about 30 million rubles or 428 500 euro had been given in fines.²⁶ This number is quite close to the NGO lawyers club data. All the groups are sure that the real number is much higher, since not all the NGOs provide information about their cases.

Research centre Levada and international organization Memorial labelled Foreign Agents

Though focusing on environmental NGOs, we find it relevant to mention two new names to the register in 2016, namely the research centre Levada and the international organization Memorial.

The single independent sociological research and opinion poll centre Levada was at September 5th, just two weeks before the Duma election, registered as Foreign Agent. That was also just a few days after their polls showed reduced support to United Russia. Levada has been active since 1980, and their entry in the Foreign Agent register will most likely mean the end of the Levada centre²⁷. Later the centre decided to fight the status, and at the same time they continue to operate.

The Levada centre disagreed with the labelling because all the foreign funding came directly to marketing researches. Its lawyers appealed the Ministry of Justice decision in the Moscow Zamoskvoretsky district court and requested from the Ministry of Justice justification of foreign finance and political activity²⁸. The court on November 18th denied Levada centre’s appeal²⁹.

A Constitutional court stated in 2014 that international organizations cannot be registered in the register of Foreign Agents. Nevertheless, at October 4th the Ministry of Justice listed International non-governmental organization International Historical-Educational, Charitable and Human Rights Society Memorial in the register³⁰. Memorial has also been named a candidate to the register of Undesirable Organizations.

Few listed as Undesirable Organizations

So far there are 7 organizations in this register. Of these, 4 were registered in 2015, and 3 so far in 2016.

Russian NGO's consider that the authorities so far are too busy enrolling organizations in the Foreign Agent register to be very active here. Our partners believe that this register will get increased focus in the future, when foreign donors will find ways to provide financial support without NGOs-recipients and the Foreign Agent

concept becomes less interesting for the authorities than today.

At its 107th Plenary Session in Venice, at June 10-11th 2016, the Venice Commission, which advises the Council of Europe, criticized the law because of the wide discretion granted to the prosecutor general and for being both broad and vague. It called on the Russian government to amend the law in line with international standards.³¹

The official register could be found at <http://minjust.ru/activity/nko/unwanted>



The bird says: I have seen for a long time that the watchers observing us have their own watchers as well. The man has a t-shirt saying "Dront", the name of an environmental NGO. Cartoon by Vyacheslav Shilov.

Impact to NGOs: Important Foreign Agents related incidents in 2016

■ We have chosen the most significant and unprecedented cases that show the unlawful situation for Russian civil society at the moment. Green World, Za Prirodu and EcoDefence spent much time in court, as described below. Za Prirodu was closed by the court, whereas Green World struggled during 2016 to close and finally managed in February 2017. Both Green World and EcoDefence have been successful in managing to reduce their fines.

■ At the same time, we see that when NGOs are closed, the pressure may continue to individuals involved. Activists operating on behalf of NGOs that don't receive foreign funding, also experience individual pressure.

Green World closing down after continuous pressure

Naturvernforbundet's long term partner Green World has had a year full of court hearings, on top of their environmental work. In the fall of 2015 pro Rosatom video blogger Maxim Rummyantsev reported to the Ministry of Justice about Green World "political activity" right before public hearings on construction of 2nd Nuclear Power Plant in Sosnovy Bor. On November 16th 2015 Ministry of Justice concluded that Green World is a Foreign Agent, on December 2nd the NGO was listed in the register. Green World received two fines: 300 000 rubles (4 000 eur / 37 500 nok) for not registering voluntarily and 100 000 rubles (1 333 eur / 12 500 nok) for not reporting properly as a Foreign Agent.

During 2016 the federal office of Ministry of Justice made 6 protocols of different Green World's

violations of the Foreign Agents law. Two of them were dropped with help of the lawyer Sergey Golubok of the organization Civil Control. On November 14th Green World complained to the prosecutor office on Ministry of Justice for illegal activity.

In March 2016 Sosnovy Bor's municipal authorities suddenly ended a 17-years lease of the Green World office in one of the municipal buildings, without doubt linked to the new status as Foreign Agent.

In October of 2016 Green World undertook several attempts to submit its report on activity to the Ministry of Justice. Firstly they tried digitally on the web page of the Ministry but the system wasn't working. After that Green World sent its report by post but it returned after a month without any explanation. Green World had to publish the report on its web page and inform Ministry of Justice by me-

dia.³² Green World with support of Agora Human Rights Group has appealed to European Court on Human Rights. The organization has now closed down their organization after its 29 years of work for environmental protection³³.

Za Prirodu closed down by Ministry of Justice pushed by FSB

As written in our previous report, Za Prirodu, a partner organization of Naturvernforbundet in Chelyabinsk, was labelled Foreign Agent in March 2015. Za Prirodu had made an attempt to omit the law, registering a Foundation by the same name that would receive the funding, while the organization carried out the work. That did not help, and the local department of Ministry of Justice linked together the two different entities, and both were listed in the register³⁴.

On 10th October 2016 a local court in Chelyabinsk imposed 400 000 rubles (5 333 EUR / 50 000 NOK) to the Movement Za Prirodu and 50 000 rub to its leader Andrey Talevlin for publishing information without mentioning the Foreign Agent status. On November 18th the central district court cancelled the previous decision and sent it back for a new trial. The main problem was that Talevlin published information in his private blog, not at the NGO's web-page. This practice is quite common when organization punished for actions of its leaders or even members and shows a pretty wide implementation of the law.

On 22nd November 2016 Chelyabinsk regional court started hearing on closing down both the Foundation and the Movement Za Prirodu based on prosecutor's protocols. The hearing continued on 13th and 14th of December³⁵. Thus, the court has shut down both the Foundation and the Movement³⁶. The Movement had no money at its account and will appeal shut down in the higher court in April 2017.

Ecodefense! keeps fighting and denying Foreign Agent rules

The environmental organization Ekosaschita/Ecodefense was the first environmental NGO la-

belled as Foreign Agent by the Ministry of Justice in 2014. Official protocol says clearly that the reason is the organization's fighting against Kaliningrad NPP in the region.

Ecodefense is the only NGO that has denied following Foreign Agent Law. They have been denying quarterly reporting as a Foreign Agent since the labelling. As a possible consequence for not reporting organization has been facing fines from 100 000 to 300 000 rubles (1 333 – 4 000 eur / 12 500 – 37 500 nok) every quarter. But with the help of Public Verdict, an organization providing legal support to civil society organizations, Ecodefense lowered fines to only warnings in April and October 2016³⁷. In January 2017 the organization got 10 00 rubles (133 eur / 1 250 nok) in fine, which is also quite a little compared to other groups. Nevertheless Ecodefense reports that during the Foreign Agent law attacks to the organization they went through dozen of courts that results in about a half a million of rubles (6 666 EUR / 62 500 NOK) in fines, which NGO denies to pay as a form of disagreeing with labelling.³⁸

First person judged for systematic violation of Foreign Agent law

The Women of the Don Union was recognized as a Foreign Agent in 2014 and the Women of the Don Foundation for Civil Society Development was registered in 2015. Both were added to the Foreign Agents register compiled by the Ministry of Justice. Both organizations however have refused to accept this label and challenged their listing in the register and related fines in civil and administrative proceedings. While the appeal is pending, both organizations have operated in full compliance with the Foreign Agent Law in all aspects such as by submitting reports and audits. On February 29th 2016, the Ministry removed the Women of Don Union from the register, as the organization is no longer "carried out functions of a "foreign agent".³⁹

In May of 2016 an investigative committee started investigation of Valentina Cherevatenko, the leader of both NGOs mentioned above in "systematic denial of voluntarily registering as a Foreign Agent. Later in June Cherevatenko's of-

office has been searched by police and a criminal charge has been started for Valentina.⁴⁰

Statement in support of Valentina Cherevatenko has been signed by almost 200 representatives of Russian and international civil society organizations⁴¹. In the middle of July President's Human Rights Council made an expert opinion on the case⁴². There has not been any significant improvement after that.

Here we can say that possible adaptations, such as registering another NGO will be punished by the authorities by going after individuals instead. We are afraid that we might see similar charges for those who registered commercial organizations. Further examples of individuals prosecuted and harassed are presented below.

Financial harassment of RSEU leader in Saratov

We wrote about the financial harassment of Partnership for Development in our previous report. Before we explain the updates from 2016, we repeat the most important aspects of the story: Partnership for Development from Saratov was included to the register as Foreign Agents in October 2014, and received a fine of 300 000 rubles (4 000 eur / 37 500 nok) for not registering themselves. By this Partnership for Development became the second listed environmental organization. The leader of the organization, and RSEU board member, Olga Pitsunova, received a personal fine of 100 000 rubles (1 333 eur / 12 500 nok). Partnership for Development has decided not to pay the fine for the NGO, but the personal fine was paid by Pitsunova as soon as she received information about to which bank account she had to transfer the money.

Despite this Pitsunova was fined once again, and now for 200 000 rubles (2 666 eur / 25 000 nok). This was as she happened to pay after deadline, as the court had delayed in informing her where to transfer the money. Court bailiffs blocked Pitsunova's pension bank account, and were determined to seize Pitsunova's private property, not only as payment for her personal debt, but also for the debt of the organization even though this

is illegal according to the Russian legislation. Also they hoped to conduct a search in the apartment under the guise of an inventory of the property.

To avoid new legal claims, fines and courts Pitsunova had to hide from the prosecutor's office and court bailiffs. Partnership for Development decided to close down, but the organization was excluded from the list of Foreign Agents only on November 6th 2015. However, the situation with the personal case of Olga Pitsunova is not over - the 200 000 rubles (2 666 eur / 25 000 nok) fine was still remaining.⁴³

On 3rd of November 2016, the bailiffs blocked the pension account of Olga Pitsunova in order to pay the fine for non-registration as a foreign agent, after first withdrawing half of Pitsunova's pension; the remaining amount was less than living wage thus making it illegal.⁴⁴ After complains and media attention on 25th of November the pension account was unblocked, but the illegally withdrawn money has not been returned.⁴⁵

Tax harassment of Golos's leader in Samara

Earlier, on March 31st 2015 the police in Samara evicted Ludmila Kuzmina, regional leader of Golos, an independent election monitor, from her apartment and impounded other property in a tax-evasion case. Tax authorities claim the Samara region branch of Golos owes at least 2 million rubles (26 666 eur / 250 000 nok) in taxes on funding provided by USAID between 2010 and 2012. Golos argued that the donations were tax exempt. Ludmila Kuzmina told RFE/RL the case against her is politically motivated. Earlier in March, a Samara court dismissed an appeal by the Samara branch of Golos against a fine imposed for failing to register as a Foreign Agent, a designation imposed on groups that receive foreign funding and are considered to be engaged in political activity. Following a ruling of April 2014 by the Constitutional Court that the Golos' national organization should not be designated a Foreign Agent, the Ministry of Justice, which maintains the register and has the authority to unilaterally 'designate' a non-profit as a Foreign Agent,

nonetheless kept Golos on the register.⁴⁶ On November 18 2015, the Federal Tax Service (FTS) has filed a lawsuit against Ludmila Kuzmina, the head of Samara branch of the Golos-Volga Foundation, claiming to exact more than 2 million rubles (26 666 eur / 250 000 nok) for

alleged tax evasion⁴⁷.

On 14 March 2016, the Samara regional court ruled that the foundation's former director, Ludmila Kuzmina, would have to pay 2.225 million Russian rubles (29 666 eur / 278 125 nok) in profit tax.⁴⁸



ADDITIONAL PRESSURE TOWARDS CIVIL SOCIETY

■ As we have shown, being labelled as a Foreign Agent means increased reporting demands and often numerous court hearings, in addition to huge fines. While this pressure from the Ministry of Justice and the court system is difficult enough in itself, the NGOs face additional pressure that comes not directly from Russian authorities.

Harassment and violence against activists follow pressure to the NGOs

Representatives of organizations that have been listed as Foreign Agents are frequently subject to harassment and violent actions. We mention some examples below.

Complex attacks to Ecovakhta

During the night of September 9th a peaceful camp of fire fighters arranged by the RSEU group Krasnodar Environmental Watch on North Caucasus (Ecovakhta) together with Greenpeace Russia was attacked by eight masked brutal persons. Some activists were injured and their equipment destroyed⁴⁹.

The attack succeeded police visits to the camp and other challenges Ecovakhta faced that fall. Lack of proper reaction from the authorities to the attacks and discredit of the environmentalists by pro-governmental local TV indicates coordination of the attack by authorities⁵⁰.

Just few days later – at September 13th Ecovakhta was labelled as a Foreign Agent. The members' participation in actions for nature protection was considered as a political activity on behalf of the organization. In addition, that a member of the organization had received finances from abroad,

which was considered to be foreign funding for the organization. This was regardless to the position of the Constitutional Court, which in 2014 stated that personal activity of the members of NGO's should not be considered as activity of the organizations they are member of.

Two weeks later the police also searched the apartments of the leaders of Ecovakhta.⁵¹

Harassment of Temur Kobalia from Human rights council

Temur Kobalia from Human rights council («Pravozashitnyy Sovet»), an organization still in process for appealing their conviction and fine as Foreign Agent, was in August 2016 publicly harassed by several persons with video cameras as he entered the international airport in Volgograd in August. This turned out to be persons from the bailiff office, who forced him to their office to make him pay the fines, even if the court case was not resolved. Finally they had to let him go as he could prove that he was not the formal leader⁵².

At November 3rd at approximately 5:00 a.m, officers of the Criminal Intelligence Service attempted to break into Temur Kobaliya's apartment when the human rights activist was not home. The break-in attempt by the officers was thwarted when Kobaliya's neighbour intervened and asked to see a search warrant. The officers

did not provide a search warrant and only stated that the attempt to search Kobaliya's apartment was a part of an allegedly on-going criminal case. Without giving any further clarifications, the officers questioned the neighbour about the human rights work of the activist and left the apartment building⁵³. Currently Temur Kobalia has left Russia and is waiting for an explanation from authorities.

Attacks on individuals in Ufa and Barnaul

At June 15th, the chairman of the Union of environmentalists of Bashkiria and RSEU member Alexandr Kalinovich Veselov was attacked in Ufa. Veselov ended up with a cracked lip and a broken nose, and he connects the attack with his work against the deployment of solid waste landfill in the region. The attack occurred near the office right after a meeting between Veselov and the owner of "Vtorindustriya" company in Sterlitamak, a meeting which ended in disagreement regarding the placement of the landfill.⁵⁴

At September 27th, the journalist and activist Grigory Pasko was attacked by unknown assailants in the city of Barnaul in the Altai region, where he was to give a seminar on investigative-reporting techniques. The injuries he suffered were luckily confirmed not to be serious. Pasko afterwards told Voice of America's journalist that the assailants shouted, 'Get out of our city!' and warned him that they would attack him again. Radio Free Europe – Radio Liberty (RFE/RL) noted that the day before the attack, Pasko had shared on his Facebook page an article from a local newspaper in which a local nationalist activist complained that Pasko was a Foreign Agent. Pasko wrote that unknown people were following him and loitering around his hotel. In an interview with Meduza, Pasko said he linked the attack on him with the FSB: 'When we conducted a similar seminar in Perm in April 2016, the man who rented us the space was approached by FSB officers and insistently told not to have anything to do with me. But the seminar took place anyway, and the man suffered no consequences, because he dealt with them politely and responsibly. Generally speaking I've been persecuted so insistently in cities all across the coun-

try that it's inevitable you start thinking there's a single centre of coordination'⁵⁵.

Pro-governmental groups

NGOs with close ties to or controlled by the authorities are sometimes called GoNGOs, referring to "Governmental Non-governmental organizations". We will not label specific NGOs as GoNGOs in this report, as it is not easy to separate between the organizations controlled by the authorities and those simply agreeing with authorities' opinion in some issues. However, we will provide some examples to illustrate the situation.

We note an increasing number of openly pro-governmental groups. As they support the authorities' policy and harmful environmental practices, and at the same time criticize so called western-type NGOs and call for their closure, they contribute to make the work of environmental NGOs more difficult.

An example is a petition started in August of 2016 created 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 2013.⁵⁷ 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.

Another example is the so-called environmental organization Ecosphere (Ecosfera) that made a public environmental expertise for LNPP-2 (Leningrad nuclear power plant - 2) in Sosnovy Bor and approved the project. Another pro-Rosatom NGO, the Ecological Movement of concrete actions (also known as Interregional Environmental Organization GREENLIGHT), participated in the public hearings and supported the proposed repository for nuclear waste in Sosnovy Bor. The NGO Clean city, which also supported the repository, was created shortly before and closed down right after the public hearings.

The Interregional environmental movement Oka made an "inspection" to Leningrad Nuclear Pow-

er Plant in 2013. Its leader Alan Hasiev said that nuclear energy is the cleanest energy in the world and the construction of nuclear power is the most promising of the existing programs for the further development of mankind. Oka also participated in an “inspection” to the Belarus NPP after an accident there in 2016. “We have got the answers to all the questions fully, our suggestions on places of measurements were satisfied”, Hasiev told in a report published at the Rosatom web page. This fake inspection was actively criticized by well-known antinuclear groups in Belarus. Oka even has its profile page at the web page of Russian nuclear society⁵⁸. In 2013 Oka declared in the media that they would sue the Greenpeace because of their “extremism of Arctic Sunrise action” at Prirazlomnaya oil platform, after which 30 activists were arrested for several months. There has not been any development of their declaration since then.

An example from Murmansk region is a statement made by another NGO Green Patrol in 2013, saying it is Norway and the West that pollute Murmansk region air, and not the Norilsk Nickel metal company. In 2015 this idea was repeated by the Deputy Minister of Natural Resources and Ecology of the Murmansk region, Vladimir Khrutsky. Media circulated these statements widely but the respond by Norwegian side was poorly reflected in the government-controlled media.

All sorts of pro-governmental groups are trying to gain popularity by joining and escalating the witch hunt towards the “enemies of Russia”. One of most active is the Anti-maidan movement. This is a movement established in 2015, which declare their goal to be opposing “maidan” understood as the Euromaidan protests in Ukraine in 2014⁵⁹ in Russia. Anti-maidan has more than 33 000 members at Vkontakte (Russian most popular social media, similar to Facebook). In August they sent a petition to the state attorney where they asked about investigation of 7 organisations based on the Foreign Agent law, as they should have received funding from the Soros foundation, which is on list of Undesirable organizations. One of these seven was Levada centre, mentioned before. This attack on Levada came just before the State Duma elections due at Sep-

tember 18th, and it is believed that polls from Levada showing support to the opposition was the reason for the attack. At September 5th Levada Centre was listed as a Foreign Agent.

At November 29th, Anti-maidan published an investigation⁶⁰ and asked Ministry of Justice to check two other groups⁶¹ representing the NGO Russian Justice Initiative⁶² (Pravovoe sodeistvie – Astreya i Pravovaya Initsiativa).

A similar group on regional level called to label EcoCenter Dront in Nizhniy Novgorod in 2015. We covered this story in our previous report.

Secretary of the Public Chamber of Russia Aleksandr Brechalov, in a recent interview said: “We have very little NGOs that are in the Foreign Agents list, the Ministry of Justice is underperforming here. It shows a soft position of the country’s leadership towards those organizations”.⁶³

Business pressure

Businesses criticized by independent environmental NGOs are also willing to take advantage of the oppressive mechanisms and negative attitude of the organizations that was created by the authorities.

Quite often it is difficult to separate business from the state in current Russia. As example Rosatom is a state owned corporation, so pressure that the critical voices against Rosatom are facing could be considered also business driven.

Green World is an environmental organization based in Sosnovy Bor, and has for many years fought for reduced environmental pressure from the nuclear industry in the town. In this work, Green World has repeatedly criticized the Joint Stock Company Ecomet-S that is dealing with nuclear waste. After the authorities started to implement the Foreign Agent law, Ecomet-S in August 2013 reported to the prosecutor office that Green World must be checked on this issue. This reporting happened at the same time as Green World was fighting against a repository of radioactive waste in Sosnovy Bor, which was going to be built with participation of Ecomet-S.

However, after this first inspection Green World avoided to be labelled as Foreign Agent⁶⁴.

Later the same year Ecomet-S went to the court with the purpose to remove critical information about the organization from the Green World web page, but failed both in the first court and in the appeal court in 2014.⁶⁵

In March 2016, the Joint Stock Company “Concern Titan-2” tried to sue Green World for publication of information from the whistle-blower Viktor Aleynikov about problems at the construction site of Leningrad NPP-2.⁶⁶ In the end of September 2016 the court ruled in favour of Green World.⁶⁷

Media running authorities' errand

In our last year's report, we have told that most of the media is controlled by the Kremlin, so we should not be expecting any positive coverage of organisations that are labelled Foreign Agents. As most people do not look for independent information, public opinion to a large degree depends on state propaganda in state owned or controlled media.

Even if there have been several programs on official TV about Foreign Agents during the last years, the majority of the Russian people are not aware of the law. According to a recent (December of 2016) survey by the Levada Analytical Centre (Foreign agent itself, mentioned before), 73% never heard of such law, 22% heard something but are not really into the details and only 2% said they were well informed about the law.

Never the less propaganda works well and 56% agree with the state that a law intended to secure Russia from bad Western influence is needed, and only 26% think that it is a way to pressure independent NGOs. The term Foreign Agent itself looks negative for 57%, neutral for 33% and even positive for 3%. 45% of the respondents associate the term Foreign Agent with spy, foreign intelligent services etc. Regarding receiving finances from foreign funding, for 43% it is unacceptable to receive funding from the USA, and for 40% it is unacceptable to receive from the EU.⁶⁸

In our previous report we also mentioned a story from Green World and media, when Green World was labelled as an agent. The pro Kremlin TV channel Life News came to Sosnovy Bor, where they interviewed Oleg Bodrov together with veterans of the nuclear industry supporting Green World. Life News also participated in a press conference organized by Green World in St. Petersburg, where Naturvernforbundet and Za Prirodu gave presentations as well. What Life News finally showed on TV was film about Oleg Bodrov with a negative voiceover from the TV channel, as well as Naturvernforbundet stating that Green World receives finances from Norway.⁶⁹

After the labelling of Planet of Hope as Foreign Agent, its leader Nadezhda Kutepova was heavily persecuted by regional and federal media. In a federal TV program she was accused of espionage in the closed nuclear city Ozersk, where people totally depend on the nuclear industry as source for income. Living and working there became dangerous for Kutepova and her kids. In the kindergarten Kutepova's daughter was asked about the “crimes” of her mother. In September 2015 Nadezhda Kutepova decided to leave the country and sought asylum in France. Later the official TV-channel removed the program from its web page, and declared in court that it was never shown. After that, a court in March 15th 2017 ruled that the channel is not guilty.

More independent propagandists are also trying to gain popularity on the witch hunt towards Foreign Agents. So-called journalist Maxim Rumyantsev from Ural region started by “investigating” organization Za Prirodu in his region, publishing materials of its activity and reporting to the FSB. After Za Prirodu was labelled Foreign Agent Rumyantsev called it his victory⁷⁰. He was following all the court hearings where Za Prirodu were trying to fight labelling, and Rumyantsev celebrated another victory half year later when Za Prirodu was fined⁷¹.

After this success Rumyantsev decided to expand his hunting and started to follow another cooperation partner of Naturvernforbundet and Za Prirodu in the international Decom network, namely the NGO Green World. He found money for frequent visits to Saint Petersburg, Sosnovy

Bor and Krasnoyarsk in order to investigate the work of the Decom network. He followed the activists at different events, took information from the activists' social networks and used distorted content on his own web page as well as reporting to the authorities. When Green World finally was labelled as a Foreign Agent, Rummyantsev again wrote about "his victory": "one more Foreign Agent"⁷².

Rumyntsev also visited a Bellona conference in Saint Petersburg in autumn 2016 and made a provocation there. After that he reported to the

police that «journalist was attacked by activists» and spread a video of the «attack» widely.⁷³

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. Antinuclear groups have always been on the front line of governmental pressure towards environmental NGOs. Labelling antinuclear groups first is just confirming this thought.



IS A BETTER FUTURE COMING IN THE YEAR OF ECOLOGY IN RUSSIA?

At December 8th, the Presidential Council on Human Rights and Civil Society Development met with President Vladimir Putin. Many of the Council members were complaining about the destruction from the Foreign Agents law. Mikhail Fedotov, chair of the Council and advisor to the president, stated that defending environment is not political activity according to the law, but dozens of environmental NGOs are in the list. Fedotov proposed to exclude environmental NGOs from the register also because 2017 is declared by Putin as a year of ecology in Russia. Putin agreed to look closer to the register and the situation with environmental NGOs.⁷⁴

At January 2nd, a list of orders following the meeting with the Presidential Human Rights Council was published on Kremlin web page. The first order of eight is to analyse the legal practice related to the labelling of NGOs as Foreign Agents, to find out if it was legal or not. One of the three responsible persons is Sergey Ivanov, who was recently appointed as a Special Representative of the President of Russian Federation on environmental protection activities, the environment and transport.⁷⁵

The irony of the situation is that Ivanov took this position after being the Chief of Staff of the Presidential Executive Office since December 2011. That means that most of the repressive legislation, including Foreign Agents law, that followed mass protests after massive cheating on presidential and parliamentary election in 2011-2012, was imposed with his approval.

Another responsible person for the analysis is the new first deputy Chief of Staff of the Presidential Administration – Sergey Kirienko – ex-head of Rosatom State Corporation. Here we recall that

antinuclear NGOs were the first labelled and mostly affected by the Foreign Agent law.

The third person is Alexander Konovalov, the head of Ministry of Justice, which is the Ministry responsible for labelling NGOs (the role of both Konovalov and Kirienko was previously mentioned in the Dront story). The results of the analysis should be reported to the president by March 30th 2017.

One of the ways to continue to act for many of the Foreign Agent organizations is to close down the formal organization, and to continue the activity on an informal basis. Currently, this is completely in line with the law. This will give some limitations for performance, for example is participation in independent environmental impact assessments (EIA) allowed to registered NGOs only. In October 2016, the chairman of the Russian Supreme court, Vyacheslav Lebedev, stated that by the end of the year (2016) the Supreme Court would issue several new regulations regarding the legal practice around political parties, religious organisations or other NGOs that were acting without registration.⁷⁶ This sparked fear that a similar legislation as in Belarus, where it is illegal to act on behalf of an unregistered organization⁷⁷, was on its way to Russia. However, at December 27th the Supreme Court issued a statement that just clarify the existing rules and not worsen the current situation or add anything new⁷⁸.

At the same time it is quite a difficult challenge to get official registration for new organizations. An example is how a group of human rights defenders in the Ural region three times made documents for registration, and had them returned by the Ministry of Justice all three times, with new requests for corrections.⁷⁹

CONCLUSIONS

As shown, the situation deteriorated significantly with the new NGO laws approved by parliament and president in 2012. Among these laws was the controversial Foreign Agents law, demanding NGOs that receive funding from abroad and at the same time engage in the widest understanding of political activity, to register as Foreign Agents. Activists in the environmental movement are increasingly subject to prosecution, fines, threats and harassment of various kinds as result of this law.

During 2016 the number of new organizations labelled as Foreign Agents decreased compared to 2015, but the Ministry of Justice was still quite active. The pressure increased and was tough towards already listed organizations. There are a number of reasons to be taken to a court and fined, including not labelling publications on NGO resources, or private blogs of NGO's members or not reporting properly on Ministry's opinion.

Regular court hearings and fines almost paralyzed the work of several NGOs. And finally many of them, almost half of all labelled environmen-

tal NGOs, decided to close their organizations down. Independent of promised reconsideration of Foreign Agent law towards environmental organizations in the declared Year of ecology in 2017 in Russia, most of the environmental groups plan to keep their work up.

As we have shown, environmental NGOs face not only authorities and their direct pressure; many other actors are also trying to catch this wave of witch hunting to the "traitors": Propagandist media, so-called patriotic forces, pro-governmental NGOs etc.

We expect that after destroying institutional civil society like NGOs, Russian authorities will focus on targeting of individuals directly. We already had such examples, when there is no NGO to label, or there is no foreign funding, individuals are at higher risk. After destroying institutional forms of civil society, we can expect increased pressure to the individuals. We also expect higher pressure towards international organizations based in Russia, and a greater degree of compliance of the Undesirable Organizations law.



Attachment: Table 1

FULL LIST OF ENVIRONMENTAL FOREIGN AGENTS

#	# of all	Name	Region (oblast, republic etc)	Date written into register	Date for exiting the register	Reason to exit the register	Comments
1	10	Kaliningrad Regional Public Organization "Ecodefence! –Womens' Council"	Kaliningrad	21.07.2014			Keep denying following requirements for FA and keep getting fines for not reporting as FA.
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 NGO, Olga Pitsuova still facing troubles. (See more in the report)
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 arrangement of an environmental seminar.
4	39	Interregional Charity Organization "Siberian Environmental Center"	Novosibirsk	12.02.2015			Political activity is the petition to free Arctic-30 activists.
5	43	Chelyabinsk Ecological Social Movement "For nature" (Leader - RSEU member)	Chelyabinsk	06.03.2015	Closed down by court initiated by Ministry of Justice on December'14, 2016, but NGO appealed this decision in Supreme Court. Hearing expected on April'12 2017.		Two of them were added at the same time. Even Movement didn't have any finances. But ministry of Justice decided that there is a connection because of common leader of the organizations.
6	44	Chelyabinsk Regional Charitable Social Foundation "For nature" (Leader - RSEU member)	Chelyabinsk	06.03.2015	Closed down by court initiated by Ministry of Justice on December'13, 2016., NGO decided not to appeal this decision and continue its work in another form.		
7	48	Murmansk Regional Public Environmental Organization "Bellona-Murmansk"	Murmansk	19.03.2015	16.10.2015	shut down	Almost a year later another Bellona's NGO in Saint-Petersburg labelled in January'2017.
8	49	"Educational Center for Environment and Security»	Samara	20.03.2015	8.10.2015	termination of realization foreign agents functions	One of few environmental NGOs that has succeeded in leaving the register without closing down their NGO – stopped receiving foreign finances.
9	51	Rostov City Public Organization "Eco-Logic"	Rostov-on-Don	03.04.2015	30.03.2016	termination of realization foreign agents functions	One of few environmental NGOs that has succeeded in leaving the register without closing down their NGO – stopped receiving foreign finances.
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 risk of state treason accusation.
11	65	Nizhny Novgorod Regional Public Organization "Ecological Center "Dront"" (RSEU member)	Nizhny Novgorod	22.05.2015			Stopped receiving foreign funding almost a year before labelling. But small donation from Bellona-Murmansk, as well as loan form another NGO (that received foreign funds) and 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

#	# of all	Name	Region (oblast, republic etc)	Date written into register	Date for exiting the register	Reason to exit the register	Comments
14		Altai ecological and cultural public foundation "Altai 21st century"	Altai region	22.7.2015	28.03.2016	shut down	Continue their work in another form
15	83	Nizhny Novgorod ecological public non-profit organization "Green World"	Nizhny Novgorod region	29.07.2015	28.10.2016	termination of realization of foreign agents functions	One of few environmental NGOs that has succeeded in leaving the register without closing down their NGO – stopped receiving foreign finances.
16	88	Interregional Social Ecological Foundation "ISAR-Siberia"	Novosibirsk	26.08.2015			
17	93	Regional public organization "Sakhalin Environment Watch"	Sakhalin region	18.09.2015	16.02.2016	refuse of foreign funding	Even NGO returned rest of the money to the donor – DiCaprio foundation – it wasn't removed from the register.
18	95	Society for the Protection of Consumer Rights and the Environment «Printsip»	Moscow region	05.10.2015			
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 FA 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	
23	125	Regional public environmental organization of the Altai Republic "Arkhar"	Altai Republic, Gorno-Altai	05.04.2016	06.10.2016	shut down	
24	127	Regional public environmental organization "Ecological soul's school "Tengri"	Altai Republic	17.05.2016			Facing fines for not labelling information (even published by members)
25	142	Inter-regional environmental and human rights public organisation "Environmental Watch on North Caucasus" (RSEU member)	Krasnodar region	13.09.2016			Members' participation in actions for nature protection considered as a political activity of NGO. Receiving finances my member of NGO considered as NGO's foreign funding.
26	147	Chapaevsk local public organization "Association of medical workers of the Chapaevsk city"	Chapaevsk, Samara region.	21.10.2016			- working with effect of pollution to the humans' health
27	156	Environmental Human Rights Center Bellona	St.Petersburg	16.01.2017			Planning closure and continuation in another form.
28	157	Youth Public Organization of Soloneshensky District "Pro-Motion"	Altay kray	25.01.2017			Funding from 2014-2015.

Red – shut down
Blue – exit the register

The list is updated per March 1st, 2017

REFERENCES / END NOTES

1. The average exchange rate for 2016 for the Euro is 74.38 RUB, we are using 75; for Norwegian kroner is 7.99 RUB, we are using 8.
2. Naturvernforbundet 2016: Foreign Agent law: Impact on Russian environmental organizations
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