

□

**Reference:** feipp122**Date:** Monday, November 23, 2020**Type:** Bill, legislation, policy or practice**Original:** English**Consent:** Not required**Related mandates**

---

- freedom of opinion and expression
- freedom of peaceful assembly and of association

**Submitted by**

---

**Name:** Civil society organizations**Type:** Group**Email:** chair@citwatch.org**Address:**  
Saint-Petersburg, 191040, Ligovsky prospect 87, office 300**Describe the activities of the group/community, civil society or other entity:**

The communication is prepared by a group of 50 leading Russian NGOs and NGOs from other countries working on almost all important issues of public life.

Among the signatory organizations there are those which defend the rights of vulnerable groups such as indigenous peoples and ethnic minorities, refugees and migrants, LGBTQ, victims of domestic violence; fight against racism and xenophobia; protect freedom from torture and ill-treatment, freedom of expression and association and the rights of journalists; protects the rights of conscripts and other members of armed forces; promote the reform of law-enforcement bodies and courts; exercise public control over courts, places of detention and the police; work to preserve historical memory, to establish and develop cultural ties, provide human rights education for youth; monitor elections and protect the right to vote; protect the right to clean water and a healthy environment; provide trainings for human rights defenders and members of the third sector; conduct sociological research on topical social problems and provide research support for civil initiatives, protect reproductive rights, to name a few. The communication is also supported by representatives of the legal community, who, together with human rights NGOs, defend the rights of victims of human rights violations.

**Contact persons of the group/community, civil society or other entity:**

Elena Vladimirovna Shakhova  
Chair of the HR NGO Citizens' Watch  
chair@citwatch.org

**Case details**

---

**Country where the incident allegedly occurred/is occurring/might occur:**

Russian Federation

**Date(s) as may be relevant:**

On 9 November 2020 the Government introduced the bill concerned.

On December 2020 the State Duma plans to consider the bill.

**Please provide a detailed description of the context; summarize the concerned bill, legislation or policy, including their stage of development, or describe the concerned practice:****Context**

On 20 July 2012 the Law on Introducing Amendments to Certain Legislative Acts of the Russian Federation Regarding the Regulation of Activities of Non-commercial Organizations Performing the Functions of Foreign Agents (Federal Law No. 121) was adopted. On 25 November 2017 similar restrictions were introduced for mass media (Federal Law No. 327).

NGOs registered on a "foreign agents" roster (NGOs-FA) are required to submit additional reports and include references to the "foreign agent" status in any publications; in November 2014 they were forbidden to participate in elections, in January 2017 – to obtain state support as public service providers, in July 2018 – to nominate candidates for members of the Public Oversight Commissions, in October 2018 – to conduct anti-corruption assessment of draft laws. Violators face administrative and criminal responsibility.

In 2015 funding of the NGOs was reduced due to criminalization of activities of the "undesirable" international non-governmental organizations.

**Summary of the concerned bill**

On 9 November 2020 the Government introduced the bill on Introducing Amendments to the Federal law "On non-commercial organizations" in terms of Improving Legal Regulation of Non-commercial Organizations Performing the Functions of Foreign Agent, and Structural Subdivisions of Foreign Non-commercial Non-governmental Organizations No. 1052523-7 (URL: <https://sozd.duma.gov.ru/bill/1052523-7>) to the State Duma.

Firstly, the bill proposes to register NGOs that receive funding from Russian legal entities, the beneficial owners of which are foreign citizens on "foreign agents" roster (Article 1(1) of the concerned bill).

Secondly, the bill obliges the NGOs-FA to submit information on project activities for prior authorization to the Ministry of Justice (Article 1 sections 3(a) и (r)). If the NGO-FA implements its project without authorization, it can be liquidated by the decision of the court (Article 1 sections 3(r)).

**Please describe on whom or which group the bill, legislation, policy or practice has/would have an impact, what rights would allegedly**

**be affected and how:**

The aim of the bill is to harass activities of human rights defenders and organizations. The bill directly restricts the right to freedom of association (section 2 Article 22 of the ICCPR) and the right to freedom of opinion and expression (section 2 and 3 Article 19 of the ICCPR). The bill contradicts paragraph 9 of the Resolution of the HRC (A/HRC/22/L.13), according to which states are called to ensure “that reporting requirements placed on individuals, groups and organs of society do not inhibit functional autonomy, and that restrictions are not discriminatorily imposed on potential sources of funding aimed at supporting the work of human rights defenders other than those ordinarily laid down for any other activity unrelated to human rights within the country to ensure transparency and accountability, and that no law should criminalize or delegitimize activities in defence of human rights on account of the geographic origin of funding thereto”.

The extension of grounds of inclusion in the “foreign agents” roster will increase the number of NGOs in the roster, which should abide with burdensome but unnecessary obligations. The prior authorization of activities of the NGOs-FA will further restrict the already restricted abilities of NGOs to carry out their work. The threat of liquidation for non-compliance with a decision of the Ministry of Justice not to authorize activities of the NGOs-FA will paralyze their work.

These new restrictions cannot be regarded as necessary and proportionate to the aim pursued. The bill aims to further stigmatize and discriminate against independent NGOs in Russia. The field for democratic discussion, joint action and civil engagement will shrink. All initiatives dissenting from the state policy will be prohibited. The adoption of the bill will enable total control of civil society by the state, and further isolation of Russia in the international arena.