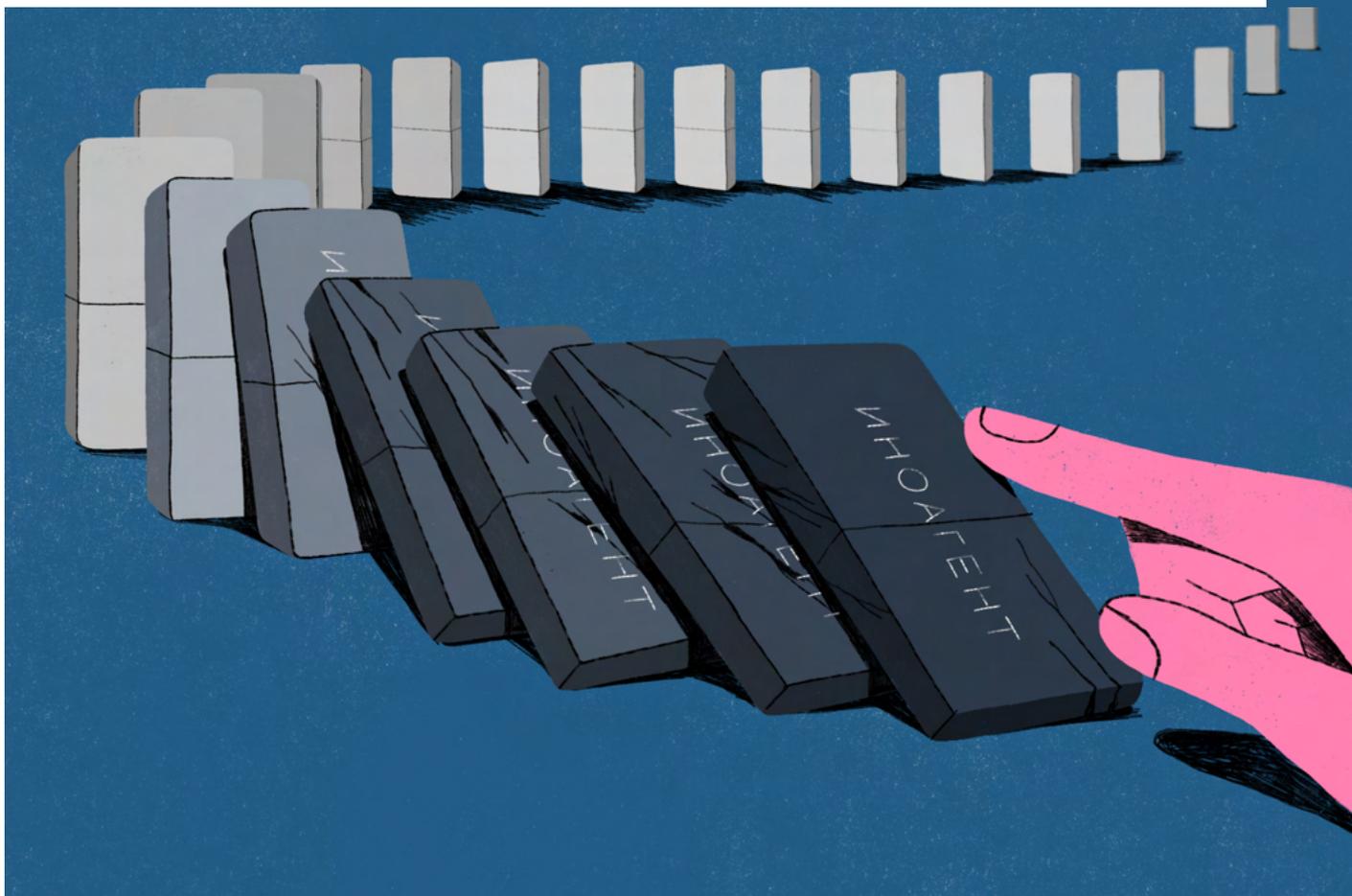


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Discriminatory aspects of the application of legislation on 'foreign agents'



Information about the organization submitting this report

OVD-Info is an independent human rights media project aimed at monitoring persecution for exercise of the right to freedom of assembly and other basic political rights in Russia. We collect information about detentions at public rallies and other cases of political persecution, publish news and provide legal assistance. We study existing problems based on the collected data and present the results of analyses in form of reports.

On September 29, 2021, the Ministry of Justice included OVD-Info in the ‘list of unregistered public associations performing the functions of a foreign agent’.

About the report

We have examined the 'foreign agents' law and its enforcement practice. The report describes the forms of direct and indirect discrimination resulting from the rapidly expanding legislation on ‘foreign agents’ and the negative effects on society as a whole.

Online version <https://ovdinfo.org/reports/created-and-or-distributed>

Authors Daniel Beilinson, Karina Merkuryeva, Grigory Okhotin, Natalia Smirnova, Tatiana Uskova

Editor Natalia Konradova

Translation Julie Antropova

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Introduction

Spring-autumn of 2021 has already gone down in history as a series of ‘black Fridays’ — it is on Fridays that the Ministry of Justice most often updates the lists of so-called ‘foreign agents’. The black mark was given to the largest independent media, such as ‘Dozhd’ TV channel and international Russian-language media ‘Meduza’. The list has been replenished with dozens of individuals. The leading Russian NPOs, ‘International Memorial’ and the ‘Memorial’ Human Rights Centre, got under threat of closure: the prosecutor's office demanded their liquidation due to ‘repeated violations of the legislation on foreign agents’. What was happening could not but cause a wide resonance, as a result of which a public consensus appeared — the legislation on foreign agents is frankly harmful to both society and the state, it must either be cancelled or significantly adjusted.

A sharp increase in law enforcement activity was preceded by the adoption of new amendments to the legislation on ‘foreign agents’ in November 2020 - March 2021. Amendments at the legislative level have significantly expanded the scope of application of legislation, tightened penalties and increased the regulatory burden on ‘foreign agents’. Since December 2020, 127 entities and individuals have been included in various lists, a total of 175 at the moment. In the first half of 2021, the courts of first instance imposed fines of 8.5 million rubles on NPOs and their directors in connection with violations of ‘foreign agency’ legislation.

Fines for violating the labelling of ‘foreign agents media’ have become massive: by October, Roskomnadzor reported on the compilation of 843 such protocols.

New amendments and established law enforcement practice significantly restrict, and sometimes completely stop the work of organisations and people included in the lists of ‘foreign agents’. 98 NPOs were forced to cease their activities after being included in the list of ‘foreign agents’, mass media and media projects are being closed (for example, VTimes and the ‘Fourth Sector’), other NPOs faced the risk of forced liquidation — the prosecutor's office's claims against Memorials are unequivocally read in the professional community as an unambiguous warning for all ‘foreign agents’. There has already been a trend towards a new wave of emigration of journalists and human rights defenders associated with the risks of a ‘foreign agent’ status.

The new campaign to regularly declare the media and journalists as ‘foreign agents’, which began with the inclusion of ‘Meduza’ in the list, disturbed the journalistic community, and the fact that popular media with millions of audiences got included in that list as well, took the topic beyond the limits of a narrow professional interest. And the attitude of society to the legislation itself and its use is quite unambiguous and negative: according to the [poll](#) of ‘Levada-centre’, 40% of respondents consider the law repressive¹. [The petition](#) for complete abolition of the ‘foreign agents’ law, following 240 organisations, including leading Russian media and charitable organisations, the largest civil and environmental projects from all parts of the country was signed by more than 250 thousand people².

The resonance and unambiguously negative perception of the law by both the professional community and society as a whole moves the situation into a political field. In addition to the already mentioned and most massive initiative for the complete abolition of this legislation, other ideas are emerging from various professional circles and political actors. A group of journalists headed by Dmitry Muratov, editor-in-chief of ‘Novaya Gazeta’, [developed](#) a package of amendments regarding the ‘foreign agents’ media³. The bill on changing the legislation has already been [developed](#) in the State

Duma by the fractions of ‘Spravedlivaya Rossiya’ and ‘Novyye Lyudi’ in the State Duma⁴. The Human Rights Council under the President of the Russian Federation and the Union of Journalists of the Russian Federation have [suggested](#) their own versions of the amendments⁵, the amendments are being developed in the [Legislative Assembly of St. Petersburg](#)⁶. The expediency of considering and adopting such amendments has been repeatedly [expressed](#) by the press secretary of the President of Russia Dmitry Peskov⁷. The President himself publicly [confirmed](#) this opinion in his speech at the Valdai Forum⁸. The need for a detailed analysis of law enforcement practice and subsequent changes in legislation was also [stated](#) by the speaker of the Federation Council Valentina Matvienko⁹.

If it were not for the continued activity of the law enforcement officers, who not only do not react to public and political discussion, but also tighten the sanctions applied, it would be possible to talk not just about public, but also public-state consensus. The only question that still causes controversy is how exactly it is necessary to change the legislation on ‘foreign agents’. Society and the professional community of NPOs and media insist on the complete abolition of legislation - it cannot be improved, it should be abolished. Representatives of the authorities, parliamentary parties and a number of other actors insist that it cannot be cancelled, it should be improved.

The choice between these two options lies, first of all, in the political perspective — is the government ready to listen to society? And if so, how and when? But this issue also has a legal dimension — to what extent do the laws themselves and the established law enforcement practice generally comply with the Russian Constitution and international law? Is there anything to improve there, and is it possible to change this legislation in such a way that the law becomes not just a document approved by officials, but also an indisputable part of the law?

Our report is dedicated to finding answers to these questions. Both sides appeal to discrimination to argue their positions. Supporters of the repeal emphasise that the legislation discriminates against NPOs and foreign agents (media and individuals). The authorities claim that the law increases transparency and does not restrict the rights of those who get into the relevant lists in any way. Therefore, in the report we focus specifically on identifying and analysing discriminatory aspects of the legislation and law enforcement practice itself. We hope that the movement of the dialogue between the government and society into the direction of legal analysis will allow us to find a solution that will simultaneously suit both sides, and will comply with the norms of the Constitution of Russia and international law.

Definition of discrimination in international and national law

According to the Constitution of the Russian Federation, the State shall guarantee the equality of rights and freedoms of man and citizen, regardless of sex, race, nationality, language, origin, property and official status, place of residence, religion, convictions, membership of public associations, and also of 'other circumstances'¹⁰. This provision complies with the norms of the Conventions ratified by the Russian Federation: the International Covenant on Civil and Political Rights¹¹ and the European Convention for the Protection of Human Rights and Fundamental Freedoms¹².

In general, discrimination is usually defined in international and national law and in judicial practice as unequal treatment in the lack of objective and reasonable justification, legitimate purpose, necessity and proportionality¹³. Discrimination can be direct or indirect. Direct discrimination is characterised by the intention to discriminate against a person or a group, and indirect discrimination looks like an outwardly neutral position, criterion or practice that de-facto puts representatives of a certain group at a disadvantage compared to others. Discrimination has not only direct consequences for the people and groups who are subjected to it, but also indirect and profound consequences for society as a whole.

International treaties, like the Constitution of the Russian Federation, provide interference with fundamental human rights in several cases, including cases in the interests of national security and public order¹⁴. This should happen only under strict conditions stipulated by law and the needs of a democratic society. At the same time, the state should demonstrate that the restriction is necessary to prevent a real, not just a hypothetical danger, and that less serious measures will not be sufficient. In addition to meeting immediate social needs, the restriction should also be proportionate to its purpose.

Finally, the Constitution prohibits passing laws abolishing or diminishing the rights and freedoms of man and citizen¹⁵, and the interpretation of rights and freedoms as their rejection or derogation cannot be permissible¹⁶.

What lists are there?

At the time of publication of this report, there are 4 lists of ‘foreign agents’. There is a separate regulatory regulation around each, separate procedures and different inclusion criteria. Below we will briefly describe each list, the criteria and the number of initiatives and people included in them¹⁷.

Non-profit organisations

Since 2013 and until the publication of this report, **217** organisations have been included in the [list](#) of ‘NPOs performing the functions of a foreign agent’¹⁸. **98** of them were excluded after liquidation or reorganisation, **39** were removed after filing an application for termination of foreign financing and (or) political activity, **5** were excluded after their complaints about the unjustified or illegal inclusion of the organisations in the list were upheld, and **1** of them was removed after returning property to a foreign source. **73** NGOs remain on this register. **73** NPOs remain in the list.

As reasons to include an organisation in this list, the law gives two separate criteria: ‘political activity’ and receipt of funds or property from foreign sources (including through intermediaries)¹⁹. The concept of ‘political activity’ is formulated very vaguely and tricky and covers activities that are not political in the general meaning of the word — for instance, elections observation, public appeals to the authorities, conducting polls or ‘spread of opinions about decisions taken by state bodies and the policy they pursue’²⁰.

Unregistered public associations

3 initiatives were included in the [list](#) of ‘unregistered public associations performing the functions of a foreign agent’ in 2021²¹.

The same criteria are used for inclusion in this list as for the list of NPOs.

‘Foreign Media’

Since the end of 2020, **99** items have been added to the [list](#) of ‘foreign mass media performing the functions of a foreign agent’²²: **63** individuals, **27** legal entities of the media and **9** legal entities created by individuals at the request of legislation (individuals included in the list are required, according to the law, to register a legal entity and submit reports also on their behalf).

Despite the name of the list, not only foreign media and structures, including those without a legal entity, but also Russian legal entities and even individuals, including Russian citizens, can be put on it²³.

Unlike other lists, the criteria for inclusion in ‘foreign media’ are built around not ‘political activity’, but the spread and creation of materials. Thus, any foreign media or structure, when distributing materials on any topic and receiving foreign funds or property, can be included in the list of ‘foreign media-foreign agents’. Russian legal entities may be included there upon the fact of spread of materials belonging to the people already included in the list - in combination with funds and property of foreign origin or property received from people included in the list before. Any of the above criteria apply to individuals.

For example, working as a freelance author for a media already on the list may be the reason to be included there as well. Another reason can be a repost of any material in social media, regardless of the topic and the source - if the author of the repost receives foreign money or property.

Individuals

At the end of 2020, a law was passed implying the creation of another list exclusively for individuals. At the time of writing, no one has been included in this list yet. According to the law, people who are engaged in 'political activities', as well as purposeful collection of information in the military field, if this threatens the security of Russia²⁴ can be put on the list²⁵. Along with foreign funds or property, the law introduces another category of assistance of foreign origin, which is the reason for including a person in the list: 'organizational and methodological assistance'. This concept is not deciphered in any way, so it is impossible to understand in advance what types of relationships with people or organisations outside of Russia can lead to the status of a 'foreign agent'.

How is the status assigned?

The law implies that organisations and individuals must themselves submit applications for inclusion in various lists of ‘foreign agents’ when registering or when intending to carry out the activities of a ‘foreign agent’²⁶. It applies to all lists except the list of ‘foreign media’. If an organisation or individual does not submit such an application, the Ministry of Justice may include them in the relevant list itself. At the same time, as a rule, an [administrative case](#) is initiated against the organisation and its official or individual²⁷.

NPOs may be subjected to an unscheduled inspection if citizens or organisations complain that they perform the functions of a foreign agent, but have not submitted an application for inclusion in the relevant list.

- So, in the spring of 2016, the Institute of Law and Public Policy provided the Ministry of Justice with copies of 47 types of documents on 11,867 sheets. [According to](#) Natalya Sekretareva, the lawyer of the organisation, *"three employees, including the executive director and the chief accountant, spent more than a week of working time. In total, the organisation lost not only a quarter of a month, but also almost 85 thousand rubles. The organisation's expenses included the salary of employees who were separated from work, the cost of paper and toner for the printer. According to the results of the inspection, there were no signs of the Institute's political activity. [...] As it turned out later, the only reason for an unscheduled inspection was a citizen's appeal of January 11, 2016. The organisation managed to get the text of the appeal only eight months after the request and three subsequent complaints. The appeal did not contain a request to conduct any checking, nor any information about the Institute's political activities. During the subsequent trial, a representative of the Ministry of Justice stated: "[the citizen] does not give specific signs of [political activity]; if he knew about them, he would have given them, but he did not know. To do this, we checked you to find out if they exist or not."*²⁸.

If an NPO is included in the list based on the results of such inspections, it happens by the decision of the Ministry of Justice, without any judicial procedure. Organisations and individuals often find out about it by chance from the media or from acquaintances. *"I knew that I was labelled as a 'foreign agent' from a friend. He sent me a message with a link to the Ministry of Justice website and highlighted my name on the screenshot."* - [says](#) the coordinator of the ‘Voice’ movement in St. Petersburg²⁹. Her colleague from the Samara region also [found out](#) about it by accident: *"No one called me, I did not receive any papers through the "Gosuslugi" or through the mail."*³⁰

The specific grounds for inclusion in the list often come up much later, already during the appeal of the decision in court. This is how, for example, it became clear how widely the Ministry of Justice interprets the concept of a ‘foreign source’ of funds or property. The leading lawyer of the Center for the Protection of Media Rights Galina Arapova [tells](#): *"Objections to all claims look about the same: the Ministry of Justice, explaining the reasons for the inclusion of journalists in the list, points to the use of correspondent accounts for international money transfers, for example, through the correspondent account of Citibank Europe. At the same time, none of the journalists have their own accounts there, this bank is used by Russian banks as an intermediary."*³¹.

Among the possible grounds for inclusion in the list of ‘foreign agent media’ the Ministry of Justice [named](#) participation in a press tour, which was paid for by a foreign organisation; participation in an international conference with accommodation at the expense of the organiser; a monetary gift from

friends or relatives living abroad; receiving an award for participation in an international competition³². Despite the fact that this list of sources of ‘foreign financing’ raises questions, in practice, any transfers from foreign accounts, including their own, can become a reason for inclusion in the list. Three and a half months after being included in the list, journalist Pavel Manyakhin found out in court that the list of claims of the Ministry of Justice included three bank transfers in dollars, which, as Manyakhin [told](#) ‘Meduza’, were made by himself from one of his accounts to another³³.

Sergey Kurt-Adzhiev, editor-in-chief of ‘Gagarin Park’ media, [says](#):

"... we allegedly received foreign funding from such organisations as the Togliatti Chamber of Commerce and Industry, Victoria LLC and the Union of Journalists of Russia. From the latter we had a grant for publications on a social topic. So, it was recognised as foreign funding because the Union of Journalists of Russia received funds from a certain organisation that received funds from a certain foreign source. That is, this is already a ‘second cousin’ of some kind”³⁴.

Let's assume that ‘foreign financing’ means only those funds from foreign sources that are related to professional activity, and not just a formal reason for inclusion in the list. But even in this case, it is completely unclear how a legal entity or an individual, not wanting to violate the law, can understand whether another person receives foreign funding. Such information cannot be obtained without access to bank secrecy. One of the journalists included in the list [says](#):

In the report, we must list our expenses and sources of income. For example, who transferred money to me - with a first and last name. I also have to note whether this person receives money from ‘foreign persons’. If yes, you need to specify the number of his passport. How can I know about this if, for example, a friend returns money to me after I paid for the whole company in a cafe? And why should I even know about it?³⁵

Sergey Kurt-Adzhiev [says](#):

"If a client appears and I make a contract with him, should I contact Rosfinmonitoring? "And please, tell me, has this client worked with any other clients who had foreign financing?" And what will Rosfinmonitoring do? He'll just tell me to go to hell. He will say that he is not obliged to provide us with such information. I will make this contract with the client, I will receive 10-15 thousand from him. Next year, the Samara Ministry of Justice will conduct an audit and will say that we received foreign funding again. No one can understand where this foreign financing ends.”³⁶

Under the current criteria of a ‘foreign agency’, any legal entity or individual is at risk of being included in the list, for example, as a result of provocation. As Denis Kamalyagin, the editor-in-chief of the ‘Pskovskaya Guberniya’, has [shown](#), even officials can be easily compromised in this way:

"... I found the numbers of our governor, the head of the administration, the State Duma deputy from the Pskov region, the settlement account of two ‘anoshkas’ [‘Media60’ and ‘MediaCentre60’] publishing pro-government media. I sent them funds by phone numbers linked to their mobile banks—and in the latest report of the Ministry of Justice I reported that they received funding from a ‘foreign agent’ [...] In theory, these comrades who will participate in the elections should indicate on at least 15% of their [advertising] area that they are associated with ‘foreign agents’³⁷.

The autonomous NPOs described by Kamalyagin could be included in the list of ‘foreign media of foreign agents’, however, the fact of the transfer of money by a ‘foreign agent’ does not always lead to the inclusion of its addressee in the list, even if the Ministry of Justice knows about it. In fact, the

funds received from ‘foreign agents’ are only a formal opportunity to apply the law, which still works selectively.

In any case, recipients of donations or grants cannot protect themselves from the risk of becoming a ‘foreign agent’, even if they make an effort to do so and disown any foreign support. Considering different cases of the definition of ‘foreign agent’ in Russian legal practice, the experts of the Venice Commission³⁸ note the ‘absence of a reasonable connection’ between this term and the practice that it is intended to reflect³⁹.

Problems with the breadth of definitions in the legislation are also shown by the fact that in October 2021, the Ministry of Finance [proposed](#) to exempt media established by state agencies or receiving subsidies from the state budget (such as RT or TASS) from the obligation to report to Roskomnadzor on foreign financing. [According](#) to the ministry, *"attempts to influence the Russian information space from the outside in order to provide biased information and create a distorted picture of political reality can only take place in relation to commercial media that do not have state funding (subsidies) and priority goals and activities of such media established by state authorities."*⁴⁰ That is, according to the logic of the ministry, a part of the media that may mistakenly fall under the criteria of a ‘foreign agent’ should be manually removed from the law. Oleg Matveichev, deputy Chairman of the State Duma Committee on Information Policy, [noted](#) in a comment to Vedomosti that *"receiving any funds from abroad in these cases does not contradict the spirit of the law, the essence of which is that there should be no media that are subject to foreign influence through foreign financing."*⁴¹.

The authorities have repeatedly stressed that the status of a ‘foreign agent’ can be appealed in court.

- [Alexander Sidyakin](#) (State Duma deputy), 2013: *"It seems to me that we can think about putting judicial practice on the letter of the law. The courts, in a sense, set the trend."*⁴²
- *"If there are grounds to believe that one or another NPO has nothing to do with political activity, then it should be cited as a concrete example and challenged in court,"* ‘Rossiyskaya Gazeta’ [wrote](#) in 2015 with reference to the presidential press secretary Dmitry Peskov— *"Specifics are needed here, there is no need to feel abstract concern. And the problem is that most often there is an abstract concern that is not based on anything."*⁴³.
- [Valentina Matvienko](#) (Speaker of the Federation Council), 2021: *"Now the main thing is law enforcement practice, so that there are no excesses here. The Ministry of Justice carefully analyses everything before including an organisation in the list of foreign agents, this is confirmed by factual material, sources of foreign funding. But if one or another media does not agree with the decision of the Ministry of Justice, it has the opportunity to challenge it in court."*⁴⁴

However, appeal to court implies time and financial costs borne by public associations and individuals. [According to experts'](#) calculations carried out in 2015, the average expenses of an NPO for appealing fines in court or being put on the list were 75 thousand rubles⁴⁵. At the same time, for the entire time of the existence of legislation, we know only about four organisations that managed to get an exclusion from the list in court, and only in two cases it was a decision of the court of first instance⁴⁶. Thus, when new people or organisations get included in the lists of ‘foreign agents’, they face the question – is it worth it, to get distracted from work and invest effort and money in a long process, in which almost no one has managed to achieve justice?

Formal requirements for ‘foreign agents’: reporting

One of the most striking manifestations of inequality in relation to ‘foreign agents’ is the reporting burden, which is much lighter or completely absent for persons not included in the lists.

Reporting of legal entities

Most non-profit organizations (NPOs) are required to submit reports to the Ministry of Justice once a year on the purposes of spending money and using property, including those received from foreign sources⁴⁷. However, ‘foreign agents’ must do this once a quarter and additionally report on the goals, as well as on the actual expenditure of foreign funds and the use of foreign property. This applies not only to NPOs⁴⁸, but also to unregistered public associations (UPAs)⁴⁹.

All NPOs are checked by the Ministry of Justice for compliance with the law and their constituent documents. For most organisations, it happens according to a preliminary plan and no more than once every three years. NPOs included in the list may be regularly checked by supervisory authorities once a year. NPOs that are not included in the list can also be checked unscheduled - based on a complaint from citizens or organisations, which claims that the organisation performs functions of a foreign agent, but has not submitted an application for inclusion in the relevant list. This practice contradicts the general recommendation of the Committee of Ministers of the Council of Europe on the legal status of non-governmental organisations in Europe⁵⁰. According to this recommendation, unscheduled inspections of NPOs are possible only if there are sufficient grounds to believe that serious offences have been or will inevitably be committed.

NPOs included in the list should report more often than others - once every six months - on their activities and on the personal composition of their managers and employees (this report should be posted on the Internet or published in the media). Foreign agents NPOs, as well as structural subdivisions of foreign non-profit non-governmental organisations (NGOs)⁵¹, are required to conduct an audit once a year and submit an audit report to the Ministry of Justice⁵². An [independent assessment](#) conducted in 2015 showed that these organisations incur an average of additional expenses in the amount of 273 thousand rubles per year⁵³. This estimate includes audit and regular reporting costs. However, according to the study, if an organisation was included in the list not on its own initiative, but by the decision of the Ministry of Justice, then a fine is added to these expenses, which on average amounts to 330 thousand rubles. If an NPO decides to challenge this fine, then it will spend an average of 75 thousand rubles more on court costs (payments to staff lawyers or third-party lawyers).

In 2021, non-profit organisations included in the list and subdivisions of foreign NGOs were obliged to inform the Ministry of Justice in advance about planned programs and events. And the Ministry has received the power to prohibit the implementation of a program or to hold an event. In case of non-execution of the decision, the Ministry of Justice may apply to the court with a request to liquidate the organisation.

The experts of the Venice Commission see a violation of the principle of legality in this law, that is, a clear definition of the norms of law and the boundaries of requirements⁵⁴. Although the law defines that the decision of the Ministry of Justice must be motivated, it does not establish any criteria for banning the program or allowing its implementation. It remains completely unclear what organisations should focus on when developing their programs in order to avoid the ban. It is also unclear how the court will be able to fulfill the goal assigned to it, namely, to assess the alleged

misconduct and choose a sanction commensurate with this offense — since there are no criteria for an independent decision whether to satisfy the liquidation requirement.

Introducing this bill to the State Duma, the Government of the Russian Federation justified its necessity as the need "to protect the rights and freedoms of man and citizen, as well as the legally protected interests of society and the state."⁵⁵ It is worth noting that, according to international norms, only very serious violations, for example, threatening the fundamental principles of democracy, can serve as a justification for banning the activities of an organisation that is protected by freedom of association⁵⁶. It is obvious that even without innovations, the executive authorities had the authority to prohibit activities in exceptional cases. However, now the law presupposes systematic state interference in the content of the activities of 'foreign agents' NPOs and subdivisions of foreign NGOs, making them directly dependent on the decisions of the Ministry of Justice.

Special attention should be paid to the projects of changing the reporting forms of non-profit organisations, which introduce more reporting requirements, and that automatically implies a sharp increase in the expenses of 'foreign agents' NPOs and subdivisions of foreign NGOs⁵⁷. In addition, the requirement to coordinate events for a year ahead will obviously lead to the impossibility of holding spontaneous events (for example, as a response to the events taking place in the world). The requirements to provide lists of participants of events (surname, first name and patronymic) and/or its counterparties — as well as the requirements for all NPOs and public associations to provide lists of citizens who have made donations to the organisation - force them to violate federal legislation 'on personal data', which prohibits disclosing and distributing personal data to third parties without the consent of the subject⁵⁸. The same requirements force to violate the right to privacy of participants of these events and private donors⁵⁹. As the Venice Commission notes in its report on the financing of associations, "such a radical measure as the 'obligation to disclose information' (for example, the disclosure of the source of funding and the identity of donors) can only be justified in cases where political parties and organisations officially participate in lobbying activities for a reward..."⁶⁰

Almost all of the above measures do not apply to all non-profit organisations (many of which also receive foreign funding), but create special conditions for 'foreign agents' and subdivisions of foreign NGOs. The regulatory framework distinguishes the participants of events and donors of such organisations into a separate category of people whose private life is not inviolable, and whose data does not need protection. All these are manifestations of direct discrimination.

A clear example of a special approach to 'foreign agents' was the decree of the Government of the Russian Federation No. 438 of April 3, 2020, made to support organisations during the spread of coronavirus infection. This decree introduced a temporary moratorium on most inspections for NPOs whose average number of employees in 2019 did not exceed 200 people. However, the moratorium does not apply to 'NPOs performing the functions of a foreign agent.'⁶¹

Reporting of individuals

The same reporting requirements apply to persons included in the list of 'foreign mass media performing functions of a foreign agent'⁶². In fact, once in this list, a person is equated with a 'foreign agent NPO', receiving its rights and obligations. Like all foreign entities, individuals are required to register a Russian legal entity within a month, submit an application for inclusion of this person in the list of 'foreign agents media' and send reports on its behalf in the form provided for NPOs⁶³. It is impossible to collect all the documentation and register an NPO in such a time, so people are forced to register commercial organisations and report on their behalf in the form of non-profit organisations.

At the same time, the inevitable costs fall on their shoulders. For example, the state fee for the registration of an LLC is 4 thousand rubles, and for an annual audit - provided that there was no activity during the reporting year - it takes from 30 thousand rubles. If the activity was present, then audit costs rise sharply plus accounting costs are added to them⁶⁴. In addition, as some experts note, not every accountant or auditor today will want to deal with a 'foreign agent': "...*The environment is considered toxic, problematic, and they try to stay away from it. And those who undertake the support of such NPOs, bill significantly higher than the market average*".⁶⁵

Individuals included in the list of 'foreign agents media' are also obliged to report on their activities and financial activity, which leads to numerous violations of the right to privacy, [says](#) Daria Apakhonchich, included in the list:

They tell you: here's a piece of paper and a pen, write down what kind of a spy you are... And how should one write it? What kind of socio-political activity do I do? I go for a walk with my children, eat, sleep, give lessons — what should I write there?

In terms of finances, nothing is clear either. After the search, all the equipment was seized from me (my and my daughter's laptops, phones, my son's tablet and memory cards). I made a post that I was collecting money for a new equipment, instead of the seized one. People donated a lot of money to me (more than 120 thousand). How do I know who these people are? What nationality are they, what passports do they have? I don't know how to track it all technically⁶⁶.

The vagueness and breadth of the wording of the law and regulatory norms leads to numerous ambiguities that the Ministry of Justice does not clarify. At the same time, individuals are criminally [liable](#) for incorrect reporting with a potential imprisonment of up to five years. "*We cannot predict that our reports will be recognised as a mistake,*" [says](#) another 'agent' journalist who decided not to disclose her name — *If I spent the cashback that comes every month from the bank, I have to report it. But it doesn't seem to be necessary to specify each purchase separately in the report. Why? Because there is no explanation of how to fill out these forms. Some of the 'foreign agents' enter each chocolate bar and the receipt number, others combine product categories, for example, 'groceries', 'transport' and so on⁶⁷.*

Lawyer Galina Arapova, specialising in the cases of 'foreign agents media', subsequently included in the same list, [confirms](#) this in an interview with 'Novaya Gazeta':

«...It is not clear what 'actually incurred expenses' are — is it necessary to collect all receipts, all transactions, each receipt for purchased underpants or coffee, or is it still about enlarged expenses?»⁶⁸

At the same time, according to Arapova, it is impossible to get any clarifications from the Ministry of Justice:

"If you look at the example of the communication of 'Dozhd' TV channel with the Ministry of Justice and Roskomnadzor [...], then this is a conversation between a mute and a deaf. 'Dozhd'" formulates a specific question: "Could you please tell me, in what time, for what period should we provide something?" [...] They repeat: "Read the law." It turns out that they either don't know anything themselves, or they don't have this position formulated somewhere up there. [...] Therefore, we are forced to act on intuition in this situation."

It is noteworthy that legal entities registered by individuals in the list must comply with the same reporting requirements ([as well as labelling](#)) as individuals. It increases the degree of responsibility and the total amount of fines. The Ministry of Justice, [commenting](#) on the inclusion of these legal entities in the list, noted that ‘we are talking about these citizens’ conscientious fulfilment of the requirements of the law established for persons included in the list and aimed at increasing the information transparency of their activities.’⁶⁹ Maria Zheleznova, a journalist in the media list, [told](#) the BBC that *"the point of these procedures is that the state has even more opportunities to punish 'foreign agents' if it wants, because the fines for legal entities are bigger."* Galina Arapova also agreed with her, noting that *"the founders will have to answer for any violations committed by the LLC, even if there are no funds on its account."*⁷⁰

According to the ECHR⁷¹, the process of collecting and storing data related to the private life of an individual is an interference with the right to privacy. In this case, we are talking about such details of a person's personal life, interference in which, from the point of view of international norms, can only be justified by the need to prevent a real threat to a democratic society⁷². Lyudmila Savitskaya [tells](#):

I no longer have a private and personal life, because Comrade Major and the Ministry of Justice know literally everything about me, including the brand of tampons I use. I have to report on every purchase, even the smallest one, in detail. I have to file a report every quarter. The form takes 86 sheets, in which you describe in detail what you spent the money on: kefir, cat food.

*Then I have to report on all receipts. My mother lives in the suburbs, she has no medicines, and she asks to order them from Pskov. Now mom has to make a request to the bank and issue a cash-flow order to confirm that she is transferring money to medicines, and not to finance Joe Biden*⁷³.

It is noteworthy that the explanatory note to the law, in which the concept of ‘foreign agent media’ was first introduced, does not contain any motivation for such strict measures, with the exception of "improving the legal regulation of the spread of mass media by foreign mass media"⁷⁴. During the consideration of the bill in the second reading, the chairman of the committee responsible for the draft mentioned that when making decisions on the inclusion of individuals in the list, "mirroring in relation to the impact on our media" is primary⁷⁵. An explanatory note to another bill, which put into effect another list of ‘foreign agents’ individuals (not media), motivates the need for the law by the fact that it "will increase the legality and transparency in the activities of [...] private individuals supported from abroad who participate in political processes on the territory of the Russian Federation."⁷⁶

As in the case of legal entities, we are talking about the transfer of not only personal information, but also information about other persons, that is, a violation of the law ‘on personal data’⁷⁷:

"I'm also worried about my loved ones who transferred money to me — now I have to indicate them in the report. In our country, you never know how this information can be used. Will they want to put pressure on me through them if I somehow behave incorrectly, in the opinion of the state?" — [argues](#) the author of an anonymous essay on ‘foreign agency’, published in ‘Meduza’⁷⁸.

Thus, no specific justifications or explanations were given as to how ‘foreign agency’ laws should protect the interests of society and the state, how they will counteract threats to national security or prevent them. The Venice Commission, in its analysis of changes in the legislation on ‘foreign agents’, comes to the conclusion that the expansion of regulation is unnecessarily burdensome to such an extent that it becomes repressive⁷⁹. At the same time, numerous difficulties associated with the

reporting of individuals included in the register of ‘foreign agents’ are confirmed by the testimonies of the ‘agents’ themselves. As Galina Arapova notes, *"... the state goes beyond the boundaries of normal relations with its citizens. This report is a blatant invasion of a person's privacy, not justified by necessity. It seems that such unpleasant, intractable bureaucratic difficulties are created in order for a person to feel how his dignity is being humiliated."*⁸⁰

Formal requirements for ‘foreign agents’: labelling

Another example of how the legislation on ‘foreign agents’ discriminates against the status carriers is the need for labelling. Thus, the media recognised as ‘foreign agents’ must accompany all their messages both on the website and in social networks with a special wording - a warning that the message was spread by a ‘foreign agent’⁸¹. In addition, an indication that the media performs the functions of a ‘foreign agent’ should be in the output data or on the publication's website.

Special wording must be added not only to the texts of the ‘foreign agents’ media, but also to the video or audio materials. In each case, there are rules for the placement of such markings: if we are talking about the text, the size of the warning must be twice the size of the rest of the material. In the case of video, it should occupy at least 20% of the image on the screen and have a duration of at least 15 seconds. Similar duration requirements apply to audio materials.

The same rules apply to individuals included in the list of ‘foreign agents’ media. People from the list of ‘foreign agents-individuals’ are also required to mark their appeals to authorities or educational organisations⁸².

Lyudmila Savitskaya: "Those media that traditionally loudly express contempt for the existing political system, expose corrupt officials, or are not afraid to joke about the president and the special services, their sons-in-law and daughters, have turned away from me, a newly minted foreign agent. They did not want to put a foreign agent postscript in front of my texts. They pretentiously stated that they were not accepting the law on ‘foreign agents’, added that the marking spoils the appearance of news and texts and summarised: "The management opposed such attributions in the materials on the site." It is important to make a note here that for the absence of a foreign agent mark, not the media will be fined, but me. First, I will receive a fine with several zeros, and if repeated, a real arrest. In prison, it will be difficult for me to help people with reports, and my lawyers and I decided that we would act according to the law: put a postscript, write reports and simultaneously challenge the foreign agency status. Therefore, the refusal to label my texts is a powerful betrayal from those with whom I have been cooperating for a long time."⁸³

NPOs and unregistered public associations labelled as ‘foreign agents’, as well as their founders, members, participants and managers are required to indicate their status on the website and in social networks if their posts can be interpreted as ‘political activity’, as well as mark all materials produced by them and appeals to state agencies, local governments, educational or other organisations⁸⁴.

One of the discriminatory consequences of the law is, for example, the impossibility for ‘foreign agents’ to use Twitter: the maximum length of the message there are 280 symbols, and the length of the ‘foreign agent’ label is 220 characters. There are only 60 characters left for a post.

As a human rights activist Lev Ponomarev⁸⁵ notes, ‘when they say that a ‘foreign agent’ in Russia has the same rights as other citizens, it is not true, of course. Take Twitter, for example: I am deprived of the opportunity to use it.’⁸⁶

At the same time, the law on ‘foreign agents’ contains vague formulations that do not give a clear explanation of how to label your messages in each of the social networks specifically. In some cases, organisations were fined even after a previous check found no violations on the site⁸⁷.

"The main problem <...>, as it seems to me, is also that most of the questions <...> even lawyers cannot answer unequivocally — the wording in the law is so vague. For example, it is not clear how

to put a label on Twitter. Most likely, you can use the picture to have the opportunity to write a tweet, but some lawyers do not agree with this. As a result, it is not clear how to use Twitter," [says](#) Daniil Sotnikov, a journalist of the 'Dozhd' TV channel⁸⁸.

At [a round table](#) devoted to the problems of 'foreign agents', Dmitry Treshchanin, the editor of 'Mediazona' said that labelling is a 'minefield'⁸⁹. According to him, Mediazona writes about 350 messages a day, which are issued according to a certain template. The staff may think that they follow all the labelling rules, but in fact they don't know if this is the right template. As a result, it is possible that the media commits about 350 violations a day without suspecting it, and it can find out about it only after violations are detected by Roskomnadzor, which threatens with [a fine](#) for non-compliance with the legislation on 'foreign agents'⁹⁰.

Labels about 'foreign agency' scare away not only potential employers, but also media readers, and even ordinary users. At the same time, for people included in the list of 'foreign agents' it is necessary to indicate their status constantly in order not to receive [fines](#) for non-compliance with legislation⁹¹. *"If I place an ad for a sale of a wardrobe, I will also need to mark this message there. If I am going to write a thesis in some university in Russian, then I should also write this note there, if I am registered in a dating app– I will have to mark my profile,"* [notes](#) Lisa Surnacheva, editor of the 'Nastoyascheye Vremya' TV channel⁹².

It is necessary for 'foreign agents' to label messages even in more personal communication formats - for example, in [dating apps](#)⁹³ or in [parental chats](#)⁹⁴. In the marathon of "Dozhd" "Agents of people. Marathon for the abolition of laws on 'foreign agents'" the head of the 'Center for the Protection of Media Rights' Galina Arapova [noted](#) that such labelling significantly affects the private communication of people who have the status of a 'foreign agent'. Even when submitting a request to enrol a child in school, a person is obliged to mark his application, which cannot but influence the decision of the facility administration. *'And when accepting the child, the director will think three more times whether he needs this headache'* the lawyer added⁹⁵.

In addition, the private life of individuals of the 'foreign agents' media is also affected by the fact that even ordinary users of social networks are beginning to label them, although the legislation [does not require](#) this⁹⁶. Such labels can be seen both in posts [concerning individuals](#)⁹⁷, as well as [NPOs](#)⁹⁸ or [the media](#)⁹⁹. Apparently, such users decide to put labels based on the vagueness of existing legislation and out of fear that they themselves will be responsible for 'violations'. Here, for example, is a comment [left](#) by a Twitter user telling which TV channels he watches: "*<...> i'm also watching news of d*zhd (recognised as a foreign agent on the territory of the rf - should I write this at all?)"*¹⁰⁰.

Such an attitude to the status of a 'foreign agent', together with labels even from ordinary users, entails serious reputational costs for those who are included in the lists, and leads to discrimination.

NPOs and the media of this status are particularly exposed to such risks. The situation with information aggregators deserves special attention. In October 2021, the telegram channel 'Setevyye Svobody' [noticed](#) that the 'Yandex.News' aggregator began to label news as news from the 'foreign agents' media independently¹⁰¹. Although there was no information that labelling affects the issuance of such publications, such a label cannot but affect the attitude of the audience: when searching for a particular topic, they may prefer the media without this label. Moreover, we are talking not only about those users who will choose a source of information without foreign funding, but also about those who will make such a choice simply without being informed about what such labelling means. As for NPOs, even without formal restrictions on receiving a grant, the proposed wording cannot but

influence the decision of the grantee. The same restrictions apply to potential partners who may not want to cooperate with a 'foreign agent'.

The historical meaning of the 'foreign agent', together with the need for labelling, leads to inequality of the parties in other cases: for example, when defending theses at a state university, if one of them is written by a 'foreign agent', or during a court hearing, if one of the parties is a 'foreign agent': *"as far as I understand, now I will have to label all my procedural documents as a lawyer with this 24-word phrase,"* lawyer Valeria Vetoshkina [told](#) 'Advokatskaya Ulitsa'¹⁰².

The need to label all their public messages in social networks also affects the quality of life of those whom the Ministry of Justice considered 'foreign agents'. As the former journalist of the "Project" Olga Churakova [notes](#): *"The label is discrimination in personal life. Interference in your personal life. Lack of privacy. The authorities are constantly monitoring your personal life."*¹⁰³

Formally, the need for labeling is not related to discrimination against 'foreign agents', but only creates inconveniences for them. However, in reality, it not only restricts the rights to use certain social networks, for example, Twitter¹⁰⁴, but, as [stated](#) by the representative of the Office of the UN High Commissioner for Human Rights, Liz Throssell, and violates the right to freedom of expression¹⁰⁵.

Sanctions for violations of requirements for ‘foreign agents’

In 2012, two articles were added to the Code of Administrative Offences¹⁰⁶ with penalties for violations of the requirements of the legislation on ‘foreign agents’, and an article on ‘malicious evasion’ was added to the Criminal Code¹⁰⁷. With the increase in the number of types of ‘foreign agents’, the number and amount of articles increased, and sanctions for violations and the ‘statute of limitations’ on them grew¹⁰⁸. By the end of 2021, there are at least five ‘profile’ administrative articles with penalties for ‘foreign agents’, and the number of parts in the criminal article has tripled¹⁰⁹.

There are different penalties for [different types](#) of ‘foreign agents’¹¹⁰ and different types of violations — non-inclusion in the lists of ‘foreign agents’, reporting and labelling.

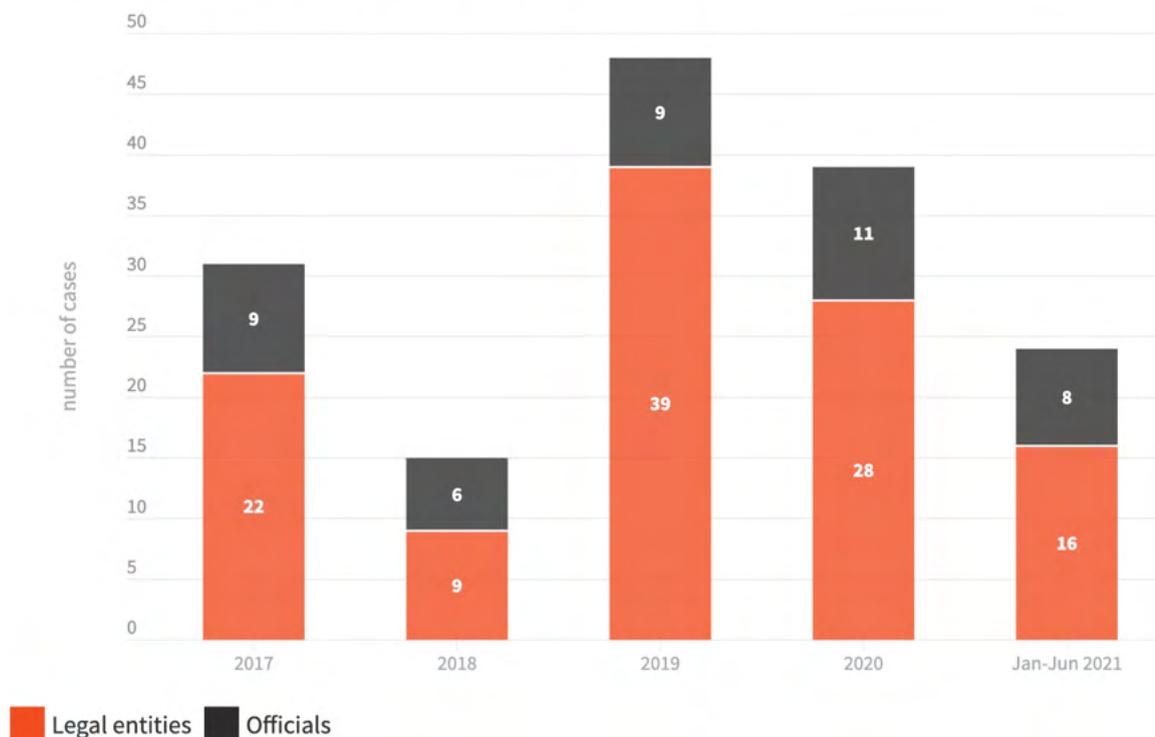
The most severe punishment – up to five years in prison for the first violation - is provided from December 2020 for failure to submit an application for inclusion in the list of ‘foreign agents individuals’¹¹¹ for ‘collecting information in the field of military, military-technical activities of the Russian Federation’, which ‘can be used against the security’ of the country, but do not relate to espionage or treason (Part 3 of Article 330.1 of the Criminal Code). In other cases, for the first violations fines under administrative articles (from five to 500 thousand rubles) are provided. If the violation is related to labelling, it is possible to confiscate the ‘object of the offence’ - for example, a computer or a mobile phone. Sanctions differ for citizens (members of organisations or individuals recognized as ‘foreign agents’), officials (heads of NPOs, media editors, people ‘performing organisational and administrative functions’ in ‘unregistered associations’) and legal entities (NPOs and media).

In practice, because of one violation, the courts impose several fines at once: to the organisation and to its head:

- According to the ‘Memorial’, in connection with various projects of the organisation, the courts [imposed](#) fines in the amount of 6.1 million rubles¹¹². In each case, Roskomnadzor [issued](#) two protocols: for the organisation (‘International Memorial’ or Human Rights Center ‘Memorial’) and for their officials (Yan Rachinsky and Alexander Cherkasov)¹¹³. In most cases, the court of second instance [rejected](#) the appeals¹¹⁴.

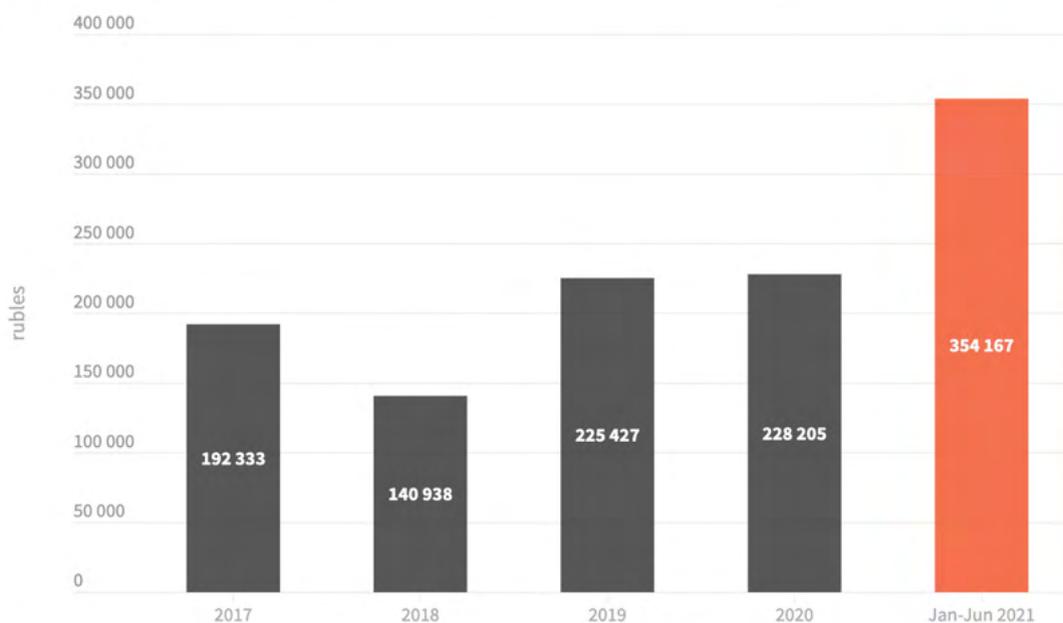
Number of Indictments under article 19.34 of the Code of Administrative Offenses

Cases of violations of the requirements for NPOs - "foreign agents", considered by Russian courts of the first instance in 2017 - the first half of 2021



According to the Judicial Department of the Supreme Court, for four and a half years, from the beginning of 2017 to the middle of 2021, the courts of first instance considered 229 cases against NPOs on non-inclusion in the list or violation of the rules on labelling (under Article 19.34 of the Administrative Code) and issued 158 indictments (114 of them - on legal entities, 43 - on officials), imposing fines totalling 36,245,500 rubles¹¹⁵. The average fine increased from 190 thousand rubles in 2017 to 350 thousand rubles in the first half of 2021. Some of the fines imposed in the first instance were appealed: the amount of fines under the resolutions that entered into force amounted to about 25.5 million rubles. Fines of more than 11 million rubles were collected forcibly.

Average fine under article 19.34 of the Code of Administrative Offenses in cases of violation of requirements for "foreign agents" NPOs, considered by Russian courts of the first instance in 2017 - the first half of 2021



According to the Judicial Department of the Supreme Court of the Russian Federation



Protocols for refusal to register in the list of 'foreign agents NPOs' were issued, in particular, to the following organisations: [Information and Analytical Center "Sova"](#)¹¹⁶, ["Dynasty" Foundation](#)¹¹⁷, ["Women of the Don" Foundation](#)¹¹⁸, [Glasnost Defence Fund](#)¹¹⁹, ["Institute of Globalisation and Social Movements"](#)¹²⁰, Kaliningrad Regional Public Institution "Society of German Culture and Russian Germans ["Eintracht Consent"](#)¹²¹, Krasnoyarsk regional public organisation ["We are against AIDS"](#)¹²², Murmansk regional organisation ["Kolsky Ecological Center"](#)¹²³.

[The Golos movement](#)¹²⁴, [the Public Verdict Foundation](#)¹²⁵, [Samara's media Gagarin Park](#)¹²⁶ (registered as an NPO), Kaliningrad's organisation ["Ecozaschita!-women's council"](#)¹²⁷ and many other organisations were accused of the absence of labelling.

Organisations were fined due to the lack of labelling in publications on [websites](#)¹²⁸, posts on [social networks](#)¹²⁹, on books, handouts, banners at public events, appeals to government agencies and even on a board game on Soviet history.

- In December 2020, the court [decided](#) to fine the 'International Memorial' 500 thousand rubles, and its head - 300 thousand rubles for the lack of marking on materials at the 'Memorial' stand at the Moscow International Book Fair¹³⁰. The court ignored that the prosecutor's check was carried out in violation of the law, the books were published before the organisation was included in the list of 'foreign agents', and before handing them over to fair visitors, the books were stamped with the label that the 'Memorial' is in the list¹³¹.
- In October 2021, the 'Memorial' Human Rights Center was [fined](#) 300 thousand due to the lack of marking in an appeal sent to the electronic reception of the Ministry of Foreign Affairs by the head of one of the programs. In the document, several human rights organisations

called on the Russian authorities to grant political asylum to the Turkmen blogger Rozgeldy Cheliev, who was persecuted in his homeland due to his posts on the Internet¹³².

- In December 2015, a court in Tomsk [fined](#) 400 thousand rubles to the 'GOLOS-Ural' civil society development fund for the fact that during the presentation 'What an election observer needs to do', the observer's mascot, the short-term observer's handbook and the public controller in the PEC notebook were distributed without marking¹³³.
- Yekaterinburg's 'Memorial' Society was [fined](#) 300 thousand rubles in 2020 due to the lack of labels on banners and information stands at a public event dedicated to the memory of victims of political repression. Yekaterinburg's 'Memorial' was not the organiser of the event, nor the owner of the banners, and the logo depicted on them belonged to the entire 'Memorial' movement¹³⁴.

Fines to organisations were even issued for the activities of other legal entities:

- In 2015, the court [fined](#) the 'Memorial' Human Rights Center 600,000 rubles for the absence of labels on two materials on the website of the 'International Memorial' Society¹³⁵.
- In 2016, the court fined the private institution 'Information Agency 'MEMO.RU'' by 500 thousand rubles due to the lack of marking in the materials on the website of the 'Caucasian Knot'. At the same time, the defender stressed that the founder of the publication is another organisation - MEMO LLC. The court [found](#) that this information "cannot be taken into account, since the head of both organisations is G.S. Shvedov, the activities of the organisations are based on a common interest."¹³⁶

In October 2021, Roskomnadzor [reported](#) that since the beginning of the year they had compiled 843 protocols on violations of labelling from the 'foreign agents' media's side (according to Article 19.34.1 of the Administrative Code). Of these, 840 were sent to 'Radio Svoboda' and to Andrey Shary, the head of the Russian service of media corporation, two protocols were sent to PASMI LLC ('The First Anti-Corruption Media') and its CEO Dmitry Verbitsky, and one to Lev Ponomarev, who was included in the list of 'foreign agents' media¹³⁷.

- By the end of May 2021, the amount of fines for labeling violations imposed on 'Radio Svoboda' [exceeded](#) 100 million rubles¹³⁸. On May 14, 'Radio Svoboda's' Moscow bank accounts were [blocked](#)¹³⁹. Bailiffs visited the Moscow office of the media at least twice a month and took photographs of furniture and equipment. The media stressed that it would appeal against all fines, but by that time the court had dismissed all of the 140 appeals filed.
- The case of Lev Ponomarev was [connected](#) with the lack of labelling, in particular, when reposting other people's Facebook posts¹⁴⁰. *"When I write articles— I always indicate that the article was written by a foreign agent media, but when I repost— I just click on the button—"* Ponomarev [said](#) in a conversation with RBC. — *And why write that the repost was made by a foreign agent — I have no idea. I need to write that the repost was made by a foreign agent media at every repost.* In November, the court of first instance issued an indictment and imposed a fine of ten thousand rubles — as RBC [writes](#), it was the first fine against an individual for not labelling himself a 'foreign agent'¹⁴¹.

For a foreign media or a "Russian legal entity established by it", the consequence of an administrative case from 2019 may be not only a fine, but also the ban of the site by Roskomnadzor¹⁴². Access is restored after the "confirmation of the fact of elimination of the violation that served as the basis for the ruling."¹⁴³

- On November 17, 2021, Roskomnadzor, having drawn up a protocol for The Insider media due to the lack of labelling, [recalled](#) the possibility of restricting access to the site after the court decision comes into force.¹⁴⁴

For "repeated", "multiple", "gross" and "malicious" violations, in some cases, sanctions increase significantly, up to criminal liability and imprisonment. Under which violations the risks for repeated violations increase depends on the "foreign agent" type. For organisations and people recognised as "foreign agents media", any violations, including those related to labeling requirements, are taken into account, for other types of "foreign agents" - only evasion from being included in the list and violations of reporting requirements.

- For "malicious evasion" of providing documents required for inclusion in the list of "foreign agents NPOs" or "foreign agents unregistered associations", a penalty of up to two years in prison is given (Part 1 of Article 330.1 of the Criminal Code). According to the official statistics, four people have been convicted under this article since 2015¹⁴⁵, but it is unknown what kind of cases they are¹⁴⁶, and it cannot be ruled out that cases from a neighbouring article on "arbitrariness" (Part 1 of Article 330 of the Criminal Code) have been included¹⁴⁷. It is publicly known about one criminal case of "malicious evasion" [initiated](#) in 2016 against Valentina Cherevatenko, the chairwoman of the "Women of the Don" Union¹⁴⁸. The office of the organisation was searched and equipment and documents belonging to the organisation were [confiscated](#)¹⁴⁹. According to investigators, Cherevatenko, creating the fund, deliberately did not apply for the inclusion of the organisation in the list of "foreign agents". A year later, the Investigative Committee [dismissed](#) the case¹⁵⁰ for lack of corpus delicti¹⁵¹.
- The penalty for individuals' failure to submit an application for inclusion in the list after being brought to administrative responsibility for that is up to five years in prison (Part 3 of Article 330.1 of the Criminal Code).
- For the media, fines increase for any repeated violation (Part 2 of Article 19.34.1 of the Administrative Code). And for multiple violations, a fine of 5 million rubles is provided for legal entities (Part 3 of Article 19.34.1 of the Administrative Code), for citizens it's criminal liability with a penalty of up to two years in prison (part 2 of Article 330.1 of the Criminal Code). From January to October 2021, Roskomnadzor [compiled](#) 420 protocols on repeated violations due to the lack of labelling of the media as a "foreign agent" and 30 protocols on gross violations (respectively, Part 2 and Part 3 of Article 19.34.1 of the Administrative Code)¹⁵².

In the summer of 2021, answering a question about the threat of criminal cases for journalists from the "foreign agents» media, presidential press secretary Dmitry Peskov [said](#) that this would not happen "if one strictly follows the letter of the law."¹⁵³ However, it is hardly possible to follow it because of the uncertainty of the requirements for violation of which punishment is provided. The decision on their interpretation remains with the law enforcement officer.

- [Ivan Kolpakov](#) (Meduza): *"Just as the Ministry of Justice decided to include us in the list of "foreign agents", the Ministry of Justice can behave in the same way with our reporting, exactly as they please. If they want to find errors in our reporting, they will find them. If they find mistakes, the fines will follow. If there are fines, it will mean criminal liability, for example, for me."*¹⁵⁴
- [Lev Ponomarev](#): *"Even reposts need to be accompanied by a label – well, this is complete nonsense. I'm probably going to stop doing reposting now. And I will only write more*

meaningful posts instead of reposts: they stimulate me to work. I will not deliberately run into a criminal case, but if they open it, then this is fate."¹⁵⁵

A clear barrier creates a complex regulation: a large number of disparate articles and their parts with confusing formulations and not specific concepts, which, moreover, are being changed and supplemented.

- Three administrative articles prescribe penalties¹⁵⁶ for NPOs, unregistered associations and individuals "performing the functions of a foreign agent" for failing to provide, late or not in full "information, the submission of which is provided by law and is necessary for the authorized body to carry out its legitimate activities to the authorized body". It is not clear from this wording what kind of information is meant — whether we are talking here about reporting of any sort or, for example, about an application for inclusion in the list. This ambiguity is especially critical for 'foreign agents' individuals: for them, repeated violation can lead to criminal liability.
- The law does not define what is considered "malicious" evasion¹⁵⁷ — this concept is operated by the criminal Article 330.1 of the Criminal Code. Back in 2012, the Supreme Court criticised this wording, in its response to the bill it was noted that "the absence of a legally fixed definition of malice may cause difficulties for the law enforcement officer in assessing the objective side of the act in question and the degree of its public danger."
- For people and organisations labelled as the "foreign agents» media, different types of violations are not separated, as a result of which the violation may become "repeated" even if it actually differs from the previous one.
- The number of protocols and, as a result, fines and repeated violations depends not so much on the actions of the "foreign agent" as on the authorities that make up the protocols: you can issue one protocol on the absence of labelling in several publications (as, for example, in the case of Ponomarev) or according to the protocol for each publication separately (as, for example, it happens with the 'Memorial' or 'Radio Svoboda').

All this, combined with the risk of severe sanctions, exerts psychological pressure on those who have already been included in the lists of "foreign agents", and cannot but have a deterrent effect for the industry as a whole.

- [Darya Apakhonchich](#) *"Psychological discomfort is added to this illegal waste of time, because they adopted an amendment that criminalises non-compliance with all these requirements. It has never been used yet, but all the people who are now in this "waiting line" are thinking: "So, won't this be applied to me? Why do we need an amendment if it's not used? They'll probably be interested in trying it once." How ready am I for the fact that I will send an incorrect report now, and then they will put me in jail for it? It's a terrible feeling that you don't control anything and nothing depends on you anymore. They will do what they want.*"¹⁵⁸

If individuals are afraid of a criminal case and imprisonment, some organisations may face closure¹⁵⁹. In addition to the blocking of accounts by bailiffs and the ban of websites by Roskomnadzor, in case of multiple violations, the authorities use administrative cases as a basis for applying to the court with a request for liquidation of an organisation.

- In November 2021, the Prosecutor General's Office filed a lawsuit with the Supreme Court to liquidate the 'International Memorial', and the Moscow Prosecutor's Office filed a lawsuit with the Moscow City Court to liquidate the Memorial Human Rights Center. One of the

grounds [was that](#)¹⁶⁰, according to the prosecutor's office's [lawsuit](#), the Memorial Human Rights Center "systematically concealed information about performing functions of a foreign agent."¹⁶¹ Similarly, [according](#) to the Prosecutor General's Office, the fact that International Memorial and its head have repeatedly been brought to administrative responsibility for violating labelling requirements, "indicates that the Company demonstrates sustained disregard for the law in its activities, does not ensure the publicity of its activities, prevents proper public control over it, which grossly violates human rights, including the right to reliable information about its activities."¹⁶² Although the prosecutor's office speaks of "systematic violations" of labelling requirements, most of the protocols were [drawn up](#) in a short period of time in autumn of 2019 and before the authorities explained that it was necessary to label not only the organisation's website, but also websites of separated projects and posts on social networks. At the time of writing, the courts had not yet considered these claims.¹⁶³

What are the formal restrictions for "foreign agents"?

The authors and supporters of the laws on "foreign agents" have repeatedly stressed that we are talking about greater transparency of the activities of NPOs and media receiving foreign funding, and not about banning or restricting their activities.

"This law does not prohibit anything, this law is not prohibitive. It does not prohibit anything—" Vladimir Putin [stressed](#) during the discussion of the creation of legislation on "foreign agents" in 2012. —Its goal is to make this activity, especially the financing of those organisations that are engaged in political activities on the territory of the Russian Federation, transparent."¹⁶⁴

From the statements of deputies and officials in on the "foreign agents» laws:

- [Vladimir Burmatov](#) (The State Duma deputy, 'Edinaya Rossiya' fraction), 2012: "I believe that this will make the political process more open and honest, and in no way infringe on the interests of political and public organisations operating in Russia, since it does not restrict their activities in any way."¹⁶⁵
- [Dmitry Peskov](#) (press secretary of the President of the Russian Federation Vladimir Putin), 2015: "*Whether an NPO is a foreign agent or not, does not change anything at all. Nothing prevents NPOs from acting and working further in the same mode.*"¹⁶⁶
- [Vasily Piskarev](#) (The State Duma deputy, 'Edinaya Rossiya' fraction), 2020: "*The "foreign agent" label itself does not prevent a person or a public organisation from engaging in political activity, it does not prevent them from engaging in elections, demonstrations, organising mass marches — all of that is allowed, it is only necessary to label that it is done with foreign money. Let the people know who is calling for rallies, demonstrations and other political actions of all kinds.*"¹⁶⁷
- [Shkhagoshev Adalbi](#) (The State Duma deputy, 'Edinaya Rossiya' fraction), 2020: "*I can say that the bill we are currently adopting is a delicate, non-aggressive defense, because this bill categorically prohibits nothing, it just says: if you are engaged in political activity, register, tell about it and criticise the government if you want, or, on the contrary, support the system of power, you can do it.*"¹⁶⁸

Despite the statements, the activities of "foreign agents" are significantly limited in various areas at the legislative level.

Electoral restrictions

All categories of "foreign agents" are prohibited from participating in campaigning for or against the nomination of candidates or otherwise participating in election campaigns and referendums¹⁶⁹. According to experts of the Venice Commission, this norm represents a disproportionate interference with freedom of expression, and due to practical difficulties in distinguishing between raising awareness and campaigning, it actually prohibits media included in the list of "foreign media» to cover elections¹⁷⁰. In order to understand this issue, special clarifications of the Central Election Commission were [required](#)¹⁷¹, which once again underlines the uncertainty of the legislation. As a result, the CEC [allowed](#) "foreign agents media" to cover the elections¹⁷².

Various electoral restrictions are also introduced by regulations at the regional and municipal level. In 2018, when the concept of "foreign agent" was still applied only to non-profit organisations, the

Public Verdict Foundation [found](#) 314 documents with such restrictions being in force in 80 regions of Russia¹⁷³. In some cases, NPOs "performing the functions of a foreign agent" were prohibited from making donations to candidates' election funds, in others - they were prohibited to put forward the initiative of holding a local referendum, to promote the nomination or election of deputies, to achieve a certain result in elections or otherwise "participate in election campaigns."

The electoral legislation also introduces the concept of "affiliation" with a foreign agent using expanded criteria¹⁷⁴. Thus, any candidate's connection with "foreign agents" is indicated for two years before the election is scheduled and during the election campaign: whether it is an institution, joining government bodies, working within an organisation or receiving financial or property assistance for "political activity".

For such candidates, as well as for the "foreign agents" themselves, special restrictions are introduced:

- to indicate their status in the donation payment document to the electoral fund
- to indicate information about their connections with "foreign agents" in the application for consent to run, in the subscription lists (next to the records of the previous criminal record) and in campaign materials (at least 15% of the material's area)
- information about the status of such candidates should be on information stands in the premises of precinct election commissions. It should be indicated in the voting ballots as well.

Taking into account the results of opinion polls, which demonstrate the negative associations of the majority of respondents with the "foreign agent» term¹⁷⁵, it becomes obvious that serious discriminatory restrictions have been built up by the legislation for electoral associations as well. Thus, the party or movement nominating such a candidate must tell in any of its campaign materials and subscription lists that the association has nominated a candidate(s) from among "foreign agents" or people "affiliated" with them. According to the law, at least 15% of the material's area should be allocated for this, or it should be clearly distinguishable by ear.

It is clear that parties are not interested in talking about their connection with something, that, according to research, almost half of the population associates with espionage.

In November 2021, it [became known](#) that the Central Election Commission ordered the development of an automatic registration system for "foreign agents» candidates, which will monitor the presence of mandatory labelling in campaign materials. Its cost exceeded 13 millions rubles¹⁷⁶.

Limitation of state support for NPOs

In 2017, responding to questions from the European Court of Human Rights in connection with complaints about the "foreign agents«» law, Russian authorities [stressed](#) that the law does not restrict the financing of NPOs labelled as "foreign agents", since they receive presidential grants¹⁷⁷. In practice, the status of a "foreign agent" prevents the receipt of state financing. "Organisation is not included in the list of non-profit organisations performing the functions of a foreign agent," such a phrase is often in the requirements for participants in tenders for the provision of certain subsidies. Here are just two examples of such contests:

- Subsidies from the Ministry of Education for carrying out patriotic activities with participation of children and youth within the framework of the "Patriotic education of citizens of the Russian Federation' federal project ([2021](#))¹⁷⁸.

- Competition of the Ministry of Education and Science for NPOs performing the functions of infrastructure centres on financing programs of the development of the National Technology Initiative areas (2018)¹⁷⁹.

Since 2016, the status of NPOs - "performers of useful services" - has been normatively fixed - these are socially oriented NPOs (SO NPOs), which, after registration in this list, are entitled to "priority support measures", including subsidies from the budget¹⁸⁰. To do this, an NPO must meet a number of requirements, in particular, only NPOs that "do not perform the functions of a foreign agent" can be "performers of useful services"¹⁸¹. If an organisation is labelled as a "foreign agent", it is excluded from the list of "performers of useful services"¹⁸². In some regions, the inclusion of SO NPOs in the list of foreign agents is even considered as macroeconomic risks in the implementation of programs for the development of civil society¹⁸³.

Sometimes this restriction is prescribed in the very conditions of regional and municipal competitions. We found such a requirement in regional competitions for socially oriented NPOs or a broader list of organisations that were announced in 2021 in Primorsky Krai¹⁸⁴, Yakutia¹⁸⁵, Rostov region¹⁸⁶, Khabarovsk krai¹⁸⁷. Grants were issued in the areas of civic and patriotic education, development of civil society institutions, environmental and animal protection, strengthening of interethnic ties, development of spiritual and moral foundations and traditional way of life, social protection of citizens, support of motherhood and childhood, prevention of drug use, support of young professionals, support of projects in the field of science, education and enlightenment, development of journalism and blogging, development of human rights protection and others. In 2020, NPOs from the list of "foreign agents" could not participate in the competition for regional subsidies for the organisation and conduct preventive measures among high-risk groups, vulnerable and especially vulnerable to HIV infection groups of the population of the Irkutsk region¹⁸⁸. Restrictions on state financing for "foreign agents" were indicated in the conditions of tenders for subsidies for the Novokuznetsk — Forge of Public Initiatives (2019)¹⁸⁹, in municipal grants for anti-corruption, environmental protection, educational, patriotic and other projects in Simferopol (2016)¹⁹⁰, Rostov-on-Don¹⁹¹, Tula¹⁹². Numerous restrictions on grants and subsidies for NPOs at the regional and municipal level were collected and published by the Public Verdict Foundation in 2018¹⁹³.

In addition to limiting funding from the budget, since 2020, bank deposits of NPOs from the list of "foreign agents" are not subject to insurance¹⁹⁴.

Restriction of control over the actions of the authorities

Federal law prohibits NPOs listed in the list of "foreign agents" from nominating candidates to public supervisory commissions¹⁹⁵. In December 2020, at a meeting of the Human Rights Council, Vladimir Putin devoted special attention to this issue, saying that he "cannot imagine that foreign agents in the United States would come and demand that they should be allowed into the public council of the State Department."¹⁹⁶

Following the same logic, the Ministry of Health banned NPOs from the list of "foreign agents" from nominating candidates to the "Council of Public Organisations for the Protection of Patients' Rights" operating under the Ministry¹⁹⁷.

Additional restrictions are introduced by regulations and at the municipal level. NPOs "performing the functions of a foreign agent" are prohibited from nominating candidates to local Public chambers (for example, in Tyumen¹⁹⁸, Tobolsk¹⁹⁹, Norilsk²⁰⁰), Public councils (for example, in Vladikavkaz²⁰¹).

- *"Two weeks after the organisation was declared a foreign agent, local newspapers published information that Oksana Prishchepova was expelled from the Socio-Political Council under the governor. Later, the governor adopted a resolution to amend the charter of the council stating that a foreign agent does not have the right to be its member;"* says the compilation of the NPO Lawyers Club about the Kaliningrad organisation "Woman's World"²⁰².

Since 2018, non-profit organisations "performing the functions of a foreign agent" are prohibited from conducting independent anti-corruption expertise of regulatory legal acts or their projects²⁰³.

- Transparency International Russia, which was included in the list of "foreign agents" in 2015, appealed to the court against the ban on accreditation as anti-corruption experts in 2019. The law *"discriminates against Transparency on the basis of being included in the list: of all non-governmental organisations, only our organisation systematically conducted an anti-corruption examination of RLAs,"* the organisation [said](#)²⁰⁴.

The legislation on "foreign agents" also restricted the work of election observers. Due to the declaring of election observation as "political activity"²⁰⁵, the organisations conducting the observation immediately found themselves in danger of being included in the list of "foreign agents". Since 2012, 10 organisations and 20 individuals [engaged](#) in the protection of electoral rights have been included in the lists of "foreign agents"²⁰⁶.

In 2014, the CEC [stated](#) that the observation of elections by representatives of NPOs labelled as "foreign agents" "could lead to discrediting the institution of observers, as well as creating conditions for destabilising the democratic process of forming public authorities."²⁰⁷ Although in 2021, the head of the CEC, Ella Pamfilova, [announced](#) that Russian citizens participating in the activities of "foreign agents" organisations could be election observers²⁰⁸, the legislative restriction on participation in election campaigns for "foreign agents" [repeatedly](#) called into question the possibility of observers associated with such a status²⁰⁹. In June 2021, the Public Chamber banned the media and NPOs recognized as "foreign agents" from suggesting candidates for observers from the Public Chamber in the elections to [the State Duma](#)²¹⁰, [the bodies of subjects and local self-government](#)²¹¹.

Other restrictions

The introduction of the concept of "foreign agent" into the legislation led to its introduction into more and more new laws, which led to the emergence of new restrictions in a variety of areas.

People included in the list of 'foreign agents» individuals, which appeared at the end of 2020, are prohibited from holding positions in state and local self-government bodies²¹² (this discriminatory restriction directly contradicts the UN Universal Declaration of Human Rights²¹³ and the International Covenant on Civil and Political Rights²¹⁴). Inclusion in the list of "foreign agents» individuals may also be the ground for refusal of access to state secrets²¹⁵.

Since the end of 2020, unregistered associations, NPOs and individuals "performing the functions of a foreign agent" are prohibited from transferring or receiving money or other property for the purpose of organising or holding a public event²¹⁶.

In 2021, a possible ban of NPOs labelled as "foreign agents" to engage in educational activities is being discussed. This initiative was [launched](#) in April by the Ministry of Education²¹⁷, [the project](#) is under discussion²¹⁸.

In part, the educational activities of "foreign agents» NPOs have already been restricted previously due to the ban on including them in the list of "performers of socially useful services", including in the field of [additional professional education](#)²¹⁹, and the deprivation of [privileges](#) related to that (subsidies from the regional and municipal budget, access to airtime, use of state and municipal property, etc.)²²⁰.

Requirements and risks when interacting with "foreign agents" and spreading information about them

Fines for the media for spreading information about "foreign agents" without labeling

The Law on mass media prohibits registered media from mentioning 'foreign agents' — NPOs, NEOs and individuals or distributing their materials without specifying their status. There is no requirement to indicate the status of "foreign agents" media in the law, but since 2021, fines are provided for the spread of information about any "foreign agents" or materials produced by them without such a label under Article 13.15 of the Administrative Code²²¹. In addition, it is possible to confiscate the "object of the offence" - for example, a computer with which the publication was made (with the exception of mentions of "foreign agents media", for which only fines are provided)²²².

Already in the first year of the existence of these sanctions, they began to be actively applied. [According](#) to Mediazona's estimate for mid-October 2021, since the beginning of the year, Moscow courts have received 259 cases of incorrect labelling of "foreign agents"²²³. Among the fined publications are Kommersant, Interfax, Echo of Moscow and others. Not a single case has been dismissed. We managed to find at least 136 cases on the relevant parts of the Administrative Code 13.15 on the websites of courts in other regions. Fines were issued mainly for mentioning -"foreign agents" NPOs ([Anti-Corruption Foundation](#)²²⁴, [Alliance of Doctors](#)²²⁵, [Memorial](#)²²⁶, [Levada Center](#)²²⁷, [Institute of Globalisation of Social Movements](#)²²⁸ and others), but also for mentioning "unregistered associations" ([example](#)²²⁹) and other media (for example, [Radio Svoboda](#)²³⁰, [Siberia.Realities](#)²³¹).

- A court in Arkhangelsk [fined](#) the editor-in-chief of the Region 29 news agency 4 thousand rubles for mentioning the Sova information and analytical center which is engaged, in particular, in monitoring anti-extremist legislation, in the article "Two people are serving sentences for extremism in the colonies of the Arkhangelsk Region"²³².
- In the Rostov region, a fine of 40 thousand rubles was [imposed](#) because of the mention of the Anti-Corruption Fund in the "NTV has released a film about secret sponsors of the non-systemic opposition in Russia" publication. According to the court ruling, "the material contains the following text: "foreign diplomatic missions hired Russians, and those, in turn, became donors to organisations friendly to embassies, such as Navalny's FBK."²³³
- In Karelia, the editor-in-chief of "Chernovik" was [fined](#) 4 thousand rubles because of the publication of "Obviously, this was the last rally organised by the FBK and Navalny's headquarters before they are recognised as an extremist community by a court decision." phrase on the media's website²³⁴.
- Editor-in-chief of the "Observer.Vrn" was [fined](#) 4 thousand because of the mention of the "Center for the Protection of Media Rights» foundation in the report "In pursuit of traffic. Experts spoke about the prospects of the media and new network platforms at the media forum in Voronezh."²³⁵

Protocols were drawn up unpredictably - [both on organisations](#) and on "officials" (editors-in-chief) or both at the same time²³⁶. Due to the vague wording of the article²³⁷, it is unclear in which cases a protocol can be drawn up against citizens (separate fines are provided for them) and whether, for example, journalists-authors of materials or experts who gave comments can be held accountable. Often, the media are fined even if, upon learning about the claims of Roskomnadzor, they

immediately corrected the "violation", indicating the status of a "foreign agent«» in the material references.

In 2021, in explanations to the media, Roskomnadzor also [recalled](#) possible sanctions for "licensees-broadcasters"²³⁸. According to the law on mass media, since the end of 2019, the "licensing requirements for the implementation of television broadcasting, radio broadcasting" [include](#) the mention of "foreign agency" status when spreading messages created or distributed by mass media or legal entities recognised as "foreign agents"²³⁹. Administrative liability is [provided](#) for violation of the license requirement (Part 3 of Article 14.1 of the Administrative Code)²⁴⁰.

- The Moscow Arbitration Court [fined](#) Channel One 30 thousand rubles due to the use of the "Nastoyashee Vremya" TV channel plot in a talk show without specifying its "foreign agent" media status²⁴¹. The representative of Channel One did not admit the violation in court, [stating](#) that according to the law, the labelling requirement applies only to the "foreign agents" media or "persons who carry out the retransmission of products" of such media²⁴². This case, in particular, shows the ambiguity and non-obviousness of the existing legislation.

The labelling requirement is complicated by the fact that there are several lists of "foreign agents" that are constantly being updated. In fact, the mass media are forced to monitor all changes in the lists and take them into account in all materials where certain NPOs, media or people who may turn out to be "foreign agents" are mentioned. In addition, after the appearance of new "foreign agents" in the lists, [the question arises](#) whether it is necessary to label old publications with their mentions²⁴³. It is unlikely that the media, unlike [the Central Election Commission](#)²⁴⁴, can allocate millions of rubles for automatic monitoring of "foreign agents". Some media are [trying](#) to reduce risks by posting lists of "foreign agents" in the basement of websites²⁴⁵ — but this also requires a lot of resources: information in this form completely occupies the whole screen and needs to be constantly updated.

Although the requirements for mentioning the status apply only to media registered as mass media or to "foreign agents" themselves, the complex structure of legislation in this area leads to the fact that users of social networks begin to add labels to their publications just in case.: it's easier than figuring out in which cases such warnings are really necessary.

Transfer of "foreign agency"

Certain contacts with "foreign agents" may be declared "political activity" or receipt of "foreign financing". Each of these criteria individually is not enough to be recognised as a "foreign agent", however, this may carry additional risks of inclusion in the list.

The law treats financing of "political activity" as the actual "political activity"²⁴⁶. On the contrary, receiving money or property from "foreign agents" can be equated with "foreign financing"²⁴⁷.

- The Ministry of Justice [explained](#) the inclusion of OVD-Info in the list of "foreign agents", in particular, by the fact that the project received funding from the Memorial Human Rights Center, labelled as a "foreign agent NPO"²⁴⁸.

When the publication is labelled as a "foreign agent media", journalists working in it are at risk of obtaining a personal status.

- Thus, in December 2020, Denis Kamalyagin, the editor-in-chief of Pskovskaya Province, Sergei Markelov, a 7x7 journalist, and Lyudmila Savitskaya, a journalist of Radio Svoboda,

were declared "foreign agents" for receiving royalties from Radio Svoboda and its units previously included in the list²⁴⁹.

- *"The main thing is the risks for our journalists,"* Galina Timchenko, General director of Meduza, [emphasised](#) in June 2021, talking about the consequences of media being included in the list of "foreign agents"²⁵⁰.

Publications in social networks with reference to "foreign agents" have already become one of the grounds for including the authors of the posts themselves in the list of "foreign agents» media.

- So, the Ministry of Justice [explained](#) the inclusion of journalists Sonya Groisman and Olga Churakova in the list via referring to Meduza, VTimes and Radio Svoboda in their posts²⁵¹.
- The Ministry of Justice [justified](#) the inclusion of the journalist of "Important Stories" Irina Dolinina in the list of "foreign agents" by the fact that Radio Svoboda and Idel.Realities, "Siberia. Realities» and other publications included in the list of "foreign agents» media published her investigations²⁵².

Since 2015, the media have been [required](#) to report once a quarter on receiving funds of more than 15 thousand rubles from "foreign agents" NPOs (with the exception of payments related to advertising)²⁵³. Administrative fines are provided for violation of this requirement ([Article 13.15.1 of the Administrative Code](#))²⁵⁴.

Although there are not so many examples of real consequences and the transfer of a "foreign agent» status, the existence of a hypothetical threat in itself makes it difficult to cooperate with partners and contractors. As Lyudmila Kuzmina, a participant of the Samara Voice, who was declared a "foreign agent media» [described](#) the situation of "contagiousness" of the status: "The country has been turned into a mad plague barrack."²⁵⁵

Other risks

Due to strict reporting requirements, contacts with "foreign agents" can make it easier for the state to access personal data: for example, when transferring money (we tell you more about this in [the chapter on reporting](#)). In August 2021, the Ministry of Justice [proposed](#) to change the reporting rules for "foreign agents", obliging them, among other things, to declare in advance about planned and conducted events and send lists of participants to the Ministry²⁵⁶.

There are risks even for producers of merch in support of "foreign agents". In November 2021, it became [known](#) that the state media holding RT filed a lawsuit for 500 thousand rubles against the company Feelosophy Store, which had previously launched merch in support of Meduza²⁵⁷. They used the phrase "foreign agent", which, as it turned out, RT issued as a trademark in 2020.

There are also restrictions for the authorities. Since 2015, servicemen and civilian personnel of the FSB bodies have been allowed to apply to NPOs "performing the functions of a foreign agent" only under the conditions established by the FSB²⁵⁸. So far, these are the only restrictions we know on paper for civil servants, although [more than once](#) there [have been](#)²⁵⁹ initiatives to limit their contacts with "foreign agents" by law²⁶⁰.

Indirect discrimination: informal consequences for "foreign agents"

Although there is a large number of formal restrictions for "foreign agents", the informal consequences of the "label" also have a significant impact on the activities of those in this status. The reason for this is the negative attitude towards the "foreign agent» term, which is laid down, on one hand, by officials in their formal statements and behind-the-scenes decisions, and on the other hand, by the historical self-consciousness of society.

The rhetoric of the authorities and the status of a "foreign agent" in the eyes of society

In public statements about the "foreign agent" legislation, the following position is popular among officials: the law does not restrict the activities of NPOs and "foreign agents» media, does not require their closure and is necessary only for the transparency of their work for society.

When the Dynasty educational foundation, founded by a Russian entrepreneur Dmitry Zimin, was added to the list of "foreign agents" NPOs in 2015, Zimin himself considered this status an insult: *"Of course, I will not spend my personal money under the mark of a foreign state unknown to me,"* he [said](#)²⁶¹, intending at that moment to stop financing of the fund²⁶². In response to the resonant public reaction, the presidential press secretary Dmitry Peskov considered the media reaction "hypertrophied": *"Agent" in this case is not a household name,* he [said](#). - *If you receive money from abroad and are engaged in politics, you must declare yourself as a "foreign agent".* Peskov stressed that this status does not prohibit the activities of the organisation²⁶³.

Speaking about the law as neutral and non-discriminatory, many officials [refer](#) to the position of the Constitutional Court on this issue²⁶⁴. In 2014, the Constitutional Court [ruled](#) that the law on "foreign agents" NPOs does not contradict the Constitution²⁶⁵. The court found no negative connotations in the "foreign agent" phrase:

- *"The legislative structure of a non-profit organisation performing the functions of a foreign agent does not imply a negative assessment of such an organisation by the state, is not aimed at forming a negative attitude towards its political activities and thus cannot be perceived as a manifestation of distrust or a desire to discredit such a non-profit organisation and (or) the goals of its activities."*

Nevertheless, negative connotations were laid down when the law was adopted in 2012. Thus, communist Vladimir Kashin, explaining the decision of party members to vote for the adoption of the bill, [said](#) that members of the Communist Party *"think about protecting the motherland from agents who rely on foreigners' money to infiltrate the authorities in order to dictate the will of their owners from there."*²⁶⁶

The fact that the status of a "foreign agent" implies potential "interference in the internal affairs of the country" was mentioned later, in more restrained comments. Vladimir Putin, after talks with the US President Joe Biden, [spoke](#) about the country's unfriendly attitude towards Russia and mentioned, among other things, legislation on "foreign agents", implying that it is the United States of America that supports organisations with this status: *"Let's ask ourselves the question: if Russia is the enemy, what organisations will America support in Russia? I think that not those that strengthen the Russian Federation, but those that restrain it, and this is the goal of the United States, stated publicly... I think it's clear that we should be wary of this."*²⁶⁷

That is, negative connotations, although not publicly expressed by most officials, may arise in the public consciousness from the premise that organisations with foreign funding ensure the interests of those who provide this funding; at least some of these grant-givers are hostile towards Russia, which means that organisations with the "foreign agent» status may pose a threat to the country and its residents²⁶⁸. Such rhetoric of the authorities cannot but affect public opinion about the activities of "foreign agents".

In addition, it surely influences public consciousness and [the historical context](#) in which this society was formed - memories of the repressions in the USSR and the Soviet concept of "enemy of the people"²⁶⁹. In 2017, Levada Center [published](#) the results of a survey on the attitude of Russians to "foreign agent" legislation, as well as on associations that cause the status of a "foreign agent". According to the study, among those who have heard about the law, more than half (56%) are confident that this law is made to "limit the negative influence of the West on our country." The overwhelming majority of respondents did not know anything about the "foreign agent" legislation, but despite this, they have a negative attitude to the status of a "foreign agent"²⁷⁰. The researchers stated:

- *"This expression has an exclusively negative connotation for the population (despite all the explanations of the Constitutional Court that in today's realities the phrase has lost the negative context of the Soviet period). Almost 60% of the population declare negative associations with the expression, about 30% declare neutral associations, and 3% declare positive ones (there are some)."*

Speaking about more specific associations with the phrase, the centre gives the following results:

- *"The most common category of associations that could be identified with the help of an open question (when people answer without prompting from sociologists) is related to espionage: in this group, a foreign agent is a "spy of foreign intelligence services", "tsereushnik", "sent Cossachok", "recruiter", "spy", etc. These views are shared by 45% of the population. The next most common category of responses is associated with the image of an "enemy of the people" ("enemy of Russia", "traitor", "renegade"); it is shared by about 7%. 4% of respondents were able to name specific neutral associations with economic activity."*

This perception persists today, four years after the Levada Center's survey and the expansion of the "foreign agency" legislation. And it cannot but affect the reputation of organisations and people who find themselves in the lists of "foreign agents". It imposes certain restrictions on their activities that go beyond the formal restrictions and the ones enshrined in legislation.

Obstacles to professional activity: NPOs

The direct consequences of the "foreign agent" status for NPOs, mass media and individuals recognised by the "foreign agents" media relate primarily to their professional activities. For different organisations, there are different obstacles specific to their field.

For NPOs operating in the fields of protection of citizens' rights, social problems of the population, health and ecology, communication with government agencies, budget organisations and officials of different levels becomes a key problem. In the "10 stories: Chronicle of the survival of "foreign agents NPOs" collection published in 2018 by the NPO Lawyers Club, it is [said](#) that fundamental changes in

the work took place precisely among NPOs cooperating with state authorities or participating in work with students:

- *"106 "foreign" agents NPOs worked closely with officials of different levels before being included in the list. After that, they note the termination of most contacts and the "freezing" of joint projects. In the regions, municipalities terminate or do not renew lease agreements with organisations."*²⁷¹

The above facts complicate the continuation of the NPO's activities, and in some cases make it impossible.²⁷² The collection provides various examples of how various state bodies stopped cooperating with NPOs.

Kaliningrad regional public organisation "Woman's World" was labelled as a "foreign agent" in October 2015. Before receiving the status, it actively received municipal and regional grants and had a good reputation: the founder of the NPO Oksana Prishchepova was a member of the socio-political council under the governor and the public council under the Kaliningrad Duma, and in 2014 became the winner of the contest "Woman of the Year" in the North-Western region. After being included in the list, the regular handicraft fairs that the organisation held at municipal sites to provide women with earning opportunities were reduced — now they were denied in receiving premises.

- *"We would come to the district administrations and not announce that we are foreign agents²⁷³, they would communicate with us normally. But then they would call back and say: we can't let you in, rent out the place, because we were forbidden—" recalls one of the leaders of the organisation, Yulia Bazan. — At one seminar, we accidentally saw an internal order for employees of social services not to attend our events."*²⁷⁴

The organisation "Nasiliu.net", which deals, among other things, with the problems of domestic violence in Russia met similar issues, too. Its head, Anna Rivina, [says](#) that after being included in the list of "foreign agents«» NPOs in December 2020, the organisation was unable to continue cooperation with government agencies:

- *"The project "Moscow against Domestic Violence", which we did together with the government, has ended. It is impossible to continue systematic work today - all departments in all possible variants shy away from us. And we wanted to do this work very efficiently: to involve the police and the city special agencies that come into contact with the topic in a discussion at a common table, to create mechanisms for fighting the problem. If earlier we had to open the doors to the state world with great difficulty, now it is simply cemented for us."*²⁷⁵

In addition to socially oriented NPOs, the status of a "foreign agent" also affects the activities of organisations that are engaged in educational and scientific activities. ANO "Center for Independent Sociological Research" was founded in 1991 as one of the research centers that played an important role in the formation of sociology in modern Russia. In 2015, the Center was added to the list of "foreign agents«» NPOs, after which it began to have problems in conducting opinion polls and research related to government authorities: *"In this status, we cannot interact with government bodies: to investigate the processes taking place in them, share research results with representatives of these bodies, and so on,"* says Oksana Karpenko, executive director of the Center²⁷⁶.

Problems in scientific cooperation with government bodies are [confirmed](#) by the head of the aforementioned Levada Center, also included in the list of "foreign agents", Denis Volkov²⁷⁷.

According to the compilation of the NPO Lawyers Club, organisations working in the field of healthcare and ecology face the same obstacles in their professional activities²⁷⁸.

[Lev Gudkov, director of the Levada Center, 2013](#): "Many groups (of those we are interviewing), like the devil from incense, shy away from any hint even that they are being interviewed by "foreign agents". In Russian (as we found out by conducting a corresponding survey), people understand the phrase "foreign agent" quite unambiguously as: "espionage", conducting sabotage work, subversive activities, etc. Therefore, even with the shadow of such suspicion, working in the field of sociology either becomes extremely difficult or impossible at all. We are trying to find ways out of this situation. But so far (the biggest thing we have done) we had to withdraw applications for grants from various foreign funds and refuse foreign partners in already planned joint projects."²⁷⁹

Finally, refusals to cooperate with the authorities are also common among "foreign agents" NPOs operating in the field of protection of citizens' rights. For example, the "Press Development Institute - Siberia" organisation was engaged in consulting and training for journalists until 2015, and the foundation of the same team "Tak-tak-tak" advised citizens and organisations on legal issues. In an interview with OVD-Info, the founder of the organisations, Viktor Yukechev, [said](#) that after both NPOs were put on the list, the authorities, although they had previously actively invited them to cooperate, are interacting with them less and less now²⁸⁰.

The Center for the Protection of Media Rights faced the same problems. According to its head Galina Arapova, before obtaining the status of a "foreign agent" in 2015, the Center actively worked with regional courts of different regions: conducted seminars and trainings in which the courts themselves were interested. *"And since the centre was labelled as a "foreign agent", such cooperation has been forced to end. The last court in which the training was scheduled was the Chelyabinsk Regional Court. We had a seminar scheduled for April, and the court was waiting for me to free up a place in my schedule for almost a year. But in February we were labelled as a "foreign agent", and a month later they wrote from the court that, sorry, we will not be able to conduct this training,"* the lawyer [says](#)²⁸¹.

[Chairman of the Council of the Memorial Human Rights Center Alexander Cherkasov](#): *"All government officials shy away from us like the devil from incense. Interaction with the officialdom turns out to be impossible. And how, for example, should one protect refugees without interacting with government bodies? Difficult."*²⁸²

Valeria Cherevatenko from the "Women of the Don" Union [connected](#) the "foreign agency" status of the organisation with the fact that the authorities of the Rostov region ignored the conference on the rights of the child and family in a socially dangerous situation organised by them. *"We were practically excluded from all public life. For the authorities, we have the mark of outcasts and lepers."*²⁸³

After the FSB [published](#) a list of information, the collection and spread of which it is possible to become a "foreign agent" for²⁸⁴ (in this case, for the absence of an application for inclusion in the list, a penalty of up to five years in prison is threatened), some NPOs had to suspend their work with military personnel. This happened, for example, with the human rights organisation "Soldiers' Mothers of St. Petersburg". Its chairman Oksana Paramonova [said](#) that military units were banned from talking to "foreign agents" at all:

- *"On the part of the western military district, in which we most often worked, there was a directive — military units should not interact with "foreign agents". No one has stated this*

publicly, but it bothered us. We were left to engage in educational activities with conscripts."²⁸⁵

Finally, the "foreign agency" also affects the relations of NPOs with educational institutions. At a round table dedicated to "foreign agents", Denis Shedov, a lawyer at OVD-Info, [told](#) about the problems of interaction with universities that appeared after receiving the status; and Polina Filippova, a representative of the Sakharov Center, shared that due to being included in the list, the center had to close most educational programs in the regions²⁸⁶.

For all NPOs, regardless of their specialisation, interaction with authorities and officials of different levels is necessary for full functioning. However, the status of a "foreign agent" deprives NPOs of such opportunities: cooperation and joint projects are terminated, and the quality of work of these organisations risks decreasing due to lack of access to tools related to state structures, or forces them to severely restrict the scope of their activities.

Obstacles to professional activity: mass media, journalists, individuals

Obstacles in professional activity in connection with the status of a "foreign agent" arise both for the media included in the list, and for journalists and other citizens labelled as "foreign agents» media.

After the appearance of the list for individuals and a sharp increase in the number of people included there, many journalists who received the status of "foreign agent" personally began to talk about the problems they face in their work. Firstly, this is a sharp reduction in opportunities for publication: not all media and platforms are ready to accept the terms of [labelling](#)²⁸⁷.

- *"Since 2018, I have been cooperating as a freelancer with MBH Media," [says](#) Pskov journalist Lyudmila Savitskaya, labelled as a foreign agent individual one of the first, in December 2020. — When I was called a "foreign agent", everyone strongly recommended to comply with the requirements, and MBH categorically refused to put a postscript: "What kind of "foreign agent" are you, you are a good journalist, and it looks very ugly in the news from you." We negotiated for about a month, and the answer was still the same. I no longer work at MBH Media.*"²⁸⁸

The journalist continues to cooperate with Radio Svoboda, for whose royalties Savitskaya was recognised as a "foreign agent". However, she notes that many people with whom she has to communicate in work "shy away" from the status: *"It bothers the heroes, it worries them. Today, one of the officials delicately advised me to turn to someone else."*

Another journalist, who anonymously published an [essay](#) about her status as a "foreign agent" in Meduza in October 2021, also speaks about the problems with the heroes²⁸⁹. According to her, she can no longer work as a correspondent:

- *"No one will talk to me, knowing that I am a "foreign agent". Officials will refuse, and ordinary people will stop trusting. Trust on the part of sources for a journalist is the basis of work."*

Having the status of a "foreign agent" implies the same restrictions on communication as the restrictions of the media included in this list. There is also a case when a media was refused registration due to the personal status of a "foreign agent" of its editor²⁹⁰.

Restrictions are imposed on the work of war correspondents and specialists, practically stopping their activities. Due to the FSB list, which lists information, the collection and spread of which means obtaining the status of a "foreign agent", they [cannot](#) cover these topics²⁹¹. If the definitions of the information included in this list are blurred, the risks of criminal liability become too great to continue working with it.

Lawyers who find themselves in the list of the "foreign agents" individuals also face serious obstacles in their activities. At [a round table](#) devoted to the problems of "foreign agents", lawyer Valeria Vetoshkina, who received this status, noted that she had to label all her messages, including comments for the media²⁹². According to her, because of that, the media turn to her less and one of her protection strategies — publicity - becomes practically unrealisable.:

- *"Stagnation is taking place. I see that colleagues have started to look back at our case, give less comments to the media, and refuse foreign clients. The state is trying to discriminate against some social groups and it succeeds."*
- *"Previously, working with foreign principals was a normal practice. But now many colleagues will face an understandable psychological barrier – no one will want to take another risk," [says](#) Sergey Krause, head of the Commission for the Protection of the lawyers' rights of the AP of St. Petersburg²⁹³.*
- Lawyer Olga Gnezdilova also noted that this situation leads to the refusal of lawyers in the regions to work with human rights organisations, which will primarily affect the applicants²⁹⁴.

The clients of the lawyer also suffer in this case. Another problem presented by the "foreign agents" lawyers, according to Vetoshkina, is the potential need to violate attorney-client privilege. If a lawyer is obliged to report on his income and expenses every quarter, then such reports also include specialists whom the defender attracts for his advocacy and about whom the investigative authorities are not aware. According to Vetoshkina, the principals will also suffer from this.

High-quality journalism and advocacy imply the need for constant communication - both with the heroes of publications and with various bodies, departments, organisations and experts. Public perception of a "foreign agent" status as a negative label cannot but undermine the trust of sources and principals, and the [risks](#)²⁹⁵ for those who do not have this status yet are too great to continue such cooperation.

Refusals from partners, participants, sites

Finally, the professional activity of participants in the lists of "foreign agents" is affected by an increase in refusals to cooperate from commercial and other partners, project participants and sites.

Viktor Yukechev, who manages the Tak-tak-tak foundation labelled as a 'foreign agent NPO', is convinced that the refusals from project participants affected the work of the organisation most of all after receiving the status.

- *"The saddest thing about the status is that refusals to participate in our projects have begun. Someone abandoned their investigations. Because, for example, a journalist starts our investigation, and at the same time works in a district, regional or city newspaper, on television. "I can't do it at the same time," and they refuse," Yukechev [said](#) in a conversation with OVD-Info²⁹⁶.*

At the same time, the head of "Tak-tak-tak» says, we are talking not only about journalists and people whose lives are connected with budget financing, but even about those who have an indirect connection with this area through relatives:

- *"There was one absolutely ridiculous situation, I often quote it. One lady from a private regional newspaper in the Novosibirsk region, who has participated in all our projects, seminars, trainings for many years, comes and approaches me: "Oh, Viktor Pavlovich, here, I have to apologise, this is the last time I participate in your events"" I ask, "What's the matter?— - "But my son-in-law told me: choose: either me or the Tak-tak-tak foundation." He himself is either in the municipal service, or in the state one."*

Similar difficulties are faced not only by projects related to the protection of citizens' rights, but also by those specialising in other areas. The NPO Lawyers Club compilation [provides](#) an example of a regional public organisation called "Ecological Watch of Sakhalin", included in the list of "foreign agents' NPOs. At the time of being on the list (in 2017, the Ministry of Justice excluded the organisation from the list), according to Dmitry Lisitsyn, the head of the NPO, the main costs were not financial, but moral:

- *"Due to the status of a foreign agent, we have suffered very serious damage to our reputation in the eyes of a large number of people – we don't work in a vacuum, we interact with government bodies, other NPOs, business, and the scientific community. Do you think there are no scientists who will refuse to work with the organisation because of its status as a foreign agent?"²⁹⁷*

Lisitsyn added that in one case, the Sakhalin Scientific Research Institute of Fisheries and Oceanography even wrote to the plenipotentiary a "denunciation" of the organisation. The Research Institute accused the NPO of bias in connection with the status of a "foreign agent".

We are talking not only about individual citizens who refuse to cooperate with "foreign agents", but also about commercial organisations, businesses and permanent partners. So, talking about obtaining the status, the former head of the non-profit partnership for the support of social and preventive programs in the field of public health "ESVERO" (specialises in HIV prevention and control) Elena Romanyak said that even long-term partners, including foreign ones, for whom the "foreign agency" poses less risks, stopped cooperating with the organisation. *"The Global Fund to Fight AIDS even suspected some of our partners that they really violated federal legislation, for which they were punished,"* she [noted](#)²⁹⁸.

Various platforms and cultural institutions are also afraid of cooperation with "foreign agents". On October 21, 2021, it became [known](#) that a poetess and a journalist Tatiana Voltskaya, who got into the list of individuals of 'foreign agents' media on October 8, was refused to speak at the poetry evening "Litera na Sovetskom" at the Kuzbass Center of Arts²⁹⁹. She received a letter from the chief specialist for creative projects of the center Natalia Ibragimova:

- *"I'm sorry! But after the publication of the foreign agents list on October 8, 2021, I have to cancel your speech—" Ibragimova wrote.- The Poetry Theater is organised in the state budgetary institution "Kuzbass Center of Arts", it exists with the support of Presidential Grants Fund and the Ministry of Culture and National Policy of Kuzbass. I think you understand our situation. I'm very sorry!"*

In response to the *Commersant* newspaper, the mentioned departments stated that "no recommendations and instructions from the Ministry of Culture and National Policy of Kuzbass for cultural and art institutions of Kuzbass in connection with the organisation of events with the participation of individuals performing the functions of foreign agents were given," and none of the state institutions has anything to do with the cancellation of Voltskaya's speech.

Nevertheless, the organisers of the event "reinsured» themselves thinking of the potential risks that cooperation with a "foreign agent" could carry for the organisation. According to the journalist, this situation indicates that the status of a "foreign agent" turned out to be "the enemy of the people's euphemism" Voltskaya said that "everyone will shy away from this name," as it "sounds creepy to a Russian ear."

Although the status of a "foreign agent" does not impose formal and legislative restrictions on an organisation or person in many cases, the very stigmatisation of the concept implies that various people, organisations and institutions will refuse to cooperate with "foreign agents". Due to the negative perception of the "foreign agent» wording, organisations, media and people who have received this status are actually ostracised in their field of activity by others.

Denigration of reputation and justification of aggression

The negative image that has developed in society leads to the fact that the status of a "foreign agent" for NPOs, media and individuals means the potential possibility of denigrating the reputation of various actors, and therefore justifying potential aggression against the participants of the "foreign agents» lists.

On various platforms, the image of "foreign agents" is created and pedalled as extremely negative. As an example, [publications](#) on such resources as RIA FAN³⁰⁰ or the website of [the Committee for the Protection of National Interests](#)³⁰¹ can be cited. In the description of the latter the following [appears](#): "The Committee for the Protection of National Interests portal informs people about the activities of foreign agents on the territory of the Russian Federation."³⁰² In the "List of persons dependent on foreign governments and sponsors" and in the "List of foreign agents" published on the website, there are not only organisations and people that are already in state lists, but also those who, according to the authors, simply receive some foreign funding. And "scandals" are gathered for everyone. Descriptions of "foreign agents" do not indicate their achievements, do not talk about their activities in detail, but do present the information that can blacken the reputation of a person or organisation.

In addition, the status of "foreign agent" allows various groups and individuals to justify aggression against those who are in this status. In an interview with OVD-Info, the head of the ANNA resource centre, Marina Pisklakova-Parker, [said](#) that it was the "foreign agency" of the organisation that became the justification of aggression from Male State movement (recognised as extremist):

- *"It is important to understand that the status of a "foreign agent" is associated not only with restrictions on the part of the state, it also frees the hands of such radical groups as, for example, the recently recognised extremist "Male State". They have been bothering me for more than one year, and [they] used the status of a "foreign agent" as an excuse for their actions: they say we are fighting for a just cause, we are persecuting "foreign agents," says Pisklakova-Parker. — I know that other organisations that fight against domestic violence face a similar attitude. This is a very dangerous trend. It incites hatred towards women's organisations and complicates their work."*³⁰³

The denigration of reputation, negative image, aggression and its justification in relation to "foreign agents" is the result of indirect discrimination laid down both in the legislation on "foreign agents" and statements of officials and associations that the term implies.

Financing

In many cases, obtaining the status of a "foreign agent" for NPOs and media means a complete restructuring of the existing financial model of the organisation. Getting into the list entails refusals from partners, fears of grant-givers and the departure of advertisers. All this is accompanied by an increase in the costs of regular reporting and auditing, and the costs of paying fines, which are inevitable under current legislation. As a result, there are staff cuts in organisations, they lose their efficiency and in some cases they are simply forced to close.

The refusals of grant-givers and the reduction of funding in the case of the Samara information portal "Gagarin Park" led to the fact that the media lost its position as one of the leaders in the region, and serious cuts were made in the organisation itself. Here's what the founder of the site Sergey Kurt-Adzhiev [told](#) in an interview with OVD-Info:

- *"When Gagarin Park was labelled, we were leaders among electronic media in the region. Now we are not and are unlikely to be such - first of all financially, our flows have greatly decreased. No one wants to work with foreign agents, everyone says the phrase "Well, you know"" No one left us because of the "foreign agency", we have reliable people who have gone through more difficult things. But now there are three employees left on the staff, because we have nothing to support them. We have almost no means of existence."*³⁰⁴

Eco-Watch on Sakhalin also had to take emergency measures with staff cuts for the sake of survival: "To cut three employees — despite the fact that there were only five of them. To reduce the scope of activity: to reduce the work on the control of oil and gas production and on urban ecology," [says](#) its head Dmitry Lisitsyn³⁰⁵.

In some cases, organisations have to urgently switch to new financing models. This happened, for example, with "Meduza" after receiving the status. If before its inclusion in the list, its financing was based mainly on advertising and partner materials, now the media has to survive at the expense of readers' donations. In April, the editorial board of Meduza [wrote](#):

- *"They are trying to kill Meduza. The Ministry of Justice of Russia declared us a "foreign agent". Because of this, we lost advertisers. This means that we are running out of money. Right now. <...> We have always believed that we would be able to build a media that can earn money from advertising and work for readers completely free of charge. <...> And we have built such a media. It took us six years to do that. The Russian authorities destroyed our business in one day."*³⁰⁶

In May, the media [announced](#) that after cutting costs, including by reducing employee salaries by 20-30%, it was switching to crowdfunding:

- *"A few days after the Ministry of Justice declared Meduza a "foreign agent", we launched a crowdfunding campaign. We were supported by almost 80 thousand people. Together you have performed a miracle. It is only thanks to you that Meduza continues to work - despite the fact that the authorities have deprived us of almost all income."*³⁰⁷

At a time when, due to the blurred "foreign agency" legislation, NPOs and media have to regularly face fines, obstacles in professional activity and denigration of reputation, cutting costs and switching to new financial models can severely affect the sustainability of the organisation. This is a direct consequence of discrimination, which leads to the status of a "foreign agent".

Personal risks: self-censorship, attention of special services, forced emigration

After entering the list, "foreign agents" individuals and people working in "foreign agents" organisations face an increase in personal risks. For example, the constant possibility of receiving a fine for violating labelling rules leads to self-censorship.

Individuals of the 'foreign agents' media admit that after the Ministry of Justice put them on the list, they began to censor their messages and write on social networks less. Self-censorship is also accompanied by an increase in the level of stress during any publication: "... *constant anxiety is added to the plate. Of course, I have the phrase that I now need to add on social networks, in saved messages in the telegram, so I can quickly copy it, but sometimes I forget about it for a second in comments. Then you have to fix everything. At this moment, the thought 'what if Comrade Major noticed my mistake too...' doesn't leave me, - [says](#) Polina Kostyleva, coordinator of the Voice movement in St. Petersburg*³⁰⁸.

Some messages already seem out of place if you add the "foreign agent" label to them. Here is what the anonymous author of an essay about the "foreign agency" [published](#) in Meduza wrote:

- *"Recently, my friend gave birth to a baby and posted a photo on Instagram. I wanted to write a very touching comment and a second before posting it I remembered that I would have to insert "THIS MESSAGE..." there. My friend is not interested in politics and has not lived in Russia for a long time. She definitely wouldn't understand and would be offended. So every day I have to beat my hands. And wherever we are, even if we leave the country, we will be obliged to put this label. Including labels on photos of our own children."*³⁰⁹

She also notes that many of her familiar "foreign agents" stop writing in chats with a large number of users or leave comments on social networks: *"It is almost impossible to explain our new status to strangers who are far from politics. <...> You can't explain to everyone why we start a message with a capslock."*

At the round table on "foreign agents" it was also [noted](#) that in small towns and villages people are so afraid of the "foreign agent» label that they stop communicating with those who have it. There are also cases of bullying against children whose parents are "foreign agents"³¹⁰.

Anxiety and self-censorship lead to the fact that a person who finds himself in the list of individuals may have a reduced circle of acquaintances and opportunities for communication, which increases the feeling of isolation and negative emotions from a collision with ostracism. This cannot but affect the psychological health of the "foreign agent", which is the same discriminatory phenomenon as the refusals he receives from partners, project participants and their relatives.

Anxiety and stress to "foreign agents" is also added by the attention of the special services, which increases from the moment of acquiring the status. This was also told by those who found themselves in the list of "foreign agents" NPOs in the early years of its existence. In November 2015, that is, almost a year after the Human Rights Resource Center was included in the list of "foreign agents", its former head, Maria Kanevskaya, was invited to a dinner at the German Consulate General's to where

St. Petersburg human rights defenders and consuls from different countries were invited. Along the way, she was caught by Channel Five journalists with questions about the activities of the NPO Lawyers Club and the Center (closed at that time). *"They did it in an aggressive manner, I refused to give an interview, and tried to leave them, but they ran after me – it lasted about 15 minutes. I was terribly scared,"* the lawyer [recalls](#) that evening³¹¹.

On the way back, Kanevskaya ran into not journalists, but an employee of the Federal Security Service.

- *"22:30. Furshtatskaya street, it's dark, November. An FSB officer appears from somewhere, shows his ID and says: "Maria Alexandrovna, here is an invitation to the prosecutor's office"" We begin to talk: "Are you really a courier?" And we couldn't find you in any way," he replies. - "So you refuse to sign the protocol, go to the prosecutor's office to bring all the accounting for 6 years?" I answer: "If you think there is a basis for a conversation, then send a summons."³¹²*

Maria Kanevskaya [says](#) that during the conversation she forgot that she had arrived in her car and went to the subway entrance together with one of the dinner participants. The FSB representative reminded her of this. Maria looked around and saw that a policeman and several elderly people were standing near the car: *"Everything was ready — God just saved me. It's good that [my friend] was there - because no one would have believed that such a thing was possible."* Maria Kanevskaya suggests that they intended to detain her.

After this meeting, Kanevskaya sent a lawyer to the prosecutors, and she left the country as soon as possible. When the lawyer came to the multifunctional center for a passport, she was told that it was being checked by the FSB, and it was not known when it would be ready. She had to go abroad under an old document.

The founder of the "Youth Consultation and Training Center" in Volgograd faced a similar situation (helped with the protection of students' rights) Timur Kobalia faced a similar situation. In November 2016, after the organisation received the status of a "foreign agent", criminal investigation officers came to his house at 5 am. Kobalia himself was not at home at that time.

- *"I was on a business trip abroad, but they didn't even know about it, because I left the country through Belarus — I went to a friend. And then I went to Hague, where the NPO Lawyers Club conducted an introductory visit of human rights defenders to the Netherlands. At 5 a.m neighbours from Volgograd called me and told me that criminal investigation officers are looking for me."³¹³*

Kobalia suggests that typical procedures were waiting for him that morning, the purpose of which was to exert psychological pressure.

The attention of the special services is increasing not only in relation to "foreign agents» human rights organisations, but also to others whose profile is healthcare or ecology. For example, the former head of the "ESVERO" organisation mentioned in a conversation with the authors of the compilation that after receiving the status of a "foreign agent", the activists of the organisation repeatedly received calls from people posing as FSB officers³¹⁴. This significantly affects the ability of such organisations to work in the regions: [according](#) to Polina Filippova from the Sakharov Center, it is now very difficult for them to work with regional partners, because FSB comes to the employees of the centres for combating extremism. "We cannot betray colleagues from the regions in this way," she said³¹⁵.

Constant tension and anxiety lead to the fact that people decide to emigrate from a country where, in their opinion, they have too great personal risks. That's what the artist Daria Apakhonch told, who was one of the first individuals in the list of "foreign agents» media, in December 2020. After receiving the status, she lost her job, and on January 31, they came to her home early in the morning with a search. There were small Apakhonchich children in the apartment. "They searched for seven hours, seized everything, exhausted the children," she [recalls](#)³¹⁶. Apakhonchich herself connected the search with obtaining the status of a "foreign agent". Some time later, the owner of the apartment, which the artist rented, kicked out her family, without giving bail, saying that she was a "criminal". Leaving the country, at least temporarily, Apakhonchich [wrote](#):

- *"I've been very scared for the last year; the most painful point was when my five-year-old [son] was in a prison truck. He still hides when he sees the police. And the whole family panics from doorbells. Then there was my detention, trial, then the status of a foreign agent, then a search. And that morning I said goodbye to the children, hugged them, then they took me to the interrogation, and I wondered if I would see them again, and who would take care of them if I wouldn't. And this was the point beyond which I could not live as 'before'. I was (and am) terribly, terribly afraid for the children. Not so for myself, but for them — terribly. My children have no grandparents, and Masha's father is wanted. And I spent all my reserve of equanimity, I can't do it anymore: they fired me from work, they kicked me out of my apartment, they took my equipment and phones away."³¹⁷*

There is a high probability that Apakhonchich will not be the only "foreign agent" who is forced to make a decision about leaving. Constant discrimination and obstacles to work associated with the stigma of a "foreign agent" in the public consciousness create difficult living conditions for people who find themselves in one of the lists of "foreign agents", and lead to the fact that they leave.

Negative impact on society

The legislation on "foreign agents" has a serious impact not only on the non-profit sphere, but also on society as a whole.

Since the beginning of 2020, at least 12 federal laws affecting "foreign agents" in one way or another have been published³¹⁸, at least 100 pages of these regulations are directly related to the topic of "foreign agents". The cumbersome nature of the legislation, numerous norms regarding different lists, combined with its so rapid development leads to the fact that it is extremely difficult even for the authorities to understand it. So, Vladimir Putin, answering a question about "foreign agency", [said](#) that Russian legislation does not provide for criminal liability in connection with "foreign agency": *"And in the States, too, they don't solve it through the court, they summon you to the Ministry of Justice there. Just ask Russia Today what they are doing there. Do you know how tough it is? It's up to criminal responsibility. We don't have that."*³¹⁹ [The corresponding article](#) of the Criminal Code in Russian legislation at that time had been existing for 9 years, and at the end of 2020 it was significantly expanded³²⁰.

In 2012, Deputy Speaker of the State Duma Sergey Neverov [motivated](#) the need to introduce the concept of a "foreign agent" in this way: *"There is no need to look for a double bottom in the "foreign agent" wording and suspect lawmakers in trying to put some kind of a label. This wording is generally accepted and is present in the legislation of many developed democracies of the world. If an NPO is financed from abroad and implements certain projects and activities with this money, it is obvious that it works including the interests of the customer. The deputies simply suggest that such organisations should not hide the sources which they receive funds from. This is an absolutely honest and democratic approach."*³²¹ Despite numerous similar rhetoric on the part of legislators and representatives of the authorities, the legislation does not at all require the actual use of foreign funding to pay for political activities to be recognised as a "foreign agent", nor does it require that the recipients of funding act on behalf of or in the interests of a foreign organisation.

Many experts speak about the legal uncertainty of the legislation. Lawyer Galina Arapova [says](#):

*"The law should be direct, clear, unambiguous, and understandable to ordinary people. If you read the law, it should be clear to you what you should do and what you should not do. And when you read the law and do not understand it, even if you are a lawyer or a professional expert in this field, it is wrong. Yes, even if the state body cannot interpret it, the same Ministry of Justice, how should you, as a person, adjust your behavior to these requirements? What should you not do in order not to get into "foreign agents"? It's unclear."*³²²

The experts of the Venice Commission, speaking about the uncertainty of the concept of "foreign agent", expressed concern about the risk of arbitrary application of these provisions and the potential deterrent effect on civil society³²³.

It is noteworthy that the legal uncertainty of the existing legislation is considered by some legislators as a positive factor³²⁴. Thus, the head of the Federation Council commission for the protection of state sovereignty, Andrei Klimov, commenting on the future of legislation on "foreign agents", [said](#) at a briefing on November 22 that *"we have proposals both to tighten these norms and expand their application, and to complicate their application."*³²⁵

Rapid development combined with legal uncertainty creates a dangerous effect for the whole society.

The severity of sanctions for individuals and legal entities stigmatises at least some visible public activity and poses a difficult choice for anyone who is engaged in it: to register as a "foreign agent" or to refrain from any activity or support that may cause even the slightest risk of becoming a "foreign agent".

Oksana Karpenko, the executive director of the Center for Independent Sociological Research, spoke about the negative consequences of the adoption of legislation back in 2018: *"The witch hunt announced by the Russian state has destroyed many initiatives useful for Russian society, ruined those born, aborted many projects growing in the non-profit organisations. The very long-term logic of the development of organisations was broken. Attempts to build an organisation's development strategy, form long-term guidelines, and invest in infrastructure projects have become unreasonable and meaningless in this context."*³²⁶

The broad interpretation of the concept of "political activity" in combination with the constantly updated lists of "foreign agents" leads to the fact that many people are forced to refrain from a wide range of activities that are of fundamental importance both for their own development and well-being, and for a normal, healthy society³²⁷. It is this effect that the experts of the Venice Commission described, suggesting that "reasonable fears of being labelled as a "foreign agent" are likely to have a deterrent effect on Russian civil society, forcing them to refuse to participate in political activities in a broad sense."³²⁸

This also explains the fact that in the autumn of 2021, a petition demanding the complete abolition of the laws on "foreign agents" was published on behalf of, among others, more than 50 charitable organisations³²⁹. Later, the heads of 40 foundations [sent](#) an appeal to the President with a proposal to include charitable organisations in the list of persons who are not covered by the "law on foreign agents"³³⁰.

It is important to note that the current definition of "political activity" already makes an exception for "propaganda of charitable activities"³³¹, but this is clearly not enough, since any organisation working in the social charitable sector is interested not only in resources, but also in solving social problems. There is an atmosphere of fear in the same charitable foundations, which is only confirmed by [the words](#) of Vladimir Putin "... even my personal acquaintances told me that they are engaged in this and that, engaged in some charitable activities, and they are already being led to the fact that they are foreign agents."³³² The situation with civil projects and the media is much more difficult – many expect to see themselves on the lists of "foreign agents" every day.

Such an expectation only increases the psychological pressure and sense of threat experienced by both NPOs, media and people working in these areas. Dmitry Treshchanin, the editor of Mediazona, [spoke](#) about this, in particular, at the round table on "foreign agents": according to him, many publications that have not yet appeared in the list expect to see themselves there every week, which creates "monstrous tension" for all participants in the sector³³³.

The sphere of influence of the legislation has significantly expanded over the past nine years. If in 2012 it was exclusively about NPOs, in 2017 it was about journalists, then from the end of 2020 anyone can be put on the lists. And indeed, in 2021, the lists are replenished with journalists, human rights defenders, observers, lawyers and even environmentalists.

This effect will only be exacerbated by new discriminatory measures against private donors and participants in the activities of "foreign agents" and branches of foreign NPOs, whose personal data the Ministry of Justice requires to indicate in reports. Such measures go far beyond the "foreign

agency" and will generally affect the desire of people to participate in events and finance not only "foreign agents", but also those who seem to be able to become them, including the same charitable foundations.

Conclusions

The authors of the report analysed the legislation on foreign agents, law enforcement practice from 2013 to 2021 and regulations of various departments. Based on the data and conclusions of studies conducted by other authors and institutions (including the Venice Commission, the Public Verdict Foundation and the NPO Lawyers Club), the authors present a preliminary legal, statistical and empirical analysis (the text of the report is abundantly supplied with quotations of "foreign agents" of various types) with a focus on discriminatory aspects of both legislation and regulations and law enforcement practice.

Based on the collected and analysed material, we have identified a number of discriminatory norms that contradict both Russian legislation and international law. It is important to understand that discrimination is not a subjective concept, but a legal term clearly defined as unequal treatment without objective and reasonable justification, legitimate purpose, necessity and proportionality.

The main discriminatory norms and practices can be divided into several major categories:

- Direct bans on certain activities
- Restrictions on access to public financing and other forms of state support
- Restrictions on the interaction of "foreign agents" and government officials and budget organisations
- Enhanced control by government bodies
- Increased expenses related to additional reporting, court costs and payment of fines
- Restriction of the spread of information by "foreign agents"
- Informal obstacles to professional activity
- Collection of personal data of donors and participants of events

At the level of legislation and individual regulations, there are a number of direct prohibitions for organisations and people who have been put on the lists of "foreign agents". The rights to participate in electoral processes are significantly restricted - both in the political part itself (support of candidates and political parties is prohibited), and in the civil one (the rights of observers from foreign organisations are limited) and information (the rights to cover elections are limited). "Foreign agents" are prohibited from holding positions in state bodies and local self-government bodies. Unregistered associations, NPOs and individuals "performing the functions of a foreign agent" are prohibited from transferring or receiving money or other property for the purpose of organising or holding a public event.

Access to state funding and support for foreign agents organisations is limited both at the legislative level (priority support measures are provided exclusively for the so-called "NPOs-performers of socially useful services", and the assignment of this status to foreign agents is prohibited), and at the level of individual departments, regions and municipalities. 'Foreign agents' NPOs were excluded from urgent measures to support NPOs in the context of COVID-19, bank deposits of NPOs from the list of "foreign agents" are not subject to insurance.

Communication and cooperation of foreign agents with government bodies and employees is limited. Thus, servicemen and civilian personnel of the FSB bodies are allowed to apply to NPOs "performing the functions of a foreign agent" only under the conditions established by the FSB. The Ministry of Health has banned non-governmental organisations from nominating candidates to the "Council of

Public Organisations for the Protection of Patients' Rights" operating under the Ministry. At the municipal level, in a number of regions, there are prohibitions for 'foreign agents' NPOs to nominate candidates for local Public Chambers and Public Councils. 'Foreign agents' NPOs are prohibited from nominating candidates to Public supervisory Commissions, conducting anti-corruption analysis of regulatory legal acts.

All types of foreign agents are required to report to the Ministry of Justice on their activities, income and expenses with many details and more often than all other subjects of law. In addition, the authorities have the right to conduct scheduled inspections of foreign agents NPOs every year. Since 2021, such NPOs are also required to provide the Ministry of Justice with a long-term plan of their programs and activities, and the body has the right not to coordinate it. These discriminatory norms put "foreign agents" in an unequal position compared to other subjects of law, and also involve the expenditure of significant financial and time resources.

Labeling requirements and sanctions for their violations — both for the "foreign agents" themselves and for the media writing about their activities - impose significant restrictions on the right to spread information, leading to self-censorship and isolation. Individuals have to use labelling even in personal communication formats — for example, in dating apps or in parent chats. 'Foreign agents' media lose advertisers due to the need to label the placed advertising. All media outlets are required to label mentions of "foreign agents", which, together with the vagueness of the legislative regulation of this labelling, substantial fines for non-compliance with these requirements and possible ban of web resources, creates prerequisites for reducing information coverage of the "foreign agents' activities.

Informal practices impose significant restrictions on the activities of "foreign agents". From a legal point of view, such practices relate to indirect discrimination, which also contradicts Russian legislation and international law. Among such practices, it is possible to distinguish the refusal of officials and budget organisations from communication and cooperation with "foreign agents", which is critical for most NPOs and the media for full functioning; restrictions on professional activity for "foreign agents" journalists who, due to the need for labelling, are practically unable to find work in their field; refusal of partners, venues, organisers of public events to cooperate with "foreign agents' and defamation campaigns in the media and social networks.

In addition, for individuals included in the lists, both legislation and law enforcement practice violate the right to privacy — the volume and detail of reporting are such that they put the objects of the relevant regulation in a discriminatory position in relation to all other objects of regulation in Russia, including entrepreneurs, officials, deputies. In turn, the reporting requirements of "foreign agents" NPOs presuppose the transfer of a large volume of personal data of donors-individuals to the regulator, violating current federal legislation.

Taken together, legislation on "foreign agents", regulations, law enforcement practice and informal restrictions, supplemented by defamation campaigns in state media, lead to an endless expansion of the influence of legislation on society and the state as a whole. The broad interpretation of the concept of "political activity" and the ability of the law enforcement officer to label almost any resources as "foreign financing", regardless of the jurisdiction of their source, together with the constantly updated lists of "foreign agents" creates an atmosphere of fear and uncertainty in the non-commercial and media spheres. As a result, many people and organisations are forced to refrain from public activity, which leads to degradation of civil society and a simultaneous decrease in the control of state bodies, the loss of their feedback channels with society and a decrease in the quality of decisions made by the state.

Based on the conducted research, an unambiguous conclusion can be drawn: the legislation on foreign agents is discriminatory in its essence, since it significantly restricts the rights and threatens the professional activities of only a certain group of legal entities. At the same time, the corresponding restriction of rights is unjustified neither by extreme necessity nor by any specific threat to national security.

The situation is aggravated by arbitrary and prohibitive law enforcement, which is due to the vagueness of the wording in the legislation and its free interpretation by various subjects of law enforcement. Individual departments, regional and municipal authorities are increasing the scale of discriminatory consequences by introducing their own regulations.

Under these conditions, attempts to bring the legislation on "foreign agents" and law enforcement practice in accordance with Russian legislation and international law are not possible. This will require the adjustment of dozens of laws and regulations, as well as a detailed analysis of decisions of courts and executive authorities. The only legal way out of this situation may be the complete abolition of the legislation on "foreign agents", and until the relevant law comes into force - the complete suspension of law enforcement until a comprehensive analysis of law enforcement practice involving both representatives of the legislative and executive authorities, as well as regulatory entities and independent experts is conducted.

Corrections

05.12.2021. In the sections “Electoral restrictions” and “Fines for the media for disseminating information about“ foreign agents” without labelling”, an error in the cost of developing a monitoring system for “foreign agents” ordered by the Central Election Commission has been corrected. Initially, the text erroneously indicated the amount of 13 billion, not 13 million rubles. We apologize to readers!

Endnotes

¹ The Foreign Agents Act // Yuri Levada Analytical Center. Press release from 02.08.2021. [Electronic resource]. URL: <https://www.levada.ru/2021/08/02/zakon-ob-inostrannyh-agentah/print/> (access date 25.11.2021)

² We demand the Abolition of Foreign Agents Laws // Change.org. [Electronic resource]. URL: https://change.org/agents_of_people (access date 25.11.2021)

³ Mass media suggested the Russian authorities to cancel the list of “foreign agents” and to change the legislation // Znak.com, 1.09.2021. [Electronic resource]. URL: https://www.znak.com/2021-09-01/rossiyskie_smi_predlozhili_vlastyam_popravki_v_zakonodatelstvo_ob_inoagentah (access date: 24.11.2021).

⁴ Just Russia submitted to the State Duma a bill on declaring mass media outlets “foreign agents” only by court decision // Meduza.io. 17.11.2021. [Electronic resource]. URL: <https://meduza.io/news/2021/11/17/spravedlivaya-rossiya-vnesla-v-gosdumu-zakonoproekt-ob-ob-yavlenii-smi-inoagentami-tolko-po-resheniyu-suda> (access date 25.11.2021)

⁵ HRC proposed to allow physical persons-foreign agents not to mark private posts // Interfax.ru. 16.11.2021. [Electronic resource]. URL: <https://www.interfax.ru/russia/803279> (access date 25.11.2021)

⁶ St Petersburg parliament to propose amending the law on foreign agents // Fontanka.ru. 28.10.2021. [Electronic resource]. URL: <https://www.fontanka.ru/2021/10/28/70222856/> (access date 25.11.2021)

⁷ Peskov supposed to correct the law on foreign agents // RBC. 26.08.2021. [Electronic resource]. URL: <https://www.rbc.ru/politics/26/08/2021/61276a699a7947145cbf40e6> (access date 25.11.2021)

⁸ Meeting of the Valdai Discussion Club // Russian President’s website. [Official website]. URL: <http://kremlin.ru/events/president/news/66975> (access date 25.11.2021)

⁹ Goncharuk D. Matvienko: Senators will monitor the application of the law on foreign agents // Rossiyskaya Gazeta. 22.09.2021. [Electronic resource]. URL: <https://rg.ru/2021/09/22/matvienko-senatory-provedut-monitoring-primeneniia-zakona-ob-inoagentah.html> (access date 25.11.2021)

¹⁰ See the Article 19 of the Constitution of the Russian Federation:

1. All people shall be equal before the law and court.

2. The State shall guarantee the equality of rights and freedoms of man and citizen, regardless of sex, race, nationality, language, origin, property and official status, place of residence, religion, convictions, membership of public associations, and also of other circumstances. All forms of limitations of human rights on social, racial, national, linguistic or religious grounds shall be banned.

The Constitution of the Russian Federation // Government of the Russian Federation. [Official website]. [Electronic resource]. URL: <http://archive.government.ru/eng/gov/base/54.html> (access date 25.11.2021)

¹¹ See the Article 26 of The International Covenant on Civil and Political Rights:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

International Covenant on Civil and Political Rights (Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966) // United Nations [Official website]. [Electronic resource]. URL: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (access date 24.11.2021)

¹² See the Article 14 of European Convention on Human Rights:

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocols Nos. 11 and 14 as from its entry into force on 1 June 2010 (signed in Rome, 4.XI.1950) // Council of Europe [Official website]. [Electronic resource]. URL:

<https://www.coe.int/en/web/compass/the-european-convention-on-human-rights-and-its-protocols> (access date 24.11.2021)

¹³ See the Guide on Article 14 of the European Convention on Human Rights and on Article 1 of Protocol No. 12 to the Convention Prohibition of discrimination. Updated on 31 August 2021. Council of Europe/European Court of Human Rights [Official site]. [Electronic resource]. URL:

https://www.echr.coe.int/Documents/Guide_Art_14_Art_1_Protocol_12_ENG.pdf (access date 24.11.2021)

A definition of discrimination can also be found in *Molla Sali v. Greece* [GC], 2018, § 135, *Fabris v. France* [GC], 2013, § 56; *D.H. and Others v. the Czech Republic* [GC], 2007, § 175; *Hoogendijk v. the Netherlands*, 2005.

¹⁴ See the Article 55 of The Constitution of the Russian Federation:

3. The rights and freedoms of man and citizen may be limited by the federal law only to such an extent to which it is necessary for the protection of the fundamental principles of the constitutional system, morality, health, the rights and lawful interests of other people, for ensuring defence of the country and security of the State. The Constitution of the Russian Federation // Government of the Russian Federation. [Official website]. [Electronic resource]. URL: <http://archive.government.ru/eng/gov/base/54.html> (access date 25.11.2021)

¹⁵ See the Article 55 of The Constitution of the Russian Federation:

2. In the Russian Federation no laws shall be adopted cancelling or derogating human rights and freedoms.

The Constitution of the Russian Federation // Government of the Russian Federation. [Official website]. [Electronic resource]. URL: <http://archive.government.ru/eng/gov/base/54.html> (access date 25.11.2021)

¹⁶ See the Article 55 of The Constitution of the Russian Federation:

1. The listing in the Constitution of the Russian Federation of the fundamental rights and freedoms shall not be interpreted as a rejection or derogation of other universally recognized human rights and freedoms. The Constitution of the Russian Federation // Government of the Russian Federation. [Official website]. [Electronic resource]. URL: <http://archive.government.ru/eng/gov/base/54.html> (access date 25.11.2021)

¹⁷ Data on the “foreign agents” included in the registers are available in the annex to the report. URL:

<https://ovdinfo.org/reports/created-and-or-distributed#13-1>

¹⁸ Information on the Register of NPOs Performing the Functions of a Foreign Agent // Ministry of Justice of the Russian Federation. [Official website]. [Electronic resource]. URL:

<http://unro.minjust.ru/NKOForeignAgent.aspx> (access date 24.11.2021)

¹⁹ Federal Law as of 12.01.1996 N 7-FZ (revised on 02.07.2021) on Non-profit Organizations (with amendments and additions, in force from 03.10.2021). P. 6, Article 2 // ConsultantPlus: legal reference system. [Electronic resource]. URL:

http://www.consultant.ru/document/cons_doc_LAW_8824/87a16eb8a9431fff64d0d78eb84f86accc003448/ (access date 24.11.2021)

²⁰ See paragraph 74 of Russian Federation - Opinion on the Compatibility with international human rights standards of a series of Bills introduced to the Russian State Duma between 10 and 23 November 2020, to amend laws affecting “foreign agents”, adopted by the Venice Commission at its 127th Plenary session (Venice and online, 2-3 July 2021). [Electronic resource]. URL:

[https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2021\)027-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2021)027-e) (access date 24.11.2021)

²¹ List of Unregistered Public Associations Performing the Functions of a Foreign Agent // Ministry of Justice of the Russian Federation. [Official website]. URL: <https://minjust.gov.ru/ru/pages/reestr-nezaregistrovannyh-obshchestvennyh-obedinenij-vypolnyayushih-funkcii-i-nostrannogo-agenta/> (access date 24.11.2021)

²² List of Foreign Media Performing the Functions of a Foreign Agent // Ministry of Justice of the Russian Federation. [Official website]. URL: <https://minjust.gov.ru/ru/documents/7755/> (access date 24.11.2021)

²³ Federal law of 27.12.1991 N 2124-1 (ed. on 01.07.2021) on Mass Media. (as amended and supplemented, in force from 01.08.2021). P. 3 and P. 7, Article 6 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_1511/ed21796e6c484ea926224dc5dfaa42db31cc7c46/ (access date 24.11.2021)

²⁴ At the end of September 2021, an FSB order was published containing a list of information for which individuals can be included in the list of “foreign agents”. The list includes “information on assessment and forecasts of development of the military and political, strategic (operational) situation”, material, technical and financial support of the troops, their deployment and strength, personal data on military personnel, progress and results of consideration of reports on crimes in the army, as well as “information on compliance with the law and the moral and psychological climate in the troops”. In addition to data related to the military and security services, the list includes collection of information on the work of Roscosmos. It is data on financing of programmes of the state corporation, “information on problems hindering the development of Roscosmos” and information on new technologies. How such a list of information and the status of a “foreign agency” will be reconciled with the professional activities of, for example, journalists, is not explained.

²⁵ Federal Law of 28.12.2012 N 272-FZ (ed. on 28.06.2021) on Measures to Influence Persons Involved in Violations of Fundamental Human Rights and Freedoms, Rights and Freedoms of Citizens of the Russian Federation. Article 2.1 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_139994/db1ec10278959044da8a5c31b9fc00cc944f0b12/ (access date 24.11.2021)

²⁶ Federal Law as of 12.01.1996 N 7-FZ (revised on 02.07.2021) on Non-profit Organizations (with amendments and additions, in force from 03.10.2021). P. 7, Article 32 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_8824/efc14603fa156efaa4436376cf8280379649af70/ (access date 24.11.2021)

²⁷ For more information, see Sanctions for violations of requirements for “foreign agents”.

²⁸ Sekretarova N. Unjustified inspections of NPOs with foreign funding continue // Advokatskaya Gazeta. 26.10.2018. [Electronic resource]. URL: <https://www.advgazeta.ru/mneniya/neobosnovannye-proverki-nko-s-inostrannym-finansirovaniem-prodolzhayut-sya/> (access date 24.11.2021)

²⁹ Merkuryeva K. Tears over reports and fines: monologues of those declared “foreign agent” by the Ministry of Justice // OVD-Info. 03.11.2021. [Electronic resource]. URL: <https://ovdinfo.org/articles/2021/11/03/monologi-teh-kogo-minyust-priznal-inostrannym> (access date 24.11.2021)

³⁰ Polovinko V. “Strong government doesn’t run after women of my age”. Interview with Lyudmila Kuzmina, a pensioner from Samara, who was declared a “foreign agent” by the Ministry of Justice // Новая газета. 02.10.2021. [Electronic resource]. URL: <https://novayagazeta.ru/articles/2021/10/02/silnaia-vlast-ne-begaet-za-tetenkami-moego-vozrasta> (access date 24.11.2021)

³¹ Galina Arapova represents some journalists in lawsuits against the Ministry of Justice.

Court starts hearing six lawsuits filed by journalists declared as foreign agents // Media Rights Defence Centre. 08.11.2021. [Electronic resource]. URL:

<https://mmdc.ru/news-div/sud-nachinaet-rassmatrivat-shest-iskov-zhurnalistov-priznannyh-smi-inostrannymi-agentami/> (access date 24.11.2021)

³² Ministry of Justice: Journalist can be declared a “foreign agent” because of money from a friend abroad, participation in an international competition or conference // Mediazona. 23.08.2021. [Electronic resource]. URL: <https://zona.media/news/2021/08/23/agent> (access date 24.11.2021)

³³ The Ministry of Justice explained why it declared journalist Pyotr Manyakhin a “foreign agent”. The list of claims includes an article on torture, a repost in support of Meduza and a transfer between his accounts // Meduza. 01.11.2021. [Electronic resource]. URL: <https://meduza.io/feature/2021/11/01/minyust-raz-yasnil-pochemu-ob-yavil-inostrannym-agentom-zhurnalista-petra-manyahina-v-spiske-pretenziy-statya-o-pytkah-repost-v-podderzhku-meduzy-i-perevod-mezhdu-svoimi-schetami> (access date 24.11.2021)

³⁴ Refusals to participate in projects and bullying. Monologues of NPO leaders declared “foreign agents” // OVD-Info. 10.11.2021. [Electronic resource]. URL: <https://ovdinfo.org/articles/2021/11/10/monologi-rukovoditeley-nko-inoagentov> (access date 24.11.2021)

³⁵ “Is there any hope for a normal life? I doubt it” Do you think that “foreign agent” status is just a formality? In fact, it changes a person’s life forever. Here is the story of one “foreign agent” (very personal) // Meduza. 08.10.2021. [Electronic resource]. URL: <https://meduza.io/feature/2021/10/08/est-li-nadezhda-na-normalnuyu-zhizn-ya-somnevayus> (access date 24.11.2021)

³⁶ Refusals to participate in projects and bullying. Monologues of NPO leaders declared “foreign agents” // OVD-Info. 10.11.2021. [Electronic resource]. URL: <https://ovdinfo.org/articles/2021/11/10/monologi-rukovoditeley-nko-inoagentov> (access date 24.11.2021)

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³⁸ The European Commission for Democracy through Law or “Venice Commission” is an advisory body on constitutional law established by the Council of Europe in 1990. The Commission is composed of independent experts appointed by each participating state.

³⁹ See paragraph 49 of Russian Federation - Opinion on the Compatibility with international human rights standards of a series of Bills introduced to the Russian State Duma between 10 and 23 November 2020, to amend laws affecting “foreign agents”, adopted by the Venice Commission at its 127th Plenary session (Venice and online, 2-3 July 2021).[Electronic resource]. URL: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2021\)027-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2021)027-e) (access date 24.11.2021)

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⁴¹ Ivanov M., Istomina M., Kazakulova G., Mukhametshina E. State-owned media will be able to avoid reporting on foreign funding // Vedomosti. 20.10.2021. [Electronic resource]. URL: <https://www.vedomosti.ru/politics/articles/2021/10/20/892230-gosudarstvennie-smi> (access date 24.11.2021)

⁴² Law on NPOs proves effective - Sidyakin // United Russia Party. 04.09.2013. [Official website]. URL: https://er.ru/activity/news/zakon-ob-nko-dokazyvaet-svoyu-effektivnost-sidyakin_105315 (access date 24.11.2021)

⁴³ Latukhina K. Peskov disagreed with criticism of laws on NPOs // Rossiyskaya gazeta. 26.05.2015. [Electronic resource]. URL: <https://rg.ru/2015/05/26/peskov-nko-site.html> (access date 24.11.2021)

⁴⁴ Goncharuk D. Matvienko: Senators will monitor the application of the law on foreign agents // Rossiyskaya Gazeta. 22.09.2021. [Electronic resource]. URL: <https://rg.ru/2021/09/22/matvienko-senatory-provedut-monitoring-primeneniia-zakona-ob-inoagentah.html> (access date 24.11.2021)

⁴⁵ What does it cost for an NPO to be declared a “foreign agent”? Lawyers calculate costs // Agency of Social Information. 26.11.2015. [Electronic resource]. URL: <https://www.asi.org.ru/news/2015/11/26/107822/> (access date 24.11.2021)

⁴⁶ Only in the case of the LGBT organisations Bok-O-Bok (Side by side) and Vykhod (Coming Out) was this the decision of the first instance. Apart from them, the Muraviovka Park of Sustainable Nature Management and the Interregional Labour Union “Workers’ Association” also achieved cancellation of their status in court. The last such decision was made more than three years ago.

⁴⁷ Hereinafter in this chapter, the NPO standards from the article on the control of NPOs are predominantly described. See Federal Law as of 12.01.1996 N 7-FZ (revised on 02.07.2021) on Non-profit Organisations (with amendments and additions, in force from 03.10.2021). Article 32 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_8824/efc14603fa156efaa4436376cf8280379649af70/ (access date 24.11.2021)

⁴⁸ Federal Law of 19.05.1995 N 82-FZ (ed. on 30.12.2020) on Public Associations. Article 29.1 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_6693/91275d350d2d3221582b34a0bd78bb37c152ec9e/ (access date 24.11.2021)

⁴⁹ It is worth noting the disproportionality of the legal requirements, as UPAs do not have access to the same rights and opportunities that are open to NPOs, such as banking services and funding. Unregistered public associations (UPAs) operate without acquiring the rights of a legal entity. These rights are acquired after state registration. See Federal Law of 19.05.1995 N 82-FZ (ed. on 30.12.2020) on Public Associations. Article 21 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_6693/992ad60c58cfa6c4530a83da798f329064324284/ (access date 24.11.2021)

⁵⁰ See paragraph 68 of Recommendation CM/Rec(2007)14 of the Council of Europe Committee of Ministers to member states on the legal status of non-governmental organisations in Europe [Official website]. [Electronic resource]. URL: <https://www.osce.org/files/f/documents/7/0/33742.pdf> (access date 24.11.2021)

⁵¹ The law on Non-profit Organisations defines that a foreign non-profit non-governmental organisation carries out its activities in the territory of Russia through its structural subdivisions: branches, affiliates and representative offices.

See Federal Law as of 12.01.1996 N 7-FZ (revised on 02.07.2021) on Non-profit Organizations (with amendments and additions, in force from 03.10.2021). Article 2 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_8824/87a16eb8a9431fff64d0d78eb84f86acce003448/ (access date 24.11.2021)

⁵² Apart from “foreign agents”, only foundations and structural subdivisions of foreign NPOs are subject to mandatory audit among all forms of NPOs envisaged by the legislation.

See Federal Law as of 30.12.2008 N 307-FZ (ed. on 11.06.2021) on Auditing Activities. P. 3, part 1, Article 5 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_83311/e10238792447500445e2f7cb3f3a6d0f37c74402/ (access date 24.11.2021)

⁵³ The study surveyed approximately 20% of NPOs included in the list for 2015.

See What does it cost for an NPO to be declared a “foreign agent”? Lawyers calculate costs // Agency of Social Information. 26.11.2015. [Electronic resource]. URL: <https://www.asi.org.ru/news/2015/11/26/107822/> (access date 24.11.2021)

⁵⁴ See paragraph 67 of Russian Federation - Opinion on the Compatibility with international human rights standards of a series of Bills introduced to the Russian State Duma between 10 and 23 November 2020, to amend laws affecting “foreign agents”, adopted by the Venice Commission at its 127th Plenary session (Venice

and online, 2-3 July 2021) [Official website]. [Electronic resource]. URL: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2021\)027-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2021)027-e) (access date 24.11.2021)

⁵⁵ See the text of the explanatory note to bill No. 1052523-7 containing the relevant amendments.

Explanatory note to the Draft Federal Law on Amendments to the Federal Law on Non-profit Organisations in terms of improvement of legal regulation of non-profit organisations performing functions of a foreign agent and structural subdivisions of foreign non-profit non-governmental organisations // Legislative Support System “Lawmaking”. 10.11.2020. [Official website]. [Electronic resource]. URL: <https://sozd.duma.gov.ru/download/7668C168-D4AC-4E33-9558-66C2330FEF87> (access date 24.11.2021)

⁵⁶ See paragraph 67 of Russian Federation - Opinion on the Compatibility with international human rights standards of a series of Bills introduced to the Russian State Duma between 10 and 23 November 2020, to amend laws affecting “foreign agents”, adopted by the Venice Commission at its 127th Plenary session (Venice and online, 2-3 July 2021). [Official website]. [Electronic resource]. URL: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2021\)027-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2021)027-e) (access date 24.11.2021)

See also ECHR cases *Christian Democratic People’s Party v. Moldova*, § 76, 2006; *Republican Party of Russia v. Russia*, § 102, 2011; *The United Macedonian Organisation Ilinden - PIRIN and Others v. Bulgaria*, § 56, 2005.

⁵⁷ See Draft 02/08/07-21/00117927 by which it is planned to amend reporting forms of non-profit organisations performing functions of a foreign agent.

On the form and terms of submission to the Ministry of Justice of the Russian Federation of reports of non-profit organisations performing functions of a foreign agent // Federal portal of draft legal acts.

13.07.2021. [Official website]. [Electronic resource]. URL: <https://regulation.gov.ru/projects#npa=117927> (access date 24.11.2021)

See Draft 02/08/07-21/00118021 by which it is planned to amend reporting forms for non-profit organisations and public associations, religious organisations and structural subdivisions of foreign non-profit non-governmental organisations.

On the forms and terms of submission to the Ministry of Justice of the Russian Federation of reports of non-profit organisations // Federal portal of draft legal acts. 15.07.2021. [Official website]. [Electronic resource]. URL: <https://regulation.gov.ru/projects#npa=118021> (access date 24.11.2021)

⁵⁸ Federal Law of 27.07.2006 N 152-FZ (ed. on 02.07.2021) on Personal Data. Article 7 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_61801/a15bab6050028753706f22c32fe60627a7be79f9/ (access date 24.11.2021)

⁵⁹ The mere collection and storing of data relating to the private life of an individual amounts to an interference with the right to privacy, see ECHR, *S. and Marper v. the United Kingdom* [GC], 2008, § 67.

⁶⁰ In 2019, the Venice Commission released a report examining the issue of foreign funding of NPOs. The report contains standards on foreign funding of public associations and non-governmental organisations in Council of Europe member states.

On disclosure obligations, see paragraph 106 of the Report on funding of associations, adopted by the Venice Commission at its 118th Plenary Session (Venice, 15-16 March 2019). Report on funding of associations, adopted by the Venice Commission at its 118th Plenary Session (Venice, 15-16 March 2019). [Official website]. [Electronic resource]. URL: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2019\)002-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2019)002-e) (access date 24.11.2021)

⁶¹ Report on the Activity and Development of Socially Oriented Non-profit Organisations in 2020. (Part 8, paragraph 4) // Ministry of Economic Development of the Russian Federation [Official website]. [Electronic resource]. URL: [http://nko.economy.gov.ru/upload/docs/doklad-sonko-2021-na-podpis-\(fajl-otobrazheniya\).pdf](http://nko.economy.gov.ru/upload/docs/doklad-sonko-2021-na-podpis-(fajl-otobrazheniya).pdf) (access date 24.11.2021); Resolution of the Russian Government as of 03.04.2020 N 438 (ed. as of 14.09.2020) on peculiarities of state control (supervision), municipal control in 2020 and on amendments to item 7 of the

Rules of preparation by state control (supervision) and municipal control authorities of annual plans of planned inspections of legal entities and individual entrepreneurs // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_349478/ (access date 24.11.2021)

⁶² Federal law of 27.12.1991 N 2124-1 (ed. on 01.07.2021) on Mass Media. (with amendments and additions, in force from 01.08.2021). P. 4, Article 6 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_1511/ed21796e6c484ea926224dc5dfaa42db31cc7c46/ (access date 24.11.2021)

⁶³ Federal law as of 27.12.1991 N 2124-1 (ed. on 01.07.2021) on Mass Media. (with amendments and additions, in force from 01.08.2021). Article 25.1 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_1511/8d63bfb39f394d2e69ec381916da0ffb1ce7f31/ (access date 24.11.2021)

⁶⁴ A rough estimate of the audit cost is made in a Znak article.

Paying for the label. How much would it cost a Russian to be declared a foreign agent. An approximate check. // Znak. 06.12.2019. [Electronic resource]. URL: https://www.znak.com/2019-12-06/vo_skolko_obyedetsya_rossiyaninu_priznanie_ego_inoagentom_priblizitelnyy_chek (access date 24.11.2021)

⁶⁵ See commentary to Znak by Yuri Gurman, Chairman of the Board of the Golos-Ural Interregional Public Foundation.

Paying for the label. How much would it cost a Russian to be declared a foreign agent. An approximate check // Znak. 06.12.2019. [Electronic resource]. URL: https://www.znak.com/2019-12-06/vo_skolko_obyedetsya_rossiyaninu_priznanie_ego_inoagentom_priblizitelnyy_chek (access date 24.11.2021)

⁶⁶ Russian language teacher, artist and activist Daria Apakhonchich was among the first to be included in the list of media-“foreign agents” by the Ministry of Justice in December 2020.

Antonov E. “They tell you: write down what kind of spy you are”. How St. Petersburg activist and teacher Darya Apakhonchich has been living with the status of a “foreign agent” for four months” // Bumaga. 05.05.2021. [Electronic resource]. URL:

<https://paperpaper.ru/photos/tebe-govoryat-napishi-kakoj-ty-shpion/> (access date 24.11.2021)

⁶⁷ One of the journalists included in the list in July 2021 wrote a detailed essay on how her daily life has changed since her inclusion in the “foreign agent media” list. The text details the many implications and responsibilities associated with this status.

“Is there any hope for a normal life? I doubt it” Do you think that “foreign agent” status is just a formality? In fact, it changes a person’s life forever. // Meduza. 08.10.2021. [Electronic resource]. URL: <https://meduza.io/feature/2021/10/08/est-li-nadezhda-na-normalnyu-zhizn-ya-somnevayus> (access date 24.11.2021)

⁶⁸ Galina Arapova is the head of the Mass Media Rights Defence Centre (MMRDC). The lawyers of the MMRDC work as defenders in the cases of many “foreign agents”. In an interview that Arapova gave to Novaya Gazeta after she herself was included in the list, she raised many issues related to “foreign agents” legislation and law enforcement practice.

Polovinko V. “Everyone will be strung up on the list”. Sooner or later any of you will be declared a “foreign agent” - this is a new kind of civil punishment. Interview with Galina Arapova, Head of Mass Media Rights Defence Centre // Novaya Gazeta. 15.10.2021. [Electronic resource]. URL: <https://novyagazeta.ru/articles/2021/10/15/vsekh-vzdernut-na-reestre> (access date 24.11.2021)

⁶⁹ On the inclusion in the list of foreign mass media performing the functions of a foreign agent // Ministry of Justice of the Russian Federation. 03.09.2021. [Official website]. [Electronic resource]. URL: <https://minjust.gov.ru/ru/events/48561/> (access date 24.11.2021)

⁷⁰ A “trap” for “foreign agents”. Why were journalistic LLCs added to the list? // BBC. 03.09.2021. [Electronic resource]. URL: <https://www.bbc.com/russian/news-58444149> (access date 24.11.2021)

⁷¹ See ECHR case *S. and Marper v. the United Kingdom* [GC], 2008, § 67.

⁷² See Article 8 – Right to respect for private and family life of The European Convention for the Protection of Human Rights and Fundamental Freedoms:

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocols Nos. 11 and 14 as from its entry into force on 1 June 2010 (signed in Rome, 4.XI.1950) // Council of Europe [Official website]. [Electronic resource]. URL: <https://www.coe.int/en/web/compass/the-european-convention-on-human-rights-and-its-protocols> (access date 24.11.2021)

The Venice Commission notes that any restrictions on fundamental rights and freedoms must prevent a real and not a hypothetical threat: “The State must demonstrate that restrictions are necessary to avert a real and not only a hypothetical danger, and that it would not be sufficient to adopt less restrictive measures to achieve this objective. See paragraph 62 of Report on funding of associations, adopted by the Venice Commission at its 118th Plenary Session (Venice, 15-16 March 2019). [Electronic resource]. URL: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2019\)002-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2019)002-e) (access date 24.11.2021)

⁷³ See Meduza’s article in which journalists included in the “foreign media” list talk about the changes in their lives.

“I am an agent of the Russians, whom the state has given up on”. How do people declared by the media to be “foreign agents” live? // Meduza. 05.05.2021. [Electronic resource]. URL: <https://meduza.io/feature/2021/05/05/ya-agent-rossiyan-na-kotoryh-gosudarstvo-polozhilo-bolshuschiy-bolt> (access date 24.11.2021)

⁷⁴ See the text of the explanatory note to bill No. 345523-7.

Explanatory note to the Draft Federal Law on Amendments to the Law of the Russian Federation on Mass Media and the Federal Law on Information, Information Technologies and Information Protection // Legislative Support System “Lawmaking”. 19.12.2017. [Official website]. [Electronic resource]. URL: <https://sozd.duma.gov.ru/download/06D967A3-D5EA-4589-B29A-8137D1EE98CA> (access date 24.11.2021)

⁷⁵ At session 256 held on 19.11.2019, when considering the bill on second reading, the Chairman of the State Duma Committee on Information Policy, Information Technology and Communications said:

“The bill being introduced in the second reading completes the creation of a set of mirror measures forming the possibility of retaliatory action in the event of restrictions on the work of domestic media or collaborators abroad. [...] Regarding those concerns that bloggers and social network users may receive foreign agent status, I would like to note the following. Firstly, it has been established that this will be determined on a case-by-case basis by a joint decision of the Ministry of Justice and the Ministry of Foreign Affairs - this is a mechanism to protect against unjustified decisions. And I emphasise that the text says “may receive”, but this does not mean that they will necessarily receive, even if both conditions coincide fully; the mirror-like nature of the impact of foreign governments on our media is primary here”.

See Bill No. 345523-7 "On Amendments to the Law of the Russian Federation on Mass Media and the Federal Law on Information, Information Technologies and Information Protection. Transcript of session 256. // Legislative Support System “Lawmaking”. 19.11.2019. [Official website]. [Electronic resource]. URL: <https://sozd.duma.gov.ru/bill/345523-7> (access date 24.11.2021)

⁷⁶ See explanatory note to bill 1057914-7.

Explanatory note to the draft of the Federal Law on the Amendments to Certain Legislative Acts of the Russian Federation Concerning the Establishment of Additional Measures to Counter Threats to National Security // Legislative Support System “Lawmaking”. 18.11.2020. [Official website]. [Electronic resource]. URL: <https://sozd.duma.gov.ru/download/CD862469-0117-454C-A8FF-0BAE677F6829> (access date 24.11.2021)

⁷⁷ Federal Law of 27.07.2006 N 152-FZ (ed. on 02.07.2021) on Personal Data. Article 7 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_61801/a15bab6050028753706f22c32fe60627a7be79f9/ (access date 24.11.2021)

⁷⁸ “Is there any hope for a normal life? I doubt it” Do you think that “foreign agent” status is just a formality? In fact, it changes a person’s life forever. // Meduza. 08.10.2021. [Electronic resource]. URL: <https://meduza.io/feature/2021/10/08/est-li-nadezhda-na-normalnuyu-zhizn-ya-somnevayus> (access date 24.11.2021)

⁷⁹ See paragraph 68 of Russian Federation - Opinion on the Compatibility with international human rights standards of a series of Bills introduced to the Russian State Duma between 10 and 23 November 2020, to amend laws affecting “foreign agents”, adopted by the Venice Commission at its 127th Plenary session (Venice and online, 2-3 July 2021). [Electronic resource]. URL: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2021\)027-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2021)027-e) (access date 24.11.2021)

⁸⁰ Polovinko V. “Everyone will be strung up on the list”. Sooner or later any of you will be declared a “foreign agent” - this is a new kind of civil punishment. Interview with Galina Arapova, Head of Mass Media Rights Defence Centre // Novaya Gazeta. 15.10.2021. [Electronic resource]. URL: <https://novayagazeta.ru/articles/2021/10/15/vsekh-vzdernut-na-reestre> (access date 24.11.2021)

⁸¹ In accordance with Article 25.1 of the Law on Mass Media, requirements for marking are set by Roskomnadzor.

See Federal law as of 27.12.1991 N 2124-1 (ed. on 01.07.2021) on Mass Media. (with amendments and additions, in force from 01.08.2021). Article 25.1 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_1511/8d63bfb39f394d2e69ec381916da0ffb1ce7f31/ (access date 24.11.2021)

The form of the marking was approved by Roskomnadzor order No 124 of 23.09.2020. The order contains information that messages and materials must be accompanied by the following statement: “This message (material) was created and (or) distributed by a foreign media outlet performing the functions of a foreign agent and (or) a Russian legal entity performing the functions of a foreign agent”. The Order also defines the requirements for the placement of the indication depending on the type of materials (text, audio, audio-visual).

See Order on Approval of the Form of Indication that Communications and Materials of Foreign Mass Media Performing the Functions of a Foreign Agent and (or) Russian Legal Entity Performing the Functions of a Foreign Agent Disseminated in the Russian Federation, Created and (or) Disseminated by the Indicated Entities, as well as Requirements and Procedure for Placing Such Indication // Federal Service for Supervision of Communications, Information Technologies and Mass Media [Official website]. [Electronic resource]. URL: https://rkn.gov.ru/docs/prikaz_Roskomnadzora_ot_23.09.2020_n_124.tiff (access date 24.11.2021)

⁸² Federal Law of 28.12.2012 N 272-FZ (ed. on 28.06.2021) on Measures to Influence Individuals Involved in Violations of Fundamental Human Rights and Freedoms, Rights and Freedoms of Citizens of the Russian Federation. P. 7, Article 2.1 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_139994/db1ec10278959044da8a5c31b9fc00cc944f0b12/ (access date 24.11.2021)

⁸³ “Breathe out and keep working”. Foreign agents journalists on their new status // Sever.Realii. 13.01.2021. [Electronic resource]. URL: <https://www.severreal.org/a/31043240.html> (access date 24.11.2021)

⁸⁴ From Article 24 part 1 of the Federal Law on Non-profit Organisations:

Materials produced by a non-profit organisation included in the list of non-profit organisations performing the functions of a foreign agent and (or) disseminated by it, including through the media and (or) using the Internet, materials sent by such an organisation to government bodies, local authorities, educational and other organisations, information relating to the activities of such an organisation disseminated through the media, must be provided with an indication that these materials (information) are produced, distributed and/or sent by, or relate to the activities of, a non-profit organisation performing the functions of a foreign agent.

See Federal Law as of 12.01.1996 N 7-FZ (revised on 02.07.2021) on Non-profit Organizations (with amendments and additions, in force from 03.10.2021). P.1, Article 24 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_8824/926fef2445e3286e1bc7a7aad250daea8d589e/ (access date 24.11.2021)

See Article 19.34, p. 2 and 3 of Code of Administrative Offences of the Russian Federation:

Part 2: Materials produced by a non-profit organisation included in the list of non-profit organisations performing the functions of a foreign agent and (or) disseminated by it, including through the media and (or) using the Internet, materials sent by such an organisation to government bodies, local authorities, educational and other organisations, information relating to the activities of such an organisation disseminated through the media, without an indication that these materials (information) are produced, distributed and/or sent by a non-profit organisation performing the functions of a foreign agent, - shall carry an administrative fine: for officials, from one hundred thousand to three hundred thousand roubles, with or without confiscation of the object of the administrative offence; for legal entities, from three hundred thousand to five hundred thousand roubles, with or without confiscation of the object of the administrative offence.

Part 3: The production by a founder, member, participant, director of a non-profit organisation included in the list of non-profit organisations performing the functions of a foreign agent, or a person who is a member of an organ of such a non-profit organisation, of materials or their distribution, including through mass media and (or) the Internet, when they carry out political activities, or the sending by these persons of materials related to their carrying out political activities to state bodies, local authorities, educational or other organisations without indication that these materials were produced, distributed or sent by the founder, member, participant, head of a non-profit organisation performing the functions of a foreign agent, or a person who is a member of the body of such a non-profit organisation - shall carry an administrative fine of five thousand roubles with or without confiscation of the object of the administrative offence.

See Code of Administrative Offences of the Russian Federation from 30.12.2001 N 195-FZ (ed. on 01.07.2021, with amendments from 09.11.2021) (with amendments and additions, in force from 01.10.2021). P. 2 and p. 3, Article 19.34 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_34661/08e5b494c927a5bdcff8cfadad343d153417ab61/ (access date 24.11.2021)

⁸⁵ Included in the list of “foreign agent media” on 28 December 2020.

⁸⁶ Merkuryeva K. Tears over reports and fines: monologues of those declared “foreign agent” by the Ministry of Justice // OVD-Info. 03.11.2021. [Electronic resource]. URL: <https://ovdinfo.org/articles/2021/11/03/monologi-teh-kogo-minyust-priznal-inostrannym> (access date 24.11.2021)

⁸⁷ Court fines Memorial for lack of “foreign agent” marking on a website on protection of rights in the Caucasus // OVD-Info. 25.12.2019. [Electronic resource]. URL: <https://ovdinfo.org/express-news/2019/12/25/sud-oshtrafoval-memorial-iz-za-otsutstviya-markirovki-inoagenta-na-sayte-o> (access date 24.11.2021)

⁸⁸ Merkuryeva K. Tears over reports and fines: monologues of those declared “foreign agent” by the Ministry of Justice // OVD-Info. 03.11.2021. [Electronic resource]. URL: <https://ovdinfo.org/articles/2021/11/03/monologi-teh-kogo-minyust-priznal-inostrannym> (access date 24.11.2021)

⁸⁹ OVD-Info and Memorial held a roundtable of human rights defenders and media foreign agents - with participation of UN special reporters // OVD-Info. 22.11.2021. [Electronic resource]. URL:

<https://ovdinfo.org/news/2021/11/22/ovd-info-i-memorial-proveli-kruglyy-stol-pravozashchitnikov-i-smi-inoagentov-s> (access date 24.11.2021)

⁹⁰ For more information, see Sanctions for violations of requirements for “foreign agents”.

⁹¹ For more information, see Sanctions for violations of requirements for “foreign agents”.

⁹² Ali-zade D. “Five people can’t defend themselves against the state, but a dozen major media outlets are not scared to”. How the “foreign agents” live // Current Time. 18.10.2021. [Electronic resource]. URL: <https://www.currenttime.tv/a/inoagenty-minust-russia/31514479.html> (access date 24.11.2021)

⁹³ Tinder, calls to the MoJ, the foreign agent “trend” and other topical issues // Hello, you’re a foreign agent. [YouTube user channel]. URL: <https://www.youtube.com/watch?v=qhZsCXGISSA> (access date 24.11.2021)

⁹⁴ “Is there any hope for a normal life? I doubt it” Do you think that “foreign agent” status is just a formality? In fact, it changes a person’s life forever. // Meduza. 08.10.2021. [Electronic resource]. URL: <https://meduza.io/feature/2021/10/08/est-li-nadezhda-na-normalnuyu-zhizn-ya-somnevayus> (access date 24.11.2021)

⁹⁵ Agents of the people. Marathon for the repeal of “foreign agents” laws // Dozhd (Rain) TV Channel. 12.10.2021. [YouTube user channel]. URL: <https://www.youtube.com/watch?v=NDBDLyodsvM> (access date 24.11.2021)

⁹⁶ All About Foreign Agent Status: Legal Advice // Mass Media Rights Defence Centre. 16.02.2021. [Electronic resource]. URL: <https://mmdc.ru/services/common/vse-o-statuse-inoagenta-pravovye-rekomendaczii/#11> (access date 24.11.2021)

⁹⁷ Irina Shcherbakova [personal profile]. URL: <https://www.facebook.com/irina.sherbakova.754/posts/10224504501867393> (access date 24.11.2021)

⁹⁸ Elena Pshenichnaya [personal profile]. URL: <https://twitter.com/d5SayyUAL0rLSBL/status/1460175652431306758> (access date 24.11.2021)

⁹⁹ Nikolay Podosokorsky [personal profile]. URL: <https://www.facebook.com/podosokorskiy/posts/5924606444223644> (access date 24.11.2021)

¹⁰⁰ [Electronic resource]. URL: <https://twitter.com/jodiojei/status/1462389251199442947> (access date 24.11.2021)

¹⁰¹ See Yandex.News began marking foreign agent media stories on their own // @NetFreedomsProject. 15.10.2021. [Electronic resource]. URL: <https://t.me/NetFreedomsProject/275?single> (access date 24.11.2021)

In response to TJ, a Yandex representative said that Yandex.News, as a news aggregator, is obliged, in accordance with Paragraph 7 p. 1 Article 10.4 of the Law on Information, to mark publications of media outlets declared to be foreign agents.

See: Lomakina Ya. Yandex started marking foreign agent media publications in its news feed. // TJournal. 15.10.2021. [Electronic resource]. URL: <https://tjournal.ru/news/455812-yandeks-nachal-samostoyatelno-markirovat-soobshcheniya-smi-inostrannyh-agentov-v-vydache-novostey> (access date 24.11.2021)

¹⁰² Savelyeva A., Slinko Y., Kapitonov K. “The Ministry of Justice has launched a trial balloon” // Advokatskaya Ulitsa. 10.11.2021. [Electronic resource]. URL: <https://advstreet.ru/article/minyust-pustil-probnyy-shar/> (access date 24.11.2021)

¹⁰³ “I thought personal “foreign agency” was something that happens to others” Interviews with journalists Sonia Groysman and Olga Churakova. They live in the status of “foreign agents” - and make a podcast about it // Meduza. 11.09.2021. [Electronic resource]. URL: <https://meduza.io/feature/2021/09/11/ya-dumala-chto-lichnoe-inoagentstvo-eto-to-chto-byvaet-s-drugimi> (access date 24.11.2021)

¹⁰⁴ UN regrets Russia's recognition of individuals as foreign agents // Idel.Realii. 08.01.2021. [Electronic resource]. URL: <https://www.idelreal.org/a/31038426.html> (access date 24.11.2021)

¹⁰⁵ Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocols Nos. 11 and 14 as from its entry into force on 1 June 2010 (signed in Rome, 4.XI.1950). Article 10 // Council of Europe [Official website]. [Electronic resource]. URL: <https://www.coe.int/en/web/compass/the-european-convention-on-human-rights-and-its-protocols> (access date 24.11.2021)

International Covenant on Civil and Political Rights (adopted by General Assembly resolution 2200 A (XXI) of 16 December 1966). Article. 19 // United Nations [Official website]. [Electronic resource]. URL: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (access date 24.11.2021)

¹⁰⁶ Reference to Articles 19.34 and 19.7.5-2 of the Code of Administrative Offences.

See Code of Administrative Offences of the Russian Federation from 30.12.2001 N 195-FZ (ed. on 01.07.2021, with amendments from 09.11.2021) (with amendments and additions, in force from 01.10.2021). Article 19.34 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_34661/08e5b494c927a5bdcff8cfadad343d153417ab61/ (access date 24.11.2021)

See Code of Administrative Offences of the Russian Federation from 30.12.2001 N 195-FZ (ed. on 01.07.2021, with amendments from 09.11.2021) (with amendments and additions, in force from 01.10.2021). Article 19.7.5-2 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_34661/6f8f3560355b2002436d0cf06b23367e9220902c/ (access date 24.11.2021)

¹⁰⁷ Reference to Article 330.1 of the Criminal Code. See Criminal Code of the Russian Federation as of 13.06.1996 N 63-FZ (ed. on 01.07.2021) (with amendments and additions, in force from 22.08.2021). Article 330.1 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_10699/667241044ee13d7f4454f8d849dc1007a2f700a5/ (access date 24.11.2021)

¹⁰⁸ In 2015, the limitation period for prosecution for not including in the list or violating marking requirements for NCOs and then unregistered associations (under Article 19.34 of the CoAO) was increased from three months to one year.

See Bill No. 735304-6 on Amendments to Articles 4.5 and 23.1 of the Code of Administrative Offences of the Russian Federation (in relation to clarification of the limitation period for administrative liability for violating the procedures of non-profit organisations performing the functions of a foreign agent). 03.03.2015. [Official website]. [Electronic resource]. URL: <https://sozd.duma.gov.ru/bill/735304-6> (access date 24.11.2021)

¹⁰⁹ Reference to Articles 19.34, 19.34.1, 19.7.5-2, 19.7.5-3, 19.7.5-4 of the CoAO and 330.1 of the CC. A description of sanctions under the CoAO and the CC for violating the requirements for different categories of “foreign agents” is available in the appendix to the report. URL: <https://ovdinfo.org/reports/created-and-or-distributed#13-3>

¹¹⁰ For more information, see What lists are there?

¹¹¹ At the time of writing, this list is still empty.

¹¹² An up-to-date estimate of the total fine is published on the Memorial website. URL: <https://donate.memo.ru/> (access date 24.11.2021)

¹¹³ A description of Memorial's protocols is published on the organisation's website. URL: <https://donate.memo.ru/faq/> (access date 24.11.2021)

¹¹⁴ Fines for not marking resources and materials of Memorial. 2019-2020. URL: <https://docs.google.com/document/d/1a3eeeyUiPMUNxZt7zZbVWTPRvOcaug1BOUULtfpzbE0/edit> (access date 24.11.2021)

- ¹¹⁵ Official statistics for Article 19.34 of the CoAO are available from 2017. Data available in the annex to the report. URL: <https://ovdinfo.org/reports/created-and-or-distributed#13-2>
- ¹¹⁶ Information on case no. 05-0240/2017 // Moscow City Court. [Official website]. URL: <https://mos-gorsud.ru/rs/basmannyj/services/cases/admin/details/ed372ea6-85c7-4b51-8ac7-67a15d23e596> (access date 25.11.2021)
- ¹¹⁷ Court fines Dynasty for violating Foreign Agents Act // Interfax. 17.06.2015. [Electronic resource]. URL: <https://www.interfax.ru/russia/447949> (access date 25.11.2021)
- ¹¹⁸ Case: Valentina Cherevatenko // Human Rights Center Memorial. [Electronic resource]. URL: <https://memohrc.org/ru/special-projects/delo-cherevatenko-valentina-ivanovna> (access date 24.11.2021)
- ¹¹⁹ Information on case no 05-0001/2016 // Moscow City Court [Official website]. URL: <https://mos-gorsud.ru/rs/hamovnicheskij/services/cases/admin/details/1666a58b-67e8-48b4-886c-557166cd142f> (access date 24.11.2021)
- ¹²⁰ Information on case no 05-0069/2019 // Moscow City Court [Official website]. URL: <https://mos-gorsud.ru/rs/savyolovskij/services/cases/admin/details/0da2530b-bca8-4f53-a49e-df33c2d7a778> (access date 24.11.2021)
- ¹²¹ Case no 6-1605/2017 // Leningradsky District Court of Kaliningrad [Official website]. URL: http://leningradsky.kln.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=141855049&case_uid=f73d7fcc-04ee-49e7-b673-1f8154603a43&delo_id=1500001 (access date 24.11.2021)
- ¹²² Case no 5-1542/2021 // Central District Court of Krasnoyarsk [Official website]. URL: https://centr-krk.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=147054688&case_uid=8b74ff31-f378-4300-ab30-8d3bd97d1438&delo_id=1500001 (access date 24.11.2021)
- ¹²³ Case no 5-263/2017 // Apatitsky City Court of the Murmansk Oblast. [Official website]. URL: http://apa.mrm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=67964646&case_uid=6275ba3c-fe94-48d3-9e68-33be82581ed3&delo_id=1500001 (access date 24.11.2021)
- ¹²⁴ Information on case no 05-0392/2016 // Moscow City Court [Official website]. URL: <https://mos-gorsud.ru/rs/presnenskij/services/cases/admin/details/79f5ebe0-07f4-4012-b30b-f136550c4a1d> (access date 24.11.2021)
- ¹²⁵ Information on case no 05-0038/2020 // Moscow City Court [Official website]. URL: <https://mos-gorsud.ru/rs/tverskoj/services/cases/admin/details/bd00bf26-3541-4340-b855-185193f547c8> (access date 24.11.2021)
- ¹²⁶ Roskomnadzor drew up 4 protocols against the Gagarin Park media outlet under the Foreign Agents Act // OVD-Info. 20.01.2020. [Electronic resource]. URL: <https://ovdinfo.org/express-news/2020/01/20/roskomnadzor-sostavil-4-protokola-na-izdanie-park-gagarina-po-zakonu-ob> (access date 24.11.2021)
- ¹²⁷ Case no 5-434/2020 // Moskovsky District Court of Kaliningrad [Official website]. URL: https://moskovsky-kln.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=155454478&case_uid=22cd83fb-c861-4eae-b8cd-b041d1cd8f58&delo_id=1500001 (access date 24.11.2021)
- ¹²⁸ Information on case no 05-0154/2016 // Moscow City Court [Official website]. URL: <https://mos-gorsud.ru/rs/tverskoj/services/cases/admin/details/a1a3ceca-c1fb-4ab5-b69d-1158a4a10ffd> (access date 24.11.2021)
- ¹²⁹ Case no 5-494/2020 // Verkh-Issetkiy District Court of Yekaterinburg [Official website]. URL: https://verhisetsky-svd.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=doc&number=116401232&delo_id=1500001&new=0&text_number=1 (access date 24.11.2021)
- ¹³⁰ Memorials trials. The case of the book fair stand. Appeal // International Memorial. 12.03.2021. [Electronic resource]. URL: <https://www.memo.ru/ru-ru/memorial/departments/intermemorial/news/541> (access date 24.11.2021)

¹³¹ From an explanation on the International Memorial website:

International Memorial argued in its complaint that the court decision should be repealed because it was based on evidence obtained in violation of the law: the prosecutor's inspection was conducted without any knowledge of the violations of the law permitted by Memorial, based on some "operative information" from Department for Countering Extremism, which was officially received by the prosecutor's office after the inspection began and which merely suggested that books "would be sold" without the "foreign agent" marking.

International Memorial also referred to the fact that the results of the prosecutor's investigation only confirmed that the books were on the stand without the "foreign agent" marking, but no evidence of the distribution of these books was presented. Meanwhile, all the books attached to the inspection materials had been published prior to International Memorial's inclusion in the list of "foreign agents", so it was absurd to demand that these books had typographical markings on them.

See Memorials trials. The case of the book fair stand. Appeal // International Memorial 12.03.2021. [Electronic resource]. URL: <https://www.memo.ru/ru-ru/memorial/departments/intermemorial/news/541> (access date 25.11.2021)

¹³² Court in Moscow fines HRC Memorial for not marking a "foreign agent" // OVD-Info. 01.10.2021. [Electronic resource]. URL: <https://ovdinfo.org/express-news/2021/10/01/sud-v-moskve-oshtrafoval-pc-memorial-iz-za-otsutstviya-markirov-ki-inoagenta> (access date 25.11.2021)

¹³³ Case no 5-612/2015 // Kirovsky District Court of Tomsk [Official website]. URL: https://kirovsky--tms.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=20653290&case_uid=a07a2f4c-93b8-4d4f-8c4b-69a03a3b8fb5&delo_id=1500001 (access date 25.11.2021)

¹³⁴ Case no 5-494/2020 // Verkh-Issetkiy District Court of Yekaterinburg [Official website]. URL: https://verhisetsky--svd.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=140906251&case_uid=2ceb2773-50dd-4cd2-a878-98440b244ff6&delo_id=1500001 (access date 25.11.2021)

¹³⁵ Mukhametshina E. Memorial fined for violating the Foreign Agents Act // Vedomosti. 04.09.2015. [Electronic resource]. URL: <https://www.vedomosti.ru/politics/articles/2015/09/04/607573-memorial-oshtrafovan-narushenie-zakona-inostrannih-agentah> (access date 25.11.2021)

¹³⁶ Information on case no 05-0598/2016 // Moscow City Court [Official website]. URL: <https://mos-gorsud.ru/rs/tverskoj/services/cases/admin/details/2e064fb1-6624-4bc1-ac65-410ddfbbe2d2> (access date 25.11.2021)

¹³⁷ 840 of 843 protocols for non-marking foreign media agents were drawn up on Radio Svoboda // Interfax. 19.10.2021. [Electronic resource]. URL: <https://www.interfax.ru/russia/798222> (access date 25.11.2021)

¹³⁸ Bailiffs come again to Radio Svoboda's Moscow bureau // Radio Svoboda. 21.05.2021. [Electronic resource]. URL: <https://www.svoboda.org/a/31272849.html> (access date 25.11.2021)

¹³⁹ Bank accounts of Radio Svoboda in Moscow blocked by authorities // Radio Svoboda. 14.05.2021. [Electronic resource]. URL: <https://www.svoboda.org/a/31254988.html> (access date 25.11.2021)

¹⁴⁰ Savitskaya L. "I am being made a traitor to the motherland". First cases on foreign agents // Radio Svoboda. 16.10.2021. [Electronic resource]. URL: <https://www.sibreal.org/a/iz-menya-delayut-predatelya-rodiny-pervye-dela-na-inoagentov/31508580.html> (access date 25.11.2021)

¹⁴¹ Tadaev G., Lebedeva E. In Russia for the first time they fined for not marking a foreign agent individual // RBC. 08.11.2021. [Electronic resource]. URL: <https://www.rbc.ru/society/08/11/2021/618923889a79474ba0c60b55> (access date 25.11.2021)

¹⁴² See Article 15.9 of Federal Law on Information, Information Technologies and Information Protection:

Part 1: In case of establishing, by a ruling on an administrative offence which has entered into legal force, a violation of the operating procedures of a foreign mass media outlet performing the functions of a foreign agent and defined in accordance with Russian Federation Law No. 2124-1 of 27 December 1991 'On Mass Media' or a Russian legal entity established by it, the federal executive body responsible for control and oversight in the field of mass media, mass communications, information technologies and communications, restricts access to the information resource of the individual concerned.

See Federal Law as of 27.07.2006 N 149-FZ (ed. on 02.07.2021) on Information, Information Technologies and Information Protection (as amended and supplemented, in force from 01.10.2021). P. 1, Article 15.9 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_61798/31eb19e991d54b484ac546107c4db838b3631e9f/ (access date 24.11.2021)

¹⁴³ See Rules on Restricting and Resuming Access to the Information Resource of a Foreign Mass Media Performing the Functions of a Foreign Agent or a Russian Legal Entity Established by It and Informing Citizens (Individuals) of Such Restriction, p. 4 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_356722/78149f37635543454c36d90942d7ac2a2988c100/#dst100027 (access date 24.11.2021)

¹⁴⁴ Roskomnadzor may block The Insider for not marking a foreign agent // TASS. 17.11.2021. [Electronic resource]. URL: <https://tass.ru/obschestvo/12953857> (access date 24.11.2021)

¹⁴⁵ According to data from the Judicial Department of the Supreme Court, processed by the Dostoevsky project, courts imposed sentences in 2015, 2016, 2018 and 2019. Twice they imposed sentences of compulsory labour, once each imposed a fine (between 5,000 and 25,000 roubles) and correctional labour. Another case in 2019 was dismissed with a court fine of 8 thousand roubles. "Dostoevsky". A free platform for instant access to statistics on criminal cases in Russia since 2009 // [Electronic resource]. URL: <https://beta.dostoevsky.io/ru/> (access date 24.11.2021)

¹⁴⁶ We were unable to find information about them in the news or in the texts of court decisions published on the Justice state information system.

¹⁴⁷ The separate article "prime" (.1) is often confused with part (p. 1). This is a common mistake made, among others, by state authorities or state information projects. For example, when searching for cases under Article 330.1 of the Criminal Code, the Justice state information system produces documents under Part 1 of Article 330 of the Criminal Code.

¹⁴⁸ For the first time in Russia, a criminal case on failure to follow the Foreign Agents Act was started // OVD-Info. 28.06.2016. [Electronic resource]. URL: <https://ovdinfo.org/express-news/2016/06/28/v-rossii-vpervye-zavedeno-ugolovnoe-delo-o-neispolnenii-zakona-ob> (access date 25.11.2021)

¹⁴⁹ Valentina Cherevatenko faces criminal charges under the Foreign Agents Act // Front Line Defenders. 08.06.2017. [Electronic resource]. URL: <https://www.frontlinedefenders.org/ru/case/case-history-valentina-cherevatenko#case-update-id-5841> (access date 25.11.2021)

¹⁵⁰ The IC dismissed the case against a woman directing an NPO for "wilful" failure to fulfil her duties as a foreign agent. 24.07.2017. [Electronic resource]. URL: <https://ovdinfo.org/express-news/2017/07/24/sk-prekratil-delo-rukovoditelnicy-nko-o-zlostnom-neispolnenii-ob-yazannostey> (access date 25.11.2021)

¹⁵¹ The IC dismissed the case against a woman directing an NPO for "wilful" failure to fulfil her duties as a foreign agent. 24.07.2017. [Electronic resource]. URL: <https://ovdinfo.org/express-news/2017/07/24/sk-prekratil-delo-rukovoditelnicy-nko-o-zlostnom-neispolnenii-ob-yazannostey> (access date 25.11.2021)

¹⁵² 840 of 843 protocols for non-marking foreign media agents were drawn up on Radio Svoboda // Interfax. 19.10.2021. [Electronic resource]. URL: <https://www.interfax.ru/russia/798222> (access date 25.11.2021)

¹⁵³ Kremlin assures that the Foreign Agents Act was not passed to close down media outlets // Interfax. 04.06.2021. [Electronic resource]. URL: <https://www.interfax.ru/russia/770550> (access date 25.11.2021)

¹⁵⁴ "Darling, you and I are foreign agents now". Ivan Kolpakov on how Meduza lives now // Novaya Gazeta. 26.04.2021. [Electronic resource]. URL: <https://novayagazeta.ru/articles/2021/04/26/dorogoi-my-teper-s-toboi-inoagenty> (access date 25.11.2021)

¹⁵⁵ Savitskaya L. "I am being made a traitor to the motherland". First cases on foreign agents // Radio Svoboda. 16.10.2021. [Electronic resource]. URL: <https://www.sibreal.org/a/iz-menya-delayut-predatelya-rodiny-pervye-dela-na-inoagentov/31508580.html> (access date 25.11.2021)

¹⁵⁶ Reference to Articles 19.7.5-2, 19.7.5-3, 19.7.5-4 of the CoAO.

¹⁵⁷ From the Supreme Court's response to Bill No. 102766-6:

"As for the "wilfulness" feature of the draft article, it is necessary to note its evaluative nature. The absence of a legally established definition of wilfulness may cause difficulties for a law enforcement officer in assessing the objective side of the deed in question and the degree of its public danger".

See the official opinion of the Supreme Court of the Russian Federation on the draft Federal Law on Amendments to Certain Legislative Acts of the Russian Federation Regarding Regulation of Activities of Non-Profit Organizations Performing the Functions of a Foreign Agent. // Legislative Support System "Lawmaking". 29.06.2012. [Official website]. [Electronic resource]. URL: <https://sozd.duma.gov.ru/bill/102766-6> (access date: 24.11.2021).

¹⁵⁸ "It's a terrible feeling - you have no control over anything" // Moscow Helsinki Group. 07.07.2021. [Electronic resource]. URL: <https://mhg.ru/uzhasnoe-oshchushchenie-ty-nichego-ne-kontroliruesh> (access date: 24.11.2021).

¹⁵⁹ In accordance with Civil Code, a legal entity shall be liquidated by a court decision when it is sued by a state body or local government body to which the right of filing a claim for liquidation of a legal entity is granted by a law, if the legal entity has been pursuing activities prohibited by a law or in breach of the Constitution of the Russian Federation or with repeated or gross violation of a law or of other legal acts (p. 3 Article 61 (3) of the Civil Code of the Russian Federation as of 30.11.1994 N 51-FZ).

For media outlets and public associations, if they violate the law, their activities may first be suspended, and if the violations are not eliminated, a liquidation process may be initiated by a court (Articles 42 and 44 of the Federal Law as of 19 May 1995 N 82-FZ on Public Associations, Articles 16 and 31.7 of the Federal Law as of 27 December 1991 N 2124-1 on Mass Media).

For non-profit organizations, the grounds for application for liquidation are "repeated non-submission" of legally required information to an authorized body, as well as continuation of programmes banned by the Russian authorities (Part 10 and 12 Article 32 of Federal Law N 7-FZ as of January 12, 1996 on Non-profit Organizations).

¹⁶⁰ "Justification of extremism and terrorism": Moscow City Prosecutor's Office finds additional grounds for liquidation of the HRC // Memorial Human Rights Center. 12.11.2021. [Electronic resource]. URL: https://memohrc.org/ru/news_old/opravdanie-ekstremizma-i-terrorizma-mosgorprokuratura-nashla-dopolnitelnye-osnovaniya-dlya (access date: 24.11.2021).

¹⁶¹ Administrative claim for liquidation of the Interregional Public Organisation Human Rights Center Memorial as of 08.11.2021 published on the organisation's website. URL: https://memohrc.org/sites/all/themes/memo/templates/pdf.php?pdf=/sites/default/files/isk_prokuratury.pdf (access date: 24.11.2021).

¹⁶² Administrative claim for the liquidation of the International Public Organisation "International Historical Educational, Charitable and Human Rights Society "Memorial" as of 08.11.2021 published on the organisation's website. URL: <https://www.memo.ru/media/uploads/2021/11/12/iskovoe-zayavlenie.pdf> (access date: 24.11.2021).

- ¹⁶³ Yakoreva A. The possible liquidation of Memorial is absurd even from the point of view of Foreign Agents acts The key role in this story was played by FSB officers from Ingushetia - and their unconvincing complaints about human rights defenders // Meduza 18.11.2021. [Electronic resource]. URL: <https://meduza.io/feature/2021/11/18/i-snova-pro-memorial-rasskazyyvaem-kak-v-istorii-s-ego-vozmozhnoy-likvidatsiy-klyuchevuyu-rol-sygrali-sotrudniki-fsb-v-ingushetii> (access date: 24.11.2021).
- ¹⁶⁴ Meeting with Mikhail Fedotov, Vladimir Lukin and Boris Titov // Russian President's website. 10.07.2012. [Official website]. URL: <http://www.kremlin.ru/events/president/news/15913> (access date: 24.11.2021).
- ¹⁶⁵ Burmatov: Russians have the right to know which NPOs are involved in politics in Russia and with whose money // United Russia Party, 06.07.2012. [Official website]. [Electronic resource]. URL: https://er.ru/activity/news/burmatov-rossiyane-imeyut-pravo-znat-kakie-nko-i-na-chi-dengi-zanimayutsya-politiki-v-rf_87524 (access date: 24.11.2021).
- ¹⁶⁶ Peskov calls media overreaction to inclusion of Dynasty Foundation in list of foreign agents excessive // Interfax. 26.05.2015. [Electronic resource]. URL: <https://www.interfax.ru/russia/443854> (access date: 24.11.2021).
- ¹⁶⁷ See Bill No. 1057914-7 on amendments to certain legislative acts of the Russian Federation as regards the establishment of additional measures to counter threats to national security. Transcript of session 328. // Legislative Support System "Lawmaking". 08.12.2020. [Official website]. [Electronic resource]. URL: <https://sozd.duma.gov.ru/bill/1057914-7> (access date 24.11.2021)
- ¹⁶⁸ See Bill No. 1057914-7 on amendments to certain legislative acts of the Russian Federation as regards the establishment of additional measures to counter threats to national security. Transcript of session 328. // Legislative Support System "Lawmaking". 08.12.2020. [Official website]. [Electronic resource]. URL: <https://sozd.duma.gov.ru/bill/1057914-7> (access date 24.11.2021)
- ¹⁶⁹ Federal Law of 12.06.2002 N 67-FZ (ed. on 04.06.2021) on Basic Guarantees of Electoral Rights and the Right to Participate in the Referendum of the Citizens of the Russian Federation. P. 6, Article 3 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_37119/bd263f61eaf68bb21a5e2f07a9343f9df3eed719/ (access date 24.11.2021)
- ¹⁷⁰ See paragraph 78 of Russian Federation - Opinion on the Compatibility with international human rights standards of a series of Bills introduced to the Russian State Duma between 10 and 23 November 2020, to amend laws affecting "foreign agents", adopted by the Venice Commission at its 127th Plenary session (Venice and online, 2-3 July 2021). [Official website]. [Electronic resource]. URL: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2021\)027-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2021)027-e) (access date 24.11.2021)
- ¹⁷¹ CEC soon to clarify what foreign agents media and observers should do in elections // Interfax. 24.08.21. [Electronic resource]. URL: <https://www.interfax.ru/russia/786311> (access date 24.11.2021)
- ¹⁷² Pamfilova: Representatives of foreign agents media will be able to get into polling stations // Kommersant. 08.09.2021. [Electronic resource]. URL: <https://www.kommersant.ru/doc/4976968> (access date 24.11.2021)
- ¹⁷³ Regional regulations imposing restrictions in different areas for "non-profit organisations performing the functions of a foreign agent" // Public Verdict Foundation. 14.03.2018. [Electronic resource]. URL: http://publicverdict.org/articles_images/NGO_regions_low.pdf (access date 24.11.2021)
- ¹⁷⁴ Federal Law of 12.06.2002 N 67-FZ (ed. on 04.06.2021) on Basic Guarantees of Electoral Rights and the Right to Participate in the Referendum of the Citizens of the Russian Federation. P. 35.1, Article 2 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_37119/899402bf2ec5b42af2209c3c248bedc1c3bd5fd9/ (access date 24.11.2021)
- ¹⁷⁵ For example, according to a December 2016 Levada Center poll, 57% of respondents had rather negative associations with the term "foreign agent", while 45% of those surveyed associated the term with espionage.

See The Foreign Agents Act // Yuri Levada Analytical Center. Press release from 02.08.2021. [Electronic resource]. URL: <https://www.levada.ru/2017/02/07/zakon-o-nekommercheskih-organizatsiyah/print/> (access date 25.11.2021)

¹⁷⁶ Kornya A. Foreign agents to be subjected to automatization // Kommersant.13.11.2021. [Electronic resource]. URL: <https://www.kommersant.ru/doc/5076695> (access date 25.11.2021)

¹⁷⁷ Mukhametshina E. Russia responds to ECHR complaints about Foreign Agents Act // Vedomosti. 05.10.2017. [Electronic resource]. URL: <https://www.vedomosti.ru/politics/articles/2017/10/05/736662-espch-inostrannih-agentah> (access date 25.11.2021)

¹⁷⁸ Contest documentation for an open tender for grants in 2021 in the form of subsidies from the federal budget to non-profit organisations to hold national, district and interregional patriotic events involving children and young people as part of the federal project "Patriotic Education of Russian Citizens" of the national project "Education" // Ministry of Education of the Russian Federation. [Official website]. [Electronic resource]. URL: <https://docs.edu.gov.ru/document/5335901a3217a74bbafe1d7e01b4a217/download/3803/> (access date 25.11.2021)

¹⁷⁹ On sending the contest documentation // Ministry of Education and Science of the Russian Federation. 28.05.2018 [Official website]. [Electronic resource]. URL: https://www.rvc.ru/upload/doc/003_Letter_of_tender_documentation.pdf (access date 25.11.2021)

¹⁸⁰ See Federal Law on Non-profit Organizations, Article 31.1, P. 13: Non-profit organisations providing socially useful services are entitled to priority support measures in accordance with the procedure established by federal laws, other regulatory legal acts of the Russian Federation, as well as regulatory legal acts of constituent entities of the Russian Federation and municipal legal acts. See Federal Law as of 12.01.1996 N 7-FZ (revised on 02.07.2021) on Non-profit Organizations. Article 31.1, P. 13 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_8824/7eaea9c371156f066aacc7c807a57b0a923131657/ (access date 24.11.2021)

Federal Law as of 12.01.1996 N 7-FZ (revised on 02.07.2021) on Non-profit Organizations (with amendments and additions, in force from 03.10.2021). P. 2.2, Article 2 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_8824/87a16eb8a9431fff64d0d78eb84f86aacc003448/ (access date 24.11.2021) P. 2.2 Article 2 of Federal Law as of 12.01.1996 N 7-FZ on Non-profit Organizations.

¹⁸¹ Federal Law as of 12.01.1996 N 7-FZ (revised on 02.07.2021) on Non-profit Organizations (with amendments and additions, in force from 03.10.2021). P 2.2., article 2 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_8824/87a16eb8a9431fff64d0d78eb84f86aacc003448/ (access date 24.11.2021)

¹⁸² Rules for keeping the list of non-profit organisations - providers of public utility services approved by Resolution of the Russian Government No. 89 as of 26.01.2017 (revised on 17.04.2021) on the List of Non-profit Organisations - Providers of Public Utility Services. Sp. "c", p. 13 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_211967/ (access date 24.11.2021)

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¹⁹² Resolution No. 1269 as of 13.05.2011 of the Tula City Administration on approval of the Regulation on municipal grants and the procedure for providing them from the Tula City Municipal Budget by the Tula City Administration to NPOs to implement socially significant programmes, activities and public-civic initiatives in the city of Tula // Docs.cntd.ru: Electronic Fund of Legal and Regulatory and Technical Documents. [Electronic resource]. URL: <https://docs.cntd.ru/document/441722934> (access date 24.11.2021)

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¹⁹⁴ Federal Law No. 177-FZ as of 23.12.2003 (version of 02.07.2021) on Insurance of Deposits in Banks of the Russian Federation. Article 5:

P. 10: Posted by or for the benefit of non-profit organisations performing the functions of a foreign agent, information on which is contained on the list of non-profit organisations performing the functions of a foreign agent, maintained under the Federal Law as of 12 January 1996 No. 7-FZ on Non-profit Organisations.

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- ²⁰² Kanevskaya M.A., Olenichev M.V.; Chernyaeva T.K. 10 Stories: Chronicle of Survival of NPOs – “Foreign” Agents. P. 40. // Svoe Izdatelstvo Poldiz, 2018. [Electronic resource]. URL: https://ngolab.ru/wp-content/uploads/2018/06/NLC_10-NGOStories-ru.pdf (access date 25.11.2021)
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²¹² See Article 2.1 of the Federal Law on Measures to Influence Individuals Involved in Violations of Fundamental Human Rights and Freedoms, Rights and Freedoms of Citizens of the Russian Federation: Part 8: "An individual included in the list of individuals performing the functions of a foreign agent may not be appointed to positions in state bodies and local authorities.". See Federal Law as of 28.12.2012 N 272-FZ (ed. 28.06.2021) on Measures to Influence Individuals Involved in Violations of Fundamental Human Rights and Freedoms, Rights and Freedoms of Citizens of the Russian Federation. Part 8, Article 2.1 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_139994/db1ec10278959044da8a5c31b9fc00cc944f0b12/ (access date 24.11.2021).

²¹³ See Article 21 of Universal Declaration of Human Rights:

Part 2: Everyone has the right of equal access to public service in his country.

Universal Declaration of Human Rights (was proclaimed by the United Nations General Assembly resolution 217 A in Paris on 10 December 1948 // United Nations Organisation [Official website]. [Electronic resource]. URL: <https://www.ohchr.org/EN/UDHR/Pages/Language.aspx?LangID=eng> (access date 24.11.2021).

²¹⁴ See Article 25 of International Covenant on Civil and Political Rights:

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country.

International Covenant on Civil and Political Rights (adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966) // United Nations Organisation [Official website]. [Electronic resource]. URL: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (access date 24.11.2021).

²¹⁵ See Article 22 of the Law on State Secrets:

"The grounds for refusing an official or a citizen admission to state secrets may be: [...] his/her inclusion in the list of individuals performing the functions of a foreign agent or the discovery, as a result of verification activities, of actions of the person being processed that pose a threat to the security of the Russian Federation".

See the Law of the Russian Federation as of 21.07.1993 N 5485-1 (ed. on 11.06.2021) on State Secrets. Article 22 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_2481/4e7fe13daaa6045d8e50b5cb396e5f1d19aed7ad/ (access date 24.11.2021).

²¹⁶ See Article 11 of the Federal Law on Assemblies, Rallies, Demonstrations, Processions and Picketing:

Part 3: For the purpose of organising and holding a public event, it is prohibited to transfer and (or) receive money, as well as transfer and (or) receive other property from: [...] 4) non-commercial organisations, unregistered public associations or individuals performing the functions of a foreign agent.

See Federal Law as of 19.06.2004 N 54-FZ (ed. on 30.12.2020) on Assemblies, Rallies, Demonstrations, Processions and Picketing. P. 4, p. 3, Article 11 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_48103/e3904c5c6994642199320b0204679f972127b3fe/ (access date 24.11.2021).

²¹⁷ Russia may ban foreign agents from engaging in educational activities // Kommersant. 24.04.2021. [Electronic resource]. URL: <https://www.kommersant.ru/doc/4791033> (access date 25.11.2021).

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- ²¹⁹ Public services. Assessment of the quality of socially oriented non-profit organisations' socially useful services in organising professional guidance for citizens to receive additional professional education // The Ministry of Education and Science of Russia. [Official website]. [Electronic resource]. URL: https://minobrnauki.gov.ru/action/public_service/dpo/index.php?sphrase_id=211459 (access date 25.11.2021).
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- ²²¹ Code of Administrative Offences of the Russian Federation from 30.12.2001 N 195-FZ (ed. on 01.07.2021, with amendments from 09.11.2021) (with amendments and additions, in force from 01.10.2021). P. 2.1, p. 2.2, p. 2.3 and p. 2.4 Article. 13.15 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_34661/82c0a663173b440cc9b027bc8e687dc9e36e71ad/ (access date 24.11.2021).
- ²²² A description of sanctions under the CoAO and the CC for media outlets that are not “foreign agents” but are associated with them is available in the appendix to the report. URL: <https://ovdinfo.org/reports/created-and-or-distributed#13-4>
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- ²²⁵ Case no 5-5525/2021 // Vakhitovsky District Court of Kazan [Official website]. URL: https://vahitovsky--tat.sudrf.ru/modules.php?name=sud_delo&name_op=case&_id=549610614&_deloId=150001&_caseType=&_new=0&_srv_num=1 (access date 25.11.2021)
- ²²⁶ Case no 5-528/2021 // Kudymkar City Court of Perm Krai [Official website]. URL: https://kudimkarsky--perm.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=116469871&case_uid=b6637cfb-15d8-4a16-b6f4-7f3babb132b7&delo_id=1500001 (access date 25.11.2021)
- ²²⁷ Case no 5-862/2021 // Oktyabrsky District Court of Yekaterinburg [Official website]. URL: https://oktiabrsky--svd.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=190590153&case_uid=4727302a-56bd-4ec8-803f-acd07360a4f2&delo_id=1500001 (access date 25.11.2021)
- ²²⁸ Case no 5-5336/2021 // Vakhitovsky District Court of Kazan [Official website]. URL: https://vahitovsky--tat.sudrf.ru/modules.php?name=sud_delo&name_op=case&_id=548312008&_uid=53ccc2b4-2139-4786-b3a4-fff476ce530c&_deloId=1500001&_caseType=&_new=0&_srv_num=1 (access date 25.11.2021)
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- ²³⁰ Case no 5-712/2021 // Verkh-Isetskiy District Court of Yekaterinburg [Official website]. URL: https://verhisetsky--svd.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=187944852&case_uid=35499e35-1855-4836-8b5a-fcfc3e3ea99&delo_id=1500001 (access date 25.11.2021)
- ²³¹ Case no 05-2769/2021 // Open data portal of the courts of general jurisdiction in Moscow [Official website]. URL:

<https://mos-gorsud.ru/rs/savyolovskij/services/cases/admin/details/6dbc4b80-21fa-11ec-9f48-333e2e8389f2>
(access date 25.11.2021)

²³² Case no 5-1788/2021 // Oktyabrsky District Court of Arkhangelsk [Official website]. URL:
https://oktsud--arh.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=86435158&case_uid=e41b2f4a-5d40-4041-a310-e35489207dd9&delo_id=1500001 (access date 25.11.2021)

²³³ Case no 5-365/2021 // Oblivskiy District Court of Rostov Oblast [Official website]. URL:
https://oblivsky--ros.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=201742360&case_uid=63a8a522-85be-44a9-8000-03397685c6da&delo_id=1500001 (access date 25.11.2021)

²³⁴ Case no 5-716/2021 // Kondopoga City Court of the Republic of Karelia [Official website]. URL:
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²³⁵ Case no 5-1365/2021 // Kominternovskiy District Court of Voronezh [Official website]. URL:
https://kominternovskiy--vrn.sudrf.ru/modules.php?name=sud_delo&name_op=case&uid=4e13eb6e-1efd-483b-8bc9-8d88853cda00&deloId=1500001&caseType=&_new=0&srv_num=1 (access date 25.11.2021)

²³⁶ Echo of Moscow and website editor-in-chief fined 24 times over unmarked references to “foreign agents” // OVD-Info. 19.10.2017. [Electronic resource]. URL:
<https://ovdinfo.org/express-news/2021/10/19/eho-moskvy-i-glavreda-sayta-24-raza-oshtrafovali-iz-za-upominaniya> (access date 25.11.2021)

²³⁷ For example: "Distribution in the mass media and in mass media publications and materials in information and telecommunication networks information about a non-profit organisation included in the list of non-profit organisations performing the functions of a foreign agent (except for information placed in unified state registers and state information systems provided for by Russian legislation) or materials produced by it without indicating that the organisation concerned is a non-profit organisations performing the functions of a foreign agent.."

See Code of Administrative Offences of the Russian Federation from 30.12.2001 N 195-FZ (ed. on 01.07.2021, with amendments from 09.11.2021) (with amendments and additions, in force from 01.10.2021). P. 2.1, Article 13.15 // ConsultantPlus: legal reference system. [Electronic resource]. URL:
http://www.consultant.ru/document/cons_doc_LAW_34661/82c0a663173b440cc9b027bc8e687dc9e36e71ad/
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²³⁸ Information from Roskomnadzor "Roskomnadzor clarifies requirements for media and broadcasters regarding foreign agents" // ConsultantPlus: legal reference system. [Electronic resource]. URL:
http://www.consultant.ru/document/cons_doc_LAW_382796/ (access date 24.11.2021).

²³⁹ Federal law as of 27.12.1991 N 2124-1 (ed. on 01.07.2021) on Mass Media. (with amendments and additions, in force from 01.08.2021). Article 31 // ConsultantPlus: legal reference system. [Electronic resource]. URL:
http://www.consultant.ru/document/cons_doc_LAW_1511/8a388a3ed2a63820203a0ec173aeca74950bcfd7/
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²⁴⁰ See Article 14.1 of the CoAO:

3. Engaging in business activities in violation of the terms and conditions provided for by a special permit (license) -shall entail the imposition of an administrative fine on citizens in the amount of from fifteen to twenty times the minimum wage, on officials in the amount of from thirty to forty times the minimum wage, and on legal entities in the amount of from three hundred to four hundred times the minimum wage.

The government does not classify failure to mention the status of a “foreign agent” as a gross violation of licensing requirements, so the part 4 of Article 14.1 of the CoAO, which provides for a more severe punishment, is not applicable here.

See Code of Administrative Offences of the Russian Federation from 30.12.2001 N 195-FZ (ed. on 01.07.2021, with amendments from 09.11.2021) (with amendments and additions, in force from 01.10.2021). P. 3, Article 14.1 // ConsultantPlus: legal reference system. [Electronic resource]. URL:

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<https://ovdinfo.org/express-news/2021/05/08/pervyy-kanal-oshtrafovali-iz-za-pokaza-syuzheta-smi-inoagenta>
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²⁴² Ruling of the Arbitration Court of Moscow in case No. A40-62723/21-21-446 // Arbitration Case Filing. 12.05.2021. [Electronic resource]. URL:
https://kad.arbitr.ru/Document/Pdf/e8f7bfe8-07fb-4b30-883d-439399c8c8b4/2b4e7f99-fbb5-44b0-a5a5-d72b97f0104c/A40-62723-2021_20210512_Reshenija_i_postanovlenija.pdf?isAddStamp=True (access date 25.11.2021)

²⁴³ Marking when mentioning a foreign agent media outlet // Mass Media Rights Defence Centre. 03.02.2021. [Electronic resource]. URL:
<https://mmdc.ru/services/hotline3/pometka-pri-upominanii-smi-inostrannogo-agenta/> (access date 25.11.2021)

²⁴⁴ Foreign agents will be subjected to automatization. CEC upgrades SAS Vybory to record information on such candidates // Kommersant. 13.11.2021. [Electronic resource]. URL:
<https://www.kommersant.ru/doc/5076695> (access date 25.11.2021)

²⁴⁵ News Agency Inforos [Electronic resource]. URL: <https://inforos.ru/> (access date 25.11.2021)

²⁴⁶ See, for example, Article 2 (6) of the Federal Law on Non-Profit Organisations:

"Such activities take the following forms: participation in the organization and holding of public events in the form of assemblies, rallies, demonstrations, processions and picketing or in various combinations of these forms, organization and holding of public debates, discussions and speeches; participation in activities aimed at obtaining a particular result in elections or referendums, observation of elections or referendums, formation of electoral or referendum commissions and activities of political parties; public appeals to state bodies, local authorities and their officials, as well as other actions influencing the activities of these bodies, including those aimed at adopting, amending or repealing laws or other normative legal acts; distribution, including through the use of modern information technology, of opinions on the decisions and policies adopted by state bodies; formation of social and political views and beliefs, including through public opinion polls and making their results public or conducting other sociological research; the involvement of citizens, including juveniles, in these activities; and the financing of these activities".

See Federal Law as of 12.01.1996 N 7-FZ (revised on 02.07.2021) on Non-profit Organizations (with amendments and additions, in force from 03.10.2021). P. 6 Article 2 // ConsultantPlus: legal reference system. [Electronic resource]. URL:
http://www.consultant.ru/document/cons_doc_LAW_8824/87a16eb8a9431fff64d0d78eb84f86accc003448/
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²⁴⁷ The definition of "foreign funding" has expanded significantly over the life of the Foreign Agents Act. By 2021, it also includes money or other property received from Russian legal entities (and, for NPOs, also from Russian citizens) receiving foreign funding. For NPOs and unregistered public associations (UPAs), a foreign source of funding is considered to be, inter alia, the receipt of money or other property from Russian citizens or Russian legal entities receiving foreign funding. For the purpose of inclusion in the list of "foreign agents" media, receiving money or other property from legal entities receiving foreign funding or "foreign agents" media is considered to be a foreign funding source. A slightly different wording is used for the still empty list of "foreign agents" individuals: it is assumed that their political activities may be supported (for example, financially or organisationally) by Russian citizens or organisations "acting in the interests of a foreign source".

For the criterion of foreign funding for UPAs see Federal Law as of 19.05.1995 N 82-FZ (ed. on 30.12.2020) on Public Associations. Article 29.1 // ConsultantPlus: legal reference system. [Electronic resource]. URL:
http://www.consultant.ru/document/cons_doc_LAW_8824/87a16eb8a9431fff64d0d78eb84f86accc003448/
(access date 24.11.2021)

Criterion of foreign funding for NPOs see Federal Law as of 12.01.1996 N 7-FZ (revised on 02.07.2021) on Non-profit Organizations (with amendments and additions, in force from 03.10.2021). P. 6 Article 2 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_8824/87a16eb8a9431fff64d0d78eb84f86accc003448/ (access date 24.11.2021)

Criterion for foreign funding for the media (including individuals) see Law of the Russian Federation as of 27.12.1991 N 2124-1 (ed. on 01.07.2021) on Mass Media. (as amended and supplemented, in force from 01.08.2021). P. 3 and p. 7, article 6 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_1511/ed21796e6c484ea926224dc5dfaa42db31cc7c46/ (access date 24.11.2021)

Criterion for foreign funding for individuals see Federal Law of 28.12.2012 N 272-FZ (ed. on 28.06.2021) on Measures to Influence Individuals Involved in Violations of Fundamental Human Rights and Freedoms, Rights and Freedoms of Citizens of the Russian Federation. P. 1, Article 2.1 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_139994/db1ec10278959044da8a5c31b9fc00cc944f0b12/ (access date 24.11.2021)

²⁴⁸ Court explained why OVDinfo was declared a foreign agent by their journalistic work // Radio Svoboda. 19.11.2021. [Electronic resource]. URL: <https://www.svoboda.org/a/sud-obyasnil-priznanie-ovd-info-inostrannym-agentom-ih-zhurnalistiskoy-raboty/31569577.html> (access date 25.11.2021)

²⁴⁹ “I am an agent of the Russians, whom the state has given up on”. How do people declared by the media to be “foreign agents” live? // Meduza. 05.05.2021. [Electronic resource]. URL: <https://meduza.io/feature/2021/05/05/ya-agent-rossiyan-na-kotoryh-gosudarstvo-polozhilo-bolshuschiy-bolt> (access date 24.11.2021)

²⁵⁰ Meduza, declared a “foreign agent”, continues to operate thanks to audience support // Voice of America. 08.06.2021. [Electronic resource]. URL: <https://www.golosameriki.com/a/status-of-foreign-agent/5919947.html> (access date 25.11.2021)

²⁵¹ Ministry of Justice included journalists Groysman and Churakova in the list of “foreign agents” because of posts referring to VTimes, Meduza and Radio Svoboda // Mediazona. 08.11.2021. [Electronic resource]. URL: <https://zona.media/news/2021/11/08/minjust> (access date 25.11.2021)

²⁵² Ministry of Justice: Journalist from Important Stories included in “foreign agents” list because she was referred to by other “foreign agents” // Mediazona. 22.11.2021. [Electronic resource]. URL: <https://zona.media/news/2021/11/22/inostranye-agenty> (access date 25.11.2021)

²⁵³ See Federal law as of 27.12.1991 N 2124-1 (ed. on 01.07.2021) on Mass Media. (with amendments and additions, in force from 01.08.2021). Article 19.2 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_1511/c7e313b306b0208405113065034d77aa6d89bde7/#dst100431 (access date 25.11.2021)

²⁵⁴ Code of Administrative Offences of the Russian Federation from 30.12.2001 N 195-FZ (ed. on 01.07.2021, with amendments from 09.11.2021) (with amendments and additions, in force from 01.10.2021). Article 13.15.1 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_34661/bee6c535c8efce38339bfb0ecf876ff1a47dbe62/ (access date 25.11.2021)

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²⁵⁶ Ministry of Justice to require foreign agents to report on participants in their events // RBC. 20.08.2021. [Electronic resource]. URL: <https://www.rbc.ru/politics/20/08/2021/611e2abe9a7947791f5074ca> (access date 25.11.2021)

²⁵⁷ RT wants a monopoly on the “foreign agent” trademark. Huge state holding seeks compensation from small company that produced merch to support Meduza // Meduza. 08.10.2021. [Electronic resource]. URL: <https://meduza.io/feature/2021/11/19/rt-hochet-poluchit-monopoliyu-na-tovarnyy-znak-inostranny-agent-ogromnyy-gosudarstvennyy-holding-potreboval-kompensatsiyu-ot-malenkoy-kompanii-vypustivshey-merch-v-podderzhku-meduzy> (access date 25.11.2021)

²⁵⁸ See Article 16.2 of the Federal Law on the Federal Security Service:

Military personnel and civilian personnel of the Federal Security Service are allowed to establish contacts with individuals with regard to whom it is known that they are foreign citizens, to contact foreign media, foreign, international organizations, as well as non-profit organizations performing the functions of a foreign agent, in the manner and on the terms to be determined by the head of the federal executive body in the field of security.

See Federal Law as of 03.04.1995 N 40-FZ (ed. on 01.07.2021) on Federal Security Service. Article 16.2 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_6300/521c6ee35fd941a9a4ad8bfbac956ae38986a112/ (access date 24.11.2021)

²⁵⁹ Russian “foreign agents” to be excluded from security services. Duma proposes to ban NPOs with foreign funding from interfering in affairs of security services and army // Izvestia. 21.05.2015. [Electronic resource]. URL: <https://iz.ru/news/586774> (access date 25.11.2021)

²⁶⁰ Civil servants banned from agency links. Ministry of Justice shields them from foreign agent NPOs // Kommersant. 28.07.2014. [Electronic resource]. URL: <https://www.kommersant.ru/doc/2534130> (access date 25.11.2021)

²⁶¹ Dynasty Foundation founder refuses to continue funding it // Interfax. 26.05.2015. [Electronic resource]. URL: <https://www.interfax.ru/russia/443739> (access date 25.11.2021)

²⁶² The Dynasty Foundation did cease operations on 31 October 2015, promising to honour all grant commitments.

See Dynasty Foundation to be closed on 31 October // Vedomosti, 18.09.2015. [Electronic resource]. URL: <https://www.vedomosti.ru/politics/news/2015/09/18/609357-fond-dinastiya-budet-zakrit> (access date 24.11.2021)

²⁶³ Peskov: Claims by foreign agents cannot be grounds for changing the act itself // Vedomosti. 26.05.2015. [Electronic resource]. URL: <https://www.vedomosti.ru/politics/news/2015/05/26/593713-peskov-pretenzii-inostrannih-agentov-ne-mogut-bit-osnovaniem-dlya-izmeneniya-samogo-zakona> (access date 24.11.2021)

²⁶⁴ Klishas: Russian Constitutional Court upholds parliamentarians’ position on the notion of “foreign agent” in NPO legislation // Federation Council of the Federal Assembly of the Russian Federation. 09.04.2014. [Official website]. [Electronic resource]. URL: <http://council.gov.ru/events/news/41676/?hl=%D0%B8%D0%BD%D0%BE%D1%81%D1%82%D1%80%D0%B0%D0%BD%D0%BD%D1%8B%D0%B9%20%D0%B0%D0%B3%D0%B5%D0%BD%D1%82> (access date 24.11.2021)

²⁶⁵ Resolution of the Constitutional Court of the Russian Federation as of 08.04.2014 N 10-P on the case of checking the constitutionality of the provisions of paragraph 6 of Article 2 and paragraph 7 of Article 32 of the Federal Law on Non-Profit Organisations, part six of Article 29 of the Federal Law on Public Associations and part 1 of Article 19.34 of the Code of Administrative Offences of the Russian Federation in connection with complaints from the Commissioner for Human Rights in the Russian Federation, the Kostroma Centre for Support of Public Initiatives Foundation, citizens L. G. Kuzmina, S. M. Smirenskiy and V. P. Yukechev // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_161690/92d969e26a4326c5d02fa79b8f9cf4994ee5633b/ (access date 25.11.2021)

²⁶⁶ Only the SRs spoke out against the law on NPOs // Vedomosti. 09.07.2012. [Electronic resource]. URL: https://www.vedomosti.ru/politics/articles/2012/07/09/oppoziciya_za_sidyakina (access date 25.11.2021)

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- ²⁶⁸ In 2019, referring to “foreign agents”, Vladimir Putin said, “The one who pays the piper calls the tune”. Similar statements about “foreign agents” serving the interests of those who fund them have also been made by other officials.
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- ²⁶⁹ How are Putin’s “foreign agents” similar to Stalin’s “enemies of the people” - and how not? Maxim Trudolyubov answers and advises books on different types of repression and state violence // Meduza. 28.11.2020. [Electronic resource]. URL: <https://meduza.io/feature/2020/11/28/chem-putinskiye-inostrannyye-agenty-pohozhi-na-stalinskiy-vragov-naroda-a-chem-net> (access date 24.11.2021)
- ²⁷⁰ The Foreign Agents Act // Yuri Levada Analytical Center. Press release from 07.02.2017. [Electronic resource]. URL: <https://www.levada.ru/2017/02/07/zakon-o-nekommercheskih-organizatsiyah/print/> (access date 25.11.2021)
- ²⁷¹ Kanevskaya M.A., Olenichev M.V.; Chernyaeva T.K. 10 Stories: Chronicle of Survival of NPOs - “Foreign” Agents. P. 13. // Svoe Izdatelstvo Poldiz, 2018. [Electronic resource]. URL: https://ngolab.ru/wp-content/uploads/2018/06/NLC_10-NGOstories-ru.pdf (access date 25.11.2021)
- ²⁷² Ibid.
- ²⁷³ Women’s World was later removed from the list at the initiative of the Public Chamber in 2017. The NPO was a “foreign agent” for 1.5 years.
- ²⁷⁴ Kanevskaya M.A., Olenichev M.V.; Chernyaeva T.K. 10 Stories: Chronicle of Survival of NPOs – “Foreign” Agents. P. 41. // Svoe Izdatelstvo Poldiz, 2018. [Electronic resource]. URL: https://ngolab.ru/wp-content/uploads/2018/06/NLC_10-NGOstories-ru.pdf (access date 25.11.2021)
- ²⁷⁵ Safronova V. All the time working under a suspended sword. How “foreign agents” live // BBC Russian Service. 11.06.2021 [Electronic resource]. URL: <https://www.bbc.com/russian/news-57417259> (access date 25.11.2021)
- ²⁷⁶ Kanevskaya M.A., Olenichev M.V.; Chernyaeva T.K. 10 Stories: Chronicle of Survival of NPOs - “Foreign” Agents. P. 51. // Svoe Izdatelstvo Poldiz, 2018. [Electronic resource]. URL: https://ngolab.ru/wp-content/uploads/2018/06/NLC_10-NGOstories-ru.pdf (access date 25.11.2021)
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- ²⁷⁹ Samokish I. Levada-Centre Under the Gun. Lev Gudkov on the reasons for inspections of more than 700 civil society organisations in Russia // Den (Day). 23.05.2013. [Electronic resource]. URL: <https://day.kyiv.ua/ru/article/media/levada-centr-pod-pricelom> (access date 25.11.2021)
- ²⁸⁰ Refusals to participate in projects and bullying. Monologues of NPO leaders declared “foreign agents” // OVD-Info. 10.11.2021. [Electronic resource]. URL: <https://ovdinfo.org/articles/2021/11/10/monologi-rukovoditeley-nko-inoagentov> (access date 24.11.2021)

²⁸¹ Polovinko V. “Everyone will be strung up on the list”. Sooner or later any of you will be declared a “foreign agent” - this is a new kind of civil punishment. Interview with Galina Arapova, Head of Mass Media Rights Defence Centre // Novaya Gazeta. 15.10.2021. [Electronic resource]. URL: <https://novyagazeta.ru/articles/2021/10/15/vsekh-vzdernut-na-reestre> (access date 24.11.2021)

²⁸² Alexander Cherkasov, Chairman of the Board of HRC Memorial: “A new big attack is being prepared on us” // RFI. 31.10.2021. [Electronic resource]. URL: <https://rfi.my/7sPp> (access date 24.11.2021)

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²⁸⁴ Order of the Federal Security Service of the Russian Federation as of 28.09.2021 No. 379 on approval of the List of information in the field of military, military-technical activities of the Russian Federation which may be used against security of the Russian Federation if obtained by a foreign state, its state bodies, international or foreign organisation, foreign citizens or stateless individuals // Official Internet Portal of Legal Information. [Electronic resource]. URL: <http://publication.pravo.gov.ru/Document/View/0001202109300048?index=4&rangeSize=1> (access date 24.11.2021)

²⁸⁵ Paramonova O. We have become more tolerant, we have become more afraid // Holod. 07.10.2021. [Electronic resource]. URL: <https://holod.media/2021/10/07/soldiers-mothers/> (access date 24.11.2021)

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²⁸⁷ For more information, see Formal requirements for “foreign agents”: marking

²⁸⁸ “I am an agent of the Russians, whom the state has given up on”. How do people declared by the media to be “foreign agents” live? // Meduza. 05.05.2021. [Electronic resource]. URL: <https://meduza.io/feature/2021/05/05/ya-agent-rossiyan-na-kotoryh-gosudarstvo-polozhilo-bolshuschiy-bolt> (access date 24.11.2021)

²⁸⁹ “Is there any hope for a normal life? I doubt it” Do you think that “foreign agent” status is just a formality? In fact, it changes a person’s life forever. // Meduza. 08.10.2021. [Electronic resource]. URL: <https://meduza.io/feature/2021/10/08/est-li-nadezhda-na-normalnuyu-zhizn-ya-somnevayus> (access date 24.11.2021)

²⁹⁰ In November 2021, Roskomnadzor explained its refusal to issue a licence to the Pskovskaya Guberniya website by the fact that its editor-in-chief, Denis Kamalyagin, was included in the list of “foreign agents”. Although the “foreign agent” status does not legally limit a person’s right to register his own media outlet, in June the law on Mass Media, which prohibits foreigners, international organisations, foreign legal entities and Russian legal entities with foreign participation from establishing publications in Russia, was amended to say that such people and organisations cannot “establish <...> any other forms of control over the media founder”. Roskomnadzor interpreted this clause so that Kamalyagin’s status as a “foreign agent” implies precisely such “indirect control”.

See Roskomnadzor refused to issue a media licence to Pskovskaya Guberniya due to the “foreign agent” status of its editor-in-chief // Mediazona, 04.11.2021. [Electronic resource]. URL: <https://zona.media/news/2021/11/04/pg> (access date 24.11.2021)

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²⁹³ “The Ministry of Justice has launched a trial balloon” // Advokatskaya Ulitsa. 10.11.2021. [Electronic resource]. URL: https://advstreet.ru/article/minyust-pustil-probnyy-shar/?sphrase_id=3941 (access date 24.11.2021)

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²⁹⁵ For more information see Requirements and risks in interaction with “foreign agents” and spreading information about them

²⁹⁶ Refusals to participate in projects and bullying. Monologues of NPO leaders declared “foreign agents” // OVD-Info. 10.11.2021. [Electronic resource]. URL: <https://ovdinfo.org/articles/2021/11/10/monologi-rukovoditeley-nko-inoagentov> (access date 24.11.2021)

²⁹⁷ Kanevskaya M.A., Olenichev M.V.; Chernyaeva T.K. 10 Stories: Chronicle of Survival of NPOs - “Foreign” Agents. P. 45. // Svoe Izdatelstvo Poldiz, 2018. [Electronic resource]. URL: https://ngolab.ru/wp-content/uploads/2018/06/NLC_10-NGOstories-ru.pdf (access date 24.11.2021)

²⁹⁸ Kanevskaya M.A., Olenichev M.V.; Chernyaeva T.K. 10 Stories: Chronicle of Survival of NPOs - “Foreign” Agents. P. 74. // Svoe Izdatelstvo Poldiz, 2018. [Electronic resource]. URL: https://ngolab.ru/wp-content/uploads/2018/06/NLC_10-NGOstories-ru.pdf (access date 24.11.2021)

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³⁰⁰ Vorobushkin S. Ostashko: Verzilov, publisher of Mediazona, repeats mistakes of other foreign agents media // RIA FNA. 17.06.2021. [Electronic resource]. URL: <https://riafan.ru/1467737-ostashko-izdatel-mediazony-verzilov-povtoryaet-oshibki-drugikh-smi-inoagentov> (access date 24.11.2021)

³⁰¹ Committee for the Defence of National Interests. [Electronic resource]. URL: <https://inagency.ru/> (access date 24.11.2021)

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³⁰⁶ Save Meduza Now we can only count on you // Meduza. 29.04.2021. [Electronic resource]. URL: <https://meduza.io/feature/2021/04/29/spasti-meduzu> (access date 24.11.2021)

³⁰⁷ Meduza is you Already nearly 80,000 people fund Meduza. We only continue to do our job because of you. And we only act in your interests // Meduza. 12.05.2021. [Electronic resource]. URL: <https://meduza.io/feature/2021/05/12/meduza-eto-vy> (access date 24.11.2021)

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- ³¹² Ibid.
- ³¹³ Ibid, p. 26.
- ³¹⁴ Ibid, p. 75.
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- ³¹⁷ “Went on holiday for a month or two to a country where they won’t be extradited, if anything happens” St Petersburg artist Daria Apakhonchich has left the country. For now, temporarily. // Znak. 24.05.2021. [Electronic resource]. URL: https://www.znak.com/2021-05-24/peterburgskaya_hudozhnica_darya_apakhonchich_uehala_iz_strany_poka_vr_emenno (access date 24.11.2021)
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- ³¹⁹ Valdai Discussion Club meeting. Vladimir Putin attends plenary session of the 18th meeting of the Valdai Discussion Club // Russian President. Transcript of the meeting 21.10.2021. [Official website]. [Electronic resource]. URL: <http://kremlin.ru/events/president/news/66975> (access date 24.11.2021)
- ³²⁰ For more information, see Sanctions for violations of requirements for “foreign agents”.
- ³²¹ Neverov urges not to look for a double bottom in the “foreign agent” term in relation to NPOs // United Russia Party, 29.06.2012. [Official website]. [Electronic resource]. URL: https://er.ru/activity/news/neverov-prizyvaet-ne-iskat-dvojnoe-dno-v-formulirovke-inostrannyj-agent-v-otnoshenii-nko_87125 (access date 24.11.2021)
- ³²² Polovinko V. “Everyone will be strung up on the list”. Sooner or later any of you will be declared a “foreign agent” - this is a new kind of civil punishment. Interview with Galina Arapova, Head of Mass Media Rights Defence Centre // Novaya Gazeta. 15.10.2021. [Electronic resource]. URL: <https://novyagazeta.ru/articles/2021/10/15/vsekh-vzdernut-na-reestre> (access date 24.11.2021)

³²³ See paragraph 55 of Russian Federation - Opinion on the Compatibility with international human rights standards of a series of Bills introduced to the Russian State Duma between 10 and 23 November 2020, to amend laws affecting “foreign agents”, adopted by the Venice Commission at its 127th Plenary session (Venice and online, 2-3 July 2021). [Official website]. [Electronic resource]. URL: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2021\)027-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2021)027-e) (access date 24.11.2021)

³²⁴ “In their meetings with the rapporteurs, the Russian authorities seemed to have considered the breadth and vagueness of their “foreign agent” legislation to be a virtue of the legislation, arguing for the need of wide discretion in designating entities and individuals as “foreign agents”.”

See paragraph 56 of Russian Federation - Opinion on the Compatibility with international human rights standards of a series of Bills introduced to the Russian State Duma between 10 and 23 November 2020, to amend laws affecting “foreign agents”, adopted by the Venice Commission at its 127th Plenary session (Venice and online, 2-3 July 2021). [Official website]. [Electronic resource]. URL: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2021\)027-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2021)027-e) (access date 24.11.2021)

³²⁵ Polyakova V. The Council of Federation supposes amendments to the Foreign Agents Act // RBC. 22.11.2021. [Electronic resource]. URL: <https://www.rbc.ru/politics/22/11/2021/619b48989a794791f7a08703> (access date 24.11.2021)

³²⁶ Kanevskaya M.A., Olenichev M.V.; Chernyaeva T.K. 10 Stories: Chronicle of Survival of NPOs – “Foreign” Agents. P. 53. // Svoe Izdatelstvo Poldiz, 2018. [Electronic resource]. URL: https://ngolab.ru/wp-content/uploads/2018/06/NLC_10-NGOstories-ru.pdf (access date 24.11.2021)

³²⁷ For example, NPOs working in the areas of healthcare, women’s rights, LGBT issues, or the interests of indigenous peoples can be considered as “political activities”. In September 2021, the Russian LGBT Network appeared on the list of “foreign agents”; the problems of other organisations working in these areas were discussed at the “foreign agents” roundtable. See Roundtable of Russian Human Rights Defenders and Foreign Agents Media. The effect of the law on the situation of women, LGBT individuals and organisations supporting them. 57:46. // Recording the YouTube stream. 22.11.2021. [Electronic resource]. URL: <https://www.youtube.com/watch?v=JZIOvyTQ0vI&t=3466s> (access date 24.11.2021)

³²⁸ See paragraph 50 of Russian Federation - Opinion on the Compatibility with international human rights standards of a series of Bills introduced to the Russian State Duma between 10 and 23 November 2020, to amend laws affecting “foreign agents”, adopted by the Venice Commission at its 127th Plenary session (Venice and online, 2-3 July 2021). [Official website]. [Electronic resource]. URL: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2021\)027-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2021)027-e) (access date 24.11.2021)

³²⁹ At the time of publication, the petition “We Demand the Abolition of Foreign Agents Laws” had been signed by over 240 NPOs, media, civil and educational projects and over 250,000 people. See We demand abolition of Foreign Agents Laws // Change.org. [Electronic resource]. URL: https://change.org/agents_of_people (access date 25.11.2021)

³³⁰ Charitable foundations ask president not to extend the Foreign Agents Act to them // Takie Dela. 27.10.2021. [Electronic resource]. URL: <https://takiedela.ru/news/2021/10/27/blagotvoritelnye-fondy-obratilis/> (access date 24.11.2021)

³³¹ See Federal Law as of 12.01.1996 N 7-FZ (revised on 02.07.2021) on Non-profit Organizations (with amendments and additions, in force from 03.10.2021). P. 6 Article 2 // ConsultantPlus: legal reference system. [Electronic resource]. URL: http://www.consultant.ru/document/cons_doc_LAW_8824/87a16eb8a9431fff64d0d78eb84f86accc003448/ (access date 24.11.2021)

³³² Valdai Discussion Club meeting. Vladimir Putin attends plenary session of the 18th meeting of the Valdai Discussion Club // Russian President. Transcript of the meeting 21.10.2021. [Official website]. [Electronic resource]. URL: <http://kremlin.ru/events/president/news/66975> (access date 24.11.2021)

³³³ OVD-Info and Memorial held a roundtable of human rights defenders and media foreign agents - with participation of UN special reporters // OVD-Info. 22.11.2021. [Electronic resource]. URL: <https://ovdinfo.org/news/2021/11/22/ovd-info-i-memorial-proveli-kruglyy-stol-pravozashchitnikov-i-smi-inoagntov-s> (access date 24.11.2021)