

## The Foreign Agents Law in Russia

*What effects does the Foreign Agents Law have on  
NGOs operating in Russia?*

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## Executive Summary

The aim of this thesis is to explore the effects of the Foreign Agents Law on non-governmental organizations (further mentioned as NGOs) operating in Russia, after its implementation by the State Duma in November of 2012. The Foreign Agents Law amends existing NGO legislation and is the latest in a series of laws regulating and restricting NGO activity in Russia. The Law requires all NGOs that are involved in any form of political activity and sponsored by any form of foreign funding, to register as “an NGO performing the functions of a foreign agent”, equivalent to the term spy, a measure seeking to shape Russia’s civil society (Goswami, 2013; Sysoev, 2014A).

Upon analyzing the Law, it becomes clear that NGOs that wish to engage in public debate related to political issues are obligated to register under the Law (International Commission of Jurists, 2014). Nevertheless, the term political activity is vaguely described, which ensures that it becomes difficult to determine if an organization should register under the Law (International Commission of Jurists, 2014). However, non-compliance with the registration requirement leads to harsh sanctions. Therefore, the Law has affected a large scope of NGOs involved in a variety of disciplines. The consequences of the violation of the Law differ; nevertheless, the most notable sanctions include a money fine, jail time for the head of the organization or suspension of activities.

The limitations that are implemented by The Foreign Agents Law also ensure that NGOs affected by the Law are unable to enjoy some fundamental human rights. The most notable limitation lies on freedom of expression, since NGOs are restricted from expressing their opinion about political issues in any shape or form. Moreover, the Law is in violation of a set of standards and conventions set up by The Council of Europe, which ensure that organizations are able to enjoy the rights that belong to them.

Although officially only one NGO has registered as a foreign agent and only another has been side-lined by the Law, the Law influences many more organizations than official statistics show (Tumanov, 2014). The aim of the Law is to ensure that NGOs do not engage in political activities or receive foreign funding, and it has so far served its purpose. Even though most NGOs have not become registered, the fear of sanctions ensures that organizations remain aloof from both (Tumanov, 2014).

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## Introduction

In 2012, Russian President Vladimir Putin signed a series of amendments to 4 existing laws, all concerning Russian NGOs, with the aim of shaping civil society. The *Russia Monitor* states that, although the position of NGOs and the laws on NGOs in Russia have been under fire long before 2012, these amendments—better known as the Foreign Agents Law—found more publicity than any other before, both in Russia and overseas (The Russia Monitor, 2012).

The Foreign Agents Law requires all NGOs, which operate partly or fully with foreign funding and engage in what is described as political activities, to register as “an organization performing the functions of a foreign agent” (Goswami, 2013; Sysoev, 2014B). Goswami says that as the definition of a foreign agent already has a negative overtone, the impact and the effects of this definition can become even more significant. The Law has had effects on leading NGOs that are working on a variety of issues, not only those involved in political activities, which shows that the Law affects a significant group of NGOs working in Russia (Goswami, Russia: Repeal the "Foreign Agents Law", 2013). What these effects might be depends on the extent to which an NGO is violating the Law in the eyes of Russian authorities.

According to Hallman, when the Foreign Agents Law was introduced it led to large controversy in Russia and abroad. Specialists warned that after the introduction of the Law, civil society in Russia would be tamed; there the Law would possibly ensure that international contributors would be scared away and that the NGOs they supported would have to close (Hallman, Russian civil society and the law, 2014). Since its implementation, at least 1000 NGOs were obliged to undergo inspections by Russian authorities, others faced severe fines, and some organizations were, effectively, forced to close their doors (Goswami, Russia: Repeal the "Foreign Agents Law", 2013).

As mentioned earlier, the situation of NGOs in Russia has been under fire long before the 2012 amendments came into force. Nevertheless, with the current events in Russia and the 2014 winter Olympics in Sochi, Russia, the position of NGOs has been highlighted more than ever before.

If the law would simply be judged on the basis of statistics, currently only one NGO is registered as an organization performing the functions of a foreign agent (Tumanov, 2014). According to Tumanov, ‘Aid for the Development of Competition in the CIS’ is the only organization that voluntarily registered under the Law.

Furthermore, only one NGO has been sidelined by the Law, namely Golos, an organization protecting voters' rights (Tumanov, 2014). Nevertheless, Tumanov continues, the main aim of the Law is serving its purpose, since most organizations dissociate themselves from funds provided by foreign countries or close their doors (Tumanov, 2014). The Foreign Agents Law affects many organizations operating in Russia. This thesis attempts to define how and to what extent the Law affects these NGOs. With the help of several sub-questions, the following research question will be answered:

*"What effects does the Foreign Agents Law have on NGOs operating in Russia?"*

Like the report of the Faculty of Law of the University of Oslo on the Foreign Agents Law, this research also outlines the expected consequences of the Law. The expression of "foreign agent" will be explained on the basis of historical developments. Moreover, the Law is analyzed on the basis of its legal, financial and administrative effects (Faculty of Law University of Oslo, 2013, p.3). Additionally, this thesis is supported by a case study, in order to see the effects of the Law in practice. Lastly, the position of the Law in the field of European legislation is examined, with the Council of Europe as a main field of interest. Moreover, the Foreign Agents Law and its relation to human rights declarations is studied.

## Methodology

This part of the introduction outlines the methods used to obtain the findings presented in the next chapters. For this study, both desk and field research, in the form of in-depth interviews, were used to obtain the necessary data. B2B International states: "*Desk research and in-depth interviews, with an industry expert, both refer to the collection of secondary data - that which has already been collected*" (B2B International, N.D.). This use of desk research and in-depth interviews means the use of the qualitative research method. This section discusses both methodologies used for this thesis.

The use of desk research has been chosen, as it is generally a very reliable method for the collection of high-quality sources (Dobney, N.D.). The basis of the thesis is built up from the Foreign Agents Law itself. As mentioned in the report of The Faculty of Law in Oslo, there is no official English translation of the Foreign Agents Law (Faculty of Law University of Oslo, 2013, p8). Therefore, alternative sources were used, with the *Russia Monitor* and The International Center for Not-for-Profit Law as primary sources. Since the Law is relatively new, there are a limited number of academic sources.

Therefore, newspaper articles found on the Internet are used to acquire the most recent information (Faculty of Law University of Oslo, 2013, p8). Furthermore, the thesis mainly consists of information gathered from reports of human rights and civil society organizations, and reports of European institutions. Also, books by experts in the field of Russian politics, such as Richard Sakwa are important to understand the historical developments in the running up to the Foreign Agents Law.

Because desk research was crucial for the development of the research, semi-structured, in-depth interviews with employees of two NGOs were conducted to get additional and insightful information from organizations working in Russia. The semi-structured approach was used, since there were key questions, but the aim was to have a flowing conversation, in which those prepared questions would get answered. By visiting the offices of these two organizations and recording the interviews, the main aim was to get the information needed to write a case study on the originally Russian NGO Golos and the International NGO Amnesty International, both active in Russia. The second purpose was to gain information on the human rights situation of NGOs in Russia. Firstly, an interview was conducted with Harry Hummel, director of the Helsinki Committee in the Netherlands, since the Committee has deep understanding of the situation of NGOs in Russia. The second interview was conducted with an employee of an NGO who wishes to remain anonymous. Both interviews provided additional insights into the position of NGOs in Russia.

There were also some limitations concerning the research on The Foreign Agents Law; for example, the fact that several reports and laws are not provided in English. Moreover, several attempts to interview a political analyst or Russian expert with the purpose of gaining objective information were not successful. This was a restriction for the research, since sources generally focus on one side of the issue, which reflects an opinion and does not give an objective insight on the topic.

Even though there were limitations, this thesis aims to give an insight into the effects of The Foreign Agents Law on NGOs operating in Russia. The following chapter provides information on the position of NGOs under Putin.

## The Position of NGOs in Russia under Putin

Vladimir Putin became President of Russia for the first time in 2000. During the Putin era, the situation and position of NGOs has changed significantly due to several occurrences. According to Professor of Russian Studies Jeanne Wilson, NGOs have existed in Russia as legally recognized entities since the early 1990s (Wilson, N.D., p.3). While NGOs were legally recognized by the time Putin became President, they faced struggles and were limited on many occasions under his regime. Horvath argues that during the Putin era authorities investigated possibilities to narrow and restrict the work of the NGO sector because of their striking role in all the “*electoral revolutions*”, and because the Russian authorities accused NGOs of being foreign agents (Horvath, 2013, p.123). Horvath further states that “*coalitions of NGOs had coordinated get-out-the vote campaigns, exit polling, and monitoring of the counting process, with the example of the Orange Revolution*”, which will be explained further on in his chapter (Horvath, 2013, p.123). Moreover, according to Putin, NGOs were spies for foreign governments, which meant that Putin expressed NGOs actions were coordinated by Western foundations and therefore a threat to Russian state unity (Horvath, 2013, p.123). This chapter elaborates on the position and situation of NGOs in Russia during the time that Vladimir Putin has been in power.

According to World Movement for Democracy, since the 1990s the amount of NGOs in Russia has grown tremendously; it is argued that this was mainly because of the collapse of communism (World Movement for Democracy, 2004). Although the Russian law authorized these NGOs, organizations have been affected by measures of the Russian authorities. Overall this means that there was no space for political or public discussions (World Movement for Democracy, 2004). Moreover, the Russian authorities intimidated NGOs, to ensure that they would not receive any form of foreign funding (World Movement for Democracy , 2004). According to Sakwa, this trend was already set in the Yeltsin period. During this era, the Russian establishment wanted to protect and centralize their power (Sakwa, 2011, p.47). This phenomenon, which also characterizes the Putin era, is referred to by Sakwa as Para-Constitutionalism (Sakwa, 2012; Sakwa, 2011, p.45). Bidder claims that President Putin has always seen NGOs as organizations controlled from abroad, and therefore a threat to Russian society (Bidder, 2012).

Bidder further declares that at the time Putin was head of the Russian domestic intelligence agency, until 1999, foreign intelligence services were already being accused of frequently using environmental and civil society organizations for their own gain and purposes (Bidder, 2012).

After the inauguration of Vladimir Putin in 2000, it became immediately apparent that Putin had tremendous interest in Russia's Civil Society and in particular the many NGOs operating in Russia. In 2001, Putin organized a major conference, a civic forum where more than 5000 representatives of NGOs were invited to join the discussion on social issues (The Moscow Times, 2004; Henderson, 2003, p.57-58; Semenova 2006, p.6). This appears to be noble; however, according to several experts, it was a maneuver to strengthen Putin's grip on the sector. Moreover, it would also be an attempt to take Russian NGOs away from the Western sphere of influence (Henderson, 2003, p.57-58). Other commentators suggest that Putin was looking for more social support for his re-election and could use the help of NGOs to win these elections (Henderson, 2003, p.57-58).

On 21 and 22 November 2001, the civic Forum was held in the Kremlin. The idea of this gathering was to set up a discussion on Russia's democracy and civil society. However, the outcome of the Civic Forum was quite different. The congress turned out to be an open discussion between the 5000 representatives of different NGOs (Alexeeva, 2002; Henderson, 2003, p.57-58; Semenova, 2006, p.6; Henderson, 2011, p.21). The President, deputies of the state Duma and all government ministers were present at the event. There was a critical and open discussion on human rights, environmental protection and several other issues (Alexeeva, 2002). Henderson states, *"This was the first time that government officials and NGO representatives from throughout Russia met to discuss various pressing social issues in an effort to create more channels of communication and a potential for greater NGO-state cooperation"* (Henderson, 2011, p.21). What the government kept repeating was that they wanted a partnership with the NGOs. The main result of the event was that NGO-government working groups would be established in order to keep the discussion going (Alexeeva, 2002).

Alexeeva continues to say that after a few months, the 2001 Civic Forum turned out to be a meaningless event. The NGO-government working groups did not meet the expectations; the groups hardly had meetings and attempts at partnership with the government did not work out (Alexeeva, 2002). In the aftermath of the forum, the Russian authorities did not fulfil the promises made during this event. For the government, partnership meant that NGOs would remain quiet instead of working together. Eventually, it turned out that this particular event was created to serve Putin's ideology. Horvath argues that the forum was a stepping-stone towards side-lining the NGO sector's dependence on foreign sponsoring (Horvath, 2013, p.124).

Shortly after the Civic Forum, during Putin's first year as a president of Russia, severe attacks by fundamental separatists in Chechnya urged the new president to strengthen the grip on the Russian NGO sector. In 2002, 129 hostages were killed during a Chechen militant uprising in a theatre in Moscow (Krechetnikov, 2012). In his yearly Duma speech of May 2004, Putin declared that terrorism had to be heavily combatted. According to Putin, stricter controls on NGOs were in line with these plans, since many NGOs would use their human rights standpoints as a cover for terrorist activities (Horvath, 2013, p.124).

Then, on 1 September 2004, the first day of school in Russia, armed Chechen, Islamic rebels took an estimated 1200 children and adults hostage during three days at an Orthodox school in Beslan, North Ossetia Russia (CNN, 2013). Approximately 337 people were killed, including 186 children (CNN, 2013).

Already in May of 2004, Putin had expressed that terrorism had to be battled. Only a few weeks after the Beslan tragedy, Putin declared that political changes would be initiated in this regard. After the Beslan school siege Putin announced plans for a comprehensive revision of Russia's political system. Again the purpose of these revisions was to centralize power in the hands of the Kremlin (Goldman, 2004). The main change in politics was that the creation of the Public Chamber of the Russian Federation was announced in a Putin speech on 13 September 2004. This Public Chamber contributed to the centralization of power and the state unity Putin was aiming for, which is ultimately also a response to the 2001 civic forum (Sakwa, 2011, p.48). The Public Chamber consists of 126 members. The president chooses one third of them, namely civilians with authority (no politicians or business people) and two thirds are chosen by large national civil movements. These two chosen groups combined are allowed to jointly choose the last component out of regional NGOs (Sakwa, 2008). Sakwa further states that the Public Chamber was initiated "*to create a platform for broad dialogue, to allow civic initiatives to be discussed, state decisions to be analyzed and draft laws to be scrutinized. It would serve as a bridge between civil society and the state*" (Sakwa, 2011, p.48; Sakwa, 2008). However, the Public Chamber takes over many of the functions of the Parliament, thus giving Putin far more power (Sakwa, 2008).

Cooper, Bacon and Renz state that Putin's post-Beslan initiatives with the Public Chamber of the Russian Federation meant:

*"The strengthening of the executive power vertical by the appointment of regional heads by the nomination of the president and the approval of regional legislatures, the introduction of a party-list only system of election to the state Duma, and the formation of a public chamber, this in order to create dialogue on civic initiatives"*  
(Cooper, Bacon & Renz, 2006, p.179)

Horvath explains that the implementation of the Public Chamber was a threat to most NGOs working in Russia, because the chamber could decide which NGOs were 'useful' and which 'harmful' for the creation of state unity and consequently eliminate the latter ones (Horvath, 2013, p.124). As explained by Cooper, Bacon and Renz, although it now seems that the creation of a state unity is only a post-Beslan decision, this is not the case. Since Putin became head of state in Russia, state unity has been the purpose, as can be derived from his policies and speeches (Cooper, Bacon & Renz, 2006, p.179-180). Having an effective and strong state was a constant subject in Putin's speeches between 2000 and 2005. However, in his post-Beslan speech in 2004, Putin stated that the creation of a unified state was essential for a secure country and the war on terrorism (Cooper, Bacon & Renz, 2006, p179-180). Moreover, Cooper, Bacon and Renz, declare that the concept of having a national identity and national pride, in order to securitize the moves when it comes to religion, extremism and migration is crucial to Putin (Cooper, Bacon & Renz, 2006, p. 179-180).

Because the protection of the national identity of Russia became such a great issue after the Beslan school siege, NGOs landed in trouble since they did not contribute to this national identity. In fact, according to Putin, the organizations would be harmful for his plans. According to Human Rights Watch, with the new proposal the Kremlin would gain more control over the parliament than it already had (Human Rights Watch, 2004). Moreover, Putin was exploiting the Beslan school siege to continue his political agenda of strengthening his power (Human Rights Watch, 2004). According to Human Rights Watch, between 2000 and 2005, Putin had almost "*expunged independent television, marginalized the political opposition, and jailed or forced into exile businessmen who refused to display loyalty*" (Human Rights Watch, 2004). Human Rights Watch believes that the proposals made after the Beslan school siege were made to disarm all influences that could harm Putin's unified nation.

However, it would have no effect on the war against terrorism. The proposals only contribute to the increasingly aggressive motions against discerning NGOs (Human Rights Watch, 2004).

Putin was already trying to disarm NGOs after the Beslan school siege, and the Orange revolution only strengthened this feeling. The Orange Revolution started on 22 November 2004 in the Ukraine, shocking Putin tremendously. The pro-Russian Presidential candidate in the Ukraine was defeated by reformist politicians who received huge support from organizations often funded by the West (Rubin, 2014). Putin was terrified that such a revolution would also occur in Russia. Therefore, further limits were imposed on the freedom of NGOs.

The overthrowing of Viktor Yanukovych during the 2004-2005 presidential elections in the Ukraine was a debasement for Russia, since the pro-Russian candidate was eliminated by Ukrainian protesters (Petrov, 2010, p.1; Ponars Eurasia, 2010, p.69; Bellaby, 2007). Moreover, the movement in the Ukraine caused a similar uproar in Russia; in the aftermath of the Orange Revolution, a spate of protests scattered throughout the country (Petrov, 2010, p.1; Lankina & Savrasov, N.D., p.1; Ponars Eurasia, 2010, p.69). Petrov continues and explains that the protesters supporting this movement were fighting against reforms (Petrov, 2010, p.1; Ponars Eurasia, 2010, p.69). As Putin believed that the protests were set in motion by NGOs, the uproar ensured that the Kremlin introduced new NGO legislation (Petrov, 2010, p.1; Ponars Eurasia, 2010, p.69). These measures were introduced to avoid a similar revolution in Russia.

The introduction of the Public Chamber played a significant role in this case as well, since it sought to control civil society organizations, which is exactly what Putin was aiming for after the Orange Revolution (Petrov, 2010, p.1; Ponars Eurasia, 2010, p.69). Moreover, Petrov explains that the fear for a similar revolution in Russia ensured that more administrative control was introduced and supported by tighter legislation (Petrov, 2010, p.1; Ponars Eurasia, 2010, p.69). Because the Public Chamber of The Russian Federation had its first plenary meeting in 2006, this authority influenced the 2006 amendments.

The U.S. Commission on International Religious Freedom states that in January of 2006, Putin ratified amendments to the Law on Noncommercial Organizations of 1996 (U.S. Commission on International Religious Freedom, 2007, p. 7).

This controversial NGO legislation was implemented to control Russian civil society. The 2006 amendments on the NGO Law are the most notable changes that originated during and after the Orange Revolution (Global Edge, N.D., Petrov, 2010, p.3). These amendments were introduced to control the work of foreign NGOs and ensured that the Federal Registration Service (FRS) was given more information on NGO methods and compositions (Petrov, 2010, p.2; Ponars Eurasia, 2010, p.70; Global Edge, N.D.). According to Machelek, the most notable amendments to the NGO Law were that NGOs became:

- Required to hand in a yearly report with an overview of the NGOs finances and property. If these documents are not handed in in time, registration could be denied (Machalek, N.D.).
- Required to hand in a yearly report on funds received from foreign organizations, citizens etc. If the Russian authorities decide that these funds are not allowed on the grounds of the Russian legislation, registration is denied (Machalek, N.D.).
- Required to hand in a yearly report the organization's staff. If any of the employees is a foreigner, or of foreign origin, registration can be denied (Machalek, N.D.).

In Petrov's reports, Dzhibladze, president of the Centre for the Development of Democracy and Human Rights, argues that the FRS had great freedom when it came to refusing registration on the basis of NGOs documents, which caused enormous difficulties for the NGO sector working in Russia (Ponars Eurasia, 2010, p.70, Petrov, 2010, p.3). If an NGO failed to hand in the required documents on several occasions, the legislation allowed the FRS to apply for exclusion from registration (Ponars Eurasia, 2010, p.70, Petrov, 2010, p.3). Moreover, inspections could be conducted if an NGO did not comply with the given period for handing in the required documents (Ponars Eurasia, 2010, p.70, Petrov, 2010, p.2). During these inspections, authorities always found a reason to deny registration on the basis of any of the vaguely formulated articles of the Law, which in many occasions resulted in the denial of registration and closure of the inspected NGO (Ponars Eurasia, 2010, p.70; Petrov, 2010, p.2; Blitt, 2008, p.27). Putin said that the 2006 amendments were implemented to ensure that foreign states could not intrude in Russian politics (Bogoroditskii, 2010).

After Putin's compulsory resignation in 2008—because he had already served two terms, which is the maximum time of ruling in Russia—some small legislative enhancements were presented in 2009 for another genre of NGOs (International Center for Not-for-Profit Law, 2014). Although Putin could not rule as president, a duumvirate was established with his successor Medvedev (Martin, 2009). While some enhancements were allowed, these only applied to the 'useful' NGOs, meaning only those that did not receive foreign funding, qualified for this (Petrov, 2010, p.3; The Freedom House, 2012, p.1). According to Machalek, minor NGOs not provided with foreign funding were no longer required to provide a financial reporting. This applied when the NGO did not receive more than \$100.000. Also the yearly government visits would be lowered to once every three years (Machalek, N.D.). These developments show the discrepancy between the NGOs that receive foreign funding and the ones that do not. Based on this, it can be argued that NGOs who receive foreign funding are seen as a threat to the Russian identity.

The Orange Revolution and the hostage takings by Chechen rebels are not the only reason that these measures against NGOs were taken. However, these occurrences played an important role (Petrov, 2010, p.5; Ponars Eurasia, 2010, p.73). Although Putin already tightened the NGO legislation after the abovementioned occurrences, the protests by opponents of his re-election in 2011 and 2012 were the last trigger to narrow down this legislation even more. According to Putin, these protests were stimulated by the Russian NGO sector. Therefore, several amendments were introduced to existing Russian laws concerning NGOs (The Freedom House, 2012, p.1). These amendments put together are known as the 2012 Foreign Agents Law, which is analyzed in the following chapter.

## Analysis of the 2012 Foreign Agents Law

The previous chapter elaborates on the position of NGOs under Putin from the first year of his ruling. This chapter analyses the Foreign Agents Law and how NGOs are currently handling this NGO legislation.

According to Rojansky and Balzer, the Putin era has been plagued by protests and criticism against the presidential elections (Rojansky & Balzer, 2012). Sakwa argues that the elections that took place in 2004 are a good example. During this election many liberals called on voters to rebel against the re-election of Putin. Moreover, after his re-election, "Committee 2008" was established by several prominent and critical Russians, who wanted to ensure that in the following presidential elections, successors appointed by Putin would be relegated to join (Sakwa, 2008, p.115).

Although the Putin era had to endure much criticism over the years, the protests in the running up and aftermath of the 2012 presidential elections were the largest seen during Putin's career (Grove & Baczyńska, 2012). As stated by an NGO employee who wishes to remain anonymous, between December 2011 and May/June 2012 protest actions against the re-election of Vladimir Putin took place throughout Russia (Anonymous, 2014). These protests occurred, among other things, because in the eyes of Putin's opponents, the election results were predetermined resulting in the re-election of Putin, with the consequence that he was allowed to govern for two more terms (Bulay, 2012). These mass protests did not continue for long. The anonymous source explains that Putin was startled by these protests, and believed that NGOs encouraged the protesters to go into the streets and protest against the election results, which were legitimate in his eyes. However, in the eyes of the protesters the outcome of the elections was unfair (Anonymous, 2014). After these demonstrations, the Foreign Agents Law (Law No. 121-FZ) was introduced. This Law seeks to control civil society organizations that are involved in political activities and receive any form of foreign funding (Goswami, 2013).

As stated by the Council of Europe, the official name of the controversial Foreign Agents Law (Law No. 121-FZ) is: '*Introducing Amendments to Certain Legislative Acts of the Russian Federation Regarding the Regulation of Activities of Non-Commercial Organizations Performing the Function of Foreign Agents*' (Council of Europe, 2012, p.2). This Law is not a stand-alone. As the official name already states, it is a series of amendments to previous Russian NGO legislation (The Russia Monitor, 2012).

As explained by the Council of Europe, the Foreign Agents Law came into force in November 2012 (Council of Europe, 2012, p.2). This chapter elaborates upon the amendments that concern the different Russian laws. With its implementation the following laws were amended: The Law on Non-Public Associations, the Law on Non-Commercial Organizations, the Criminal Code of the Russian Federation and the Law on Money Laundering and the Financing on Terrorism (Karasova, N.D.).

Firstly, the amendments to the Law on Public Associations are addressed. The first amendment relating to this law states that there are stricter registration requirements for NGOs operating in Russia (Council on Foundations, 2013; The Russia Monitor, 2012). NGOs are required to register as foreign agents engaged in political activities (The Russia Monitor, 2012). The Institute on Religion & Public Policy states, "*this happens on a mandatory-voluntary basis, meaning that they have to do it on their own initiative but nevertheless have no other choice*" (The Institute on Religion and Public Policy, 2012). The Institute on Religion & Public Policy further explains that after registration, the Russian authorities demand insight into the financial administration of the organization (The Institute on Religion and Public Policy, 2012). The following amendment concerning this Law, stipulates that if NGOs intend to carry out activities in the field of politics and intend to receive foreign funding, they should register the organization prior to the actual proclamation of both of these activities (Radio Free Europe Radio Liberty, N.D.; The Russia Monitor, 2012; Council of Europe, 2012). Hallman explains that if an NGO fails to register, the consequence might be that Russian authorities will prosecute it or suspension without a court order might follow (Hallman, 2014; The Council of Europe, 2012, p.3). Lastly, the Russia Monitor argues that with the focus on terrorism, the Russian authorities investigate whether the money that organizations receive is used in the manner that they envisioned. The Russian authorities claim that many NGOs use their funding to finance terroristic activities (The Russia Monitor, 2012).

Secondly, the Law on Non-commercial Organizations is amended. In this part of the Law, the most significant amendment is introduced; it defines when an NGO is considered to be a foreign agent, namely, if it is engaged in political activities and receives foreign funding in any shape or form (Sysoev, 2014A; The Russia Monitor, 2012). The amendments do indicate a number of exemptions in the field of social services (The International Center of Not-for-Profit Law, 2014). As stated by the International Center for Not-For-Profit Law, an organization is not obliged to register if it is involved in "*culture, art, health care, education, and services to the needy*" (The International Center for Not-For-Profit Law, 2014; The Russia Monitor, 2012).

However, since the definition of the term political activity is hardly described in the Foreign Agents Law, it is not certain that these branches are out of the sight of Russian authorities. Furthermore, this section of the Law explains that organizations should hand in a series of documents to the Russian authorities, including financial reports and documents on the formation of the organization (Hallman, 2014; The Russia Monitor, 2012).

Other amendments to the Law on Non-Commercial Organizations add, for example, that the transmission of documents to the authorities in and of its own is not enough. NGOs should be prepared for announced and unannounced audits by Russian authorities (Bellona, 2012; The Russia Monitor, 2012). The *Russia Monitor* argues that these visits may occur for the following reasons: if an NGO violates the Foreign Agents Law (according to the Russian authorities), it is allowed a timeframe to rectify the mistake and failure to do so might be a reason for an audit; if the authorities are provided with information from civilians or media who claim that an NGO is using its foreign funding for radical activities; if local Russian government agencies accuse an NGO of violating the Foreign Agents Law; if the executive of a public body, who maintains the overview over the Foreign Agents Law, gives the order for an audit (The Russia Monitor, 2012). Hallman argues that if an audit is conducted, a court case may follow on the basis of the outcome of this visit (Hallman, 2014). Moreover, if an NGO is a suspect under the Foreign Agents Law, several unannounced audits may follow and this process takes time, which many small NGOs do not have. The consequence might be that smaller NGOs might have to close under the pressure of these audits (Bellona, 212). The next amendment entails that NGOs labeled as a foreign agent, should publish this on their website and in the media (Bellona, 2014; The Russia Monitor, 2012). If an organization does not meet this requirement, the Russian authorities will block its website (Amnesty International, 2013A; Brown, 2013, p.8). Moreover, if an NGO does not register with the authorities, it is restricted from participating in any form of protests and prohibited from using its bank assets for certain expenses (The International Center for Not-For-Profit Law, 2014; The Russia Monitor). Karasova states that the last amendment to this Law identifies the exceptions that do not have to register as a foreign agent, namely, “*religious groups, business groups, and state companies*” (Karasova, N.D.; The Russia Monitor, 2012). Nevertheless, although these exemptions are pointed to, the vague description of the term political activity might make some of these organizations or groups a target under this Law regardless.

Thirdly, the Criminal Code of the Russia Federation is amended. According to the *Russia Monitor*, if an organization allegedly intimidates the health conditions of Russian civilians with violence, or if the organization motivates civilians to refuse to do their civic duties, the amendments allow for enormous fines, of between 120 thousand and 300 thousand Roubles, or a prison sentence of between two and four years (The Russia Monitor, 2012; RT, 2013). Moreover, if an NGO refuses to comply with the Foreign Agents Law, fines to the tune of 300 thousand Roubles, a prison sentence or some form of community service might follow (The Russia Monitor, 2012).

Lastly, the Law On Combating Money Laundering and the Financing of Terrorism is amended. This amendment stipulates, that if an organization receives any form of foreign funding above 200 thousand Roubles, the Russian authorities will monitor them (Karasova. N.D.; The Russia Monitor, 2012).

According to an employee of an NGO who wishes to remain anonymous, only one NGO has followed mandatory registration under the Foreign Agents Law (Anonymous, 2014). Therefore, a rush of inspections was started in March 2013, to force the NGOs to register. As asserted by Amnesty International, "*Russian NGOs have unanimously and vocally refused to be branded foreign agents*" (Amnesty International, 2013C). Human rights Watch states that "*since the implementation of the Foreign Agents Law, various prosecutors' offices and the Ministry of Justice filed nine administrative cases against NGOs and an additional five administrative cases against NGO leaders for failure to register under the Foreign Agents law*" (Human Rights Watch, 2014C). Although court cases have been filed, Human rights Watch claims that the majorities, nine out of fourteen, were lost by the accusers (Human Rights Watch, 2014C). Furthermore, several organizations received fines for non-compliance with the Law.

The NGO staff who wishes anonymity, claims that NGOs were forced to stop their activities due to the outcome of some of the rulings or the size of the fine (Anonymous, 2014). Furthermore, several NGOs kept faithful to their work, and decided to quit activities in order to prevent any legal actions (Human Rights Watch, 2014C). Moreover, a large amount of NGOs (13) were prosecuted, since these organizations refused to register and file documents under the Foreign Agents Law (Amnesty International, 2013C). Human Rights Watch continues stating that the prosecutors lost four out of these thirteen cases (Human Rights Watch, 2014C).

A large group of NGOs that refuses registration as a foreign agent has created a joint initiative, namely the filing of a joint complaint at the European Court of Human Rights, in order to challenge the Foreign Agents Law (Human Rights Watch, 2014C). Moreover, Human Rights Watch explains that, at the moment of writing, the Russian ombudsman, “*filed an appeal with the country’s Constitutional Court on behalf of the leaders of four organizations challenging warnings from the prosecutor’s offices to register as well as the fines those groups had incurred for failing to register*” (Human Rights Watch, 2014C). Lastly, according to Human rights Watch, six individual groups of NGOs have submitted independent petitions at the Russian Constitutional Court, to defy the measures of the Foreign Agents Law according to the Russian Constitution. Currently these cases are waiting for the Court’s ruling (Human Rights Watch, 2014C).

According to Dalhuisen, Director for Europe and Central Asia of Amnesty International, the Foreign Agents Law is primarily created to mark and impeach NGOs involved in human rights or political activities, or any other critical operation (Amnesty International, 2013C). Dalhuisen explains, that the Law is the ideal manner to fine, threat, close and cut off foreign funding from the organizations that are menace to the state unity of the Russian Federation (Amnesty International, 2013C).

## Human Rights

As mentioned in previous chapters, the Foreign Agents Law has been criticized on many levels. However, the critique coming from human rights defenders take the upper hand. According to several international and national institutions, the Law is in violation of the rights on freedom of expression, assembly and association (Amnesty International, 2013A; Human Rights House, 2013). Amnesty International reports that since 2012, when President Putin was re-elected, several fundamental human rights have been under great pressure, especially with the implementation of the Foreign Agents Law in the same year (Amnesty International, 2013B, p.5). It continues to say that it is arguable that the rights to freedom of expression, assembly and association are being violated with this Law, although they are clearly mentioned in the Constitution of the Russian Federation and in international human rights treaties, which Russia has agreed upon (Amnesty International, 2013B, p.5).

Article 29 of the Constitution of the Russian Federation elaborates on the freedom of expression. This article states the following:

- “1. Everyone shall be guaranteed the freedom of ideas and speech.
2. The propaganda or agitation instigating social, racial, national or religious hatred and strife shall not be allowed. The propaganda of social, racial, national, religious or linguistic supremacy shall be banned.
3. No one may be forced to express his views and convictions or to reject them.
4. Everyone shall have the right to freely look for, receive, transmit, produce and distribute information by any legal way. The list of data comprising state secrets shall be determined by a federal law.
5. The freedom of mass communication shall be guaranteed. Censorship shall be banned” (The Constitution of the Russian Federation, 1993).

The right to freedom of expression is mentioned in the constitution of the Russian Federation, as well as in several other human rights treaties supported by Russia, such as the Universal Declaration of Human Rights and the European Convention on Human Rights (Amnesty International, 2013B, p.12). It is argued that the Foreign Agents Law violates these treaties.

Firstly, according to the Foreign Agents Law, NGOs are not allowed to engage in any form of political activities, which threatens their freedom of expression. According to Hadzi-Miceva Evans, NGOs and individuals have the right to engage in a country's political activities and public life. Further, this right is an important condition for a democratic society (Hadzi-Miceva Evans, 2013, p.6). Nevertheless, since NGOs in Russia are basically not allowed to express their critical opinions and ideas about political matters, they are unable to use their freedom of expression on this point (Article 19, 2012). Secondly, the Foreign Agents Law allows the Russian Government to deactivate websites of NGOs that either refuse to publish the stigma of foreign agent on their website, or if the organization publishes extremist publications on its website (Brown, 2013, p.8). However, extremist publications in the eyes of the Russian government may be any kind of critical political statement (Amnesty International, 2013A; European Parliament, 2012).

Article 30 of the Constitution of the Russian Federation elaborates on the freedom of association. This article states the following: "*Everyone shall have the right to association, including the right to create trade unions for the protection of his or her interests. The freedom of activity of public association shall be guaranteed*" (The Constitution of the Russian Federation, 1993).

Like freedom of expression, freedom of association is also mentioned in the country's Constitution and several other human rights treaties ratified by Russia (Amnesty International, 2013B, p.12). Many human rights organizations argue that, since the Russian authorities are restricting NGOs in Russia from receiving foreign funding, the existence and the future of NGOs that rely on this specific funding are uncertain (Zonova, 2013). According to Freedom House, "*the law discourages NGOs from accepting the most sustainable funding available to them, as there are few domestic sources and the government has been known to discourage Russian businesses from supporting NGOs*" (Freedom House, 2012, p3). Although this is true, it does not necessarily mean that NGOs are restricted on their right of freedom of association. The Russian Government does make it difficult for NGOs to exist under these conditions; however, NGOs are allowed to continue their work albeit without foreign funding. Another argument that human rights organizations give is that if an NGO does receive foreign funding, the organization will receive a huge fine, which is often so high that the organization in question is not able to pay it with the subsequent result that the organization needs to close (The International Center for Not-For-Profit Law, 2014).

In both cases, it will be difficult for organizations to keep their heads above water, since this part of the Law makes it difficult for NGOs to exist, and therefore human rights organizations argue that this also threatens their freedom of association. Moreover, if an organization is carrying out political activities and receives foreign funding, they carry the stigma of a “foreign agent”. However, Human Rights Watch argues that if an organization is not willing to register under this heading, they might face administrative charges against them. If the organization continuously fails to register, the NGO might face “*suspension and criminal charges against its leader*”. (Human Rights Watch, 2013B). Of course, all these arguments can be presented as a threat to freedom of association. However, most of these arguments are expressed by human rights organizations that do not have an objective approach. Although the Foreign Agents Law makes it difficult for NGOs to exist, it does not necessarily restrict their right of association. However, if the measures of the Foreign Agents Law are a threat to the public safety and national security, the Law does interfere with freedom of association. (The Un Refugee Agency, 2013).

Article 31 of the Constitution of the Russian Federation elaborates on the freedom of assembly. This article states the following: “*Citizens of the Russian Federation shall have the right to assemble peacefully, without weapons, hold rallies, meetings and demonstrations, marches and pickets*” (The Constitution of the Russian Federation, 1993).

Again Russia has included an important international human rights article in its constitution. However, according to Human Rights Watch, Russian authorities combat non-violent and tranquil assemblies of civil society activists (Human Rights Watch, 2014B). As Human Rights Watch expresses, the formal procedure laid down by the Russian authorities to obtain a legal permit to assembly is quite simple, in theory. It states that: “*the official legal process for organizing a public rally only requires notification to the local authorities, including the time, place, and estimated number of participants*” (Human Rights Watch, 2014B). Nevertheless, the authorities will often find a reason to reject the application for a rally of NGOs, for instance because they are engaged in political activities. Moreover, this method ensures that NGOs will engage in unlawful rallies, which can lead to legal sanctions, since they do not acknowledge the restrictions imposed on them (Human Rights Watch, 2014B). Several protesters have been arrested and convicted after the protests during the inauguration of President Putin in 2012. Protesters were imprisoned in 2013 for the participation in mass turmoil for the events in 2012 (Foreign and Commonwealth Office, 2014).

According to the Foreign and Commonwealth Office, their punishment was politically motivated, since they were critical towards Putin's regime (Foreign and Commonwealth Office, 2014). The restrictions in the field of freedom of assembly mean that Russia violates important articles in several human rights treaties they agreed upon, not to mention their own constitution.

As mentioned before, and in line with the Faculty of Law at the University of Oslo, after the re-election of Putin in 2012, the rights on freedom of association, expression and assembly were severely under attack (Faculty of Law University of Oslo, 2013, p.2). According to some of the most important Human Rights organizations such as Amnesty International and Human Rights Watch, the Foreign Agents Law is violating freedom of expression, association and assembly. Although all these cases are arguable, the strongest arguments are made for freedom of expression and assembly, since there is hard proof for the violation. Even though it can be argued that the freedom of association is undermined, the arguments for this are not as evident as for the other freedoms.

### Council of Europe

The previous chapter elaborated on the fact that the Foreign Agents Law is criticized on the basis of several human rights articles (in Europe and worldwide). Nevertheless, several other official European bodies have also heavily criticized the Law. Therefore, this chapter analyzes whether the Law contravenes the conventions of the Council of Europe, of which Russia is a member (Harding, 2014).

The term political activity is criticized on the basis of human rights principles in the previous chapter and it also has to endure much criticism on the basis of other European standards. Firstly, according to several reports on the Foreign Agents Law, one of the main concerns is that the term ‘political activity’ mentioned in the Law, is too vaguely defined (Ria Novosti, 2013; Hadzi-Miceva Evans, 2013, p.9; Human Rights Watch, 2013A). In the report of ICNL, the term is described as: *“it takes part (including by financing) in the organization and conduct of political actions aimed at influence over the decision-making by state bodies intended for the change of state policy pursued by hem, as well as in the shaping of public opinion for the aforementioned purposes”* (ICNL, 2012, p.4). Human Rights Watch states that under this broad definition of the term political activity, any given NGO can be designated as engaging in political activities, whether they are actually working in this area or not (Human Rights Watch, 2014A).

Hadzi-Miceva Evans reports that : *“there is no universally accepted definition of political activities for the purposes of NGO engagement; the term “political activity” is subject to multiple interpretations and meanings”* (Hadzi-Miceva Evans, 2013, p.12). However, the author continues, if (European) countries mention political activites in their legislation, they have to specify the term political activity with tremendous accuracy. Moreover, if any given country would like to limit the political activities of NGOs, these limitations are clearly set by European law (Hadzi-Miceva Evans, 2013, p.12). As reported by Pomazkova, not all European countries have limitations concerning political activities. However, when they do, these limitations only concern specific organizations, with a certain legal status (Pomazkova, 2013, p.3). Pomazkova argues that NGOs are *“(most typically foundations, or funds) or have obtained certain status (e.g., public benefit or charity status)”* (Pomazkova, 2013, p.3).

Secondly, when comparing Russian legislation with the Code of Good Practice of the Council of Europe—a code that should be respected by Russia as they are a member—the term foreign agent is of great concern.

All countries have some kind of NGO legislation, nevertheless, the registration procedure in Russia is worrying in comparison with other European countries, particularly because of the term foreign agent. Machleder and Fellow argue that in the most tolerant countries in Europe there is a registration procedure on a voluntary basis; this procedure empowers NGOs to obtain legal entity status in a given country (Machleder & Fellow, 2006, p.29). Machleder and Fellow continue explaining that this is the case in, for example: "*Belgium, Luxemburg, France, the Netherlands and Portugal. In Sweden and Denmark, the existence of a written charter is enough to establish legal status. In France and Germany the procedures for an association to obtain legal entity status are more formal*" (Machleder & Fellow, 2006, p.29). Although NGOs in all these countries should register, no stigma is attached. With the stigma of being a foreign agent, the main goal of the Russian law is to ban NGOs engaged in political activities, whereas the Code of Good Practice allows and aims to involve NGOs in decision-making procedures and policy making (Council of Europe, 2009, p.3; Council on Foundations, 2013). Moreover, the term gives a negative impression of NGOs, which should not be the objective of an NGO law, as this will ensure discrimination against these organizations for participating in political activities (Golubović, 2013, p.5). Since Russia has signed up for the Code of Good Practice, Russian regulations clash with the obligations the country has with regard to the council of Europe.

Furthermore, the registration procedure of the Russian Foreign Agents Law is questionable. In the Report of Machleder and Fellow a few examples are given of the grounds on which the authorities of a country can deny NGOs a right to registration, and thus, their right to do their work. Since France has a strict registration procedure in comparison with other European countries, it will be used as an example. There the local authorities manage the registration procedure. However, they are not commissioned to deny registration to the organizations. Nevertheless, they are able to assign the application for registration to the national court, if they find the organizations operations or goals to be illegal (Machleder & Fellow, 2006, p.29-30). With this being one of the more formal registration procedures, it is hard to understand that the Russian law differs so heavily.

According to the International Center for Non-Profit Law, The Foreign Agents Law is implemented in order to accredit the foreign agent status to NGOs involved in political activities (The International Center for Not-For-Profit Law, 2014). However, these objectives do not have legitimate grounds.

As mentioned before, and according to Machleider and Fellow, the purpose of Putin is to obstruct NGOs that are supported by foreign funding and that are carrying out political activities (Machleider & Fellow, 2006, p.30). Burke argues that although European countries also have laws regarding NGOs and they might limit political activities, these laws are created to promote transparency (Burke, 2012). Hadzi-Miceva Evans reports that: *"When limitations to political activities apply then (1) the limitations are clearly prescribed in the law and specify the exact type of activities that are affected"* (Hadzi-Miceva Evans, 2013, p.17). Unfortunately, this is not the case with the Russian Foreign Agents Law.

According to several human rights organizations and notable European institutions, with the Council of Europe as primary source, Russia is rapidly distancing itself from the European perspectives (Frolov, 2013). The description of political activities, the term 'foreign agent' and the registration procedure in Russia do not meet the conditions established by the Council of Europe. Therefore Russia is violating several standards of The Council of Europe on these grounds.

## Case Study

The previous chapters explained how the Foreign Agents Law influences NGOs operating in Russia, this chapter then compares a national and international NGO, to analyze the differences and similarities.

The Foreign Agents Law officially does not distinguish between national and international NGOs. Nevertheless, in practice this does happen. The Foreign Agents Law has the largest impact on national NGOs, namely, if a national NGO receives foreign funding, and is engaged in political activities, penalties against these NGOs follow. However, the Russian legal system also introduced additional reporting requirements for international NGOs. As reported by Human Rights Watch, Law No. 121-FZ elaborates on the reporting requirements for international organizations (Human Rights Watch, 2013C, p.12) More precisely, Human Rights Watch explains "*on the reporting requirements for representative offices or branches of foreign organizations*" (Human rights Watch, 2013C, p.12).

Moreover, Human Rights Watch asserts that international organizations that are active in Russia could get an audit. A team of auditors will visit the representative agency in order to visualize what the organization is doing, and what the theme the organization is working on is (Human rights Watch, 2013C, p.15). During these audits, organizations are required to hand over several documents, which show the nature of the organization's activities. Furthermore, Human Rights Watch states that the outcome of the Russian audit should be submitted to a company which will place the information online and will spread it to the media (Human rights Watch, 2013C, p.15). An employee of an NGO explains that the grounds on which an audit is conducted, have expanded, thus making it easier to investigate the respective NGO office (Anonymous, 2014).

This chapter elaborates on the differences and similarities in the handling of a national NGO (Golos) and an international one (Amnesty International) by the authorities under The Foreign Agents Law. Moreover, the penalties they faced and strategies applied to fight these penalties will be compared.

### Golos (Movement for Defense of Voters' Rights) and Amnesty International

According to the European Platform for Democratic Elections, Golos is a Russian NGO, focusing on the protection and right to vote for Russian inhabitants. Moreover, Golos strives to protect Russia's civil society (European Platfrom for Democratic Elections, N.D.).

According to the BBC, The Foreign Agents Law was primarily focused on Golos, since the organization revealed fraud during the elections and expressed criticism against Putin's regime. Moreover, BBC states, it used to be provided with foreign funding from "*the US Government Development Agency USAID (USAID was expelled from Russia after being accused of attempting to "influence political processes through its grants)*" (BBC, 2013). After the introduction of the Law, Golos suffered under the strict measures and penalties applied to them.

According to RT, Golos was one of the first NGOs that underwent a major audit by Russian authorities. It showed that the organization had received foreign funding in the past (RT, 2013). During the audit Golos had to submit all documents concerning their financing, personal information about their director, and information on all political activities. Moreover, as declared by Maynes, Golos got fined for the accusation of receiving foreign funding from the Helsinki Committee (Andrei Sakharov Freedom Award), which they declined, since The Foreign Agents Law came into force (Maynes, 2013; Den Norske Helsingforskomité, 2013). Golos was entitled to prize money for their intensive work in the field of election monitoring. As stated by Maynes, "*Golos returned the funds in full (unused), nor had Golos accepted any other outside funding since the Foreign Agents Law went into effect*" (Maynes, 2013). As reported by the BBC, Although Golos declined the prize money; it and its head were brought to court, where the organization and its director both received a large fine (BBC, 2013). As stated by Human Rights Watch, apart from the fines, Golos activities were also suspended for six months (Human Rights Watch, 2014C).

As reported by Human rights Watch, Golos appealed this decision, but the appeal was rejected by the Gagarinskiy District Court in Moscow (Human Rights Watch, 2014C). Then, Golos appealed this ruling; nevertheless, this appeal was rejected as well (Human Rights Watch, 2014C). After these rulings, the intolerable pressure would make the work of Golos impossible, therefore, the organization decided to abolish itself, and continue in a different form, under another legal construction (Hummel, 2014). As stated by Tumanov, Golos decided the following: "*Rather than wait to be closed down, the NGO chose to wind itself up, and has since been reborn as a voluntary organisation funded entirely by donations from the Russian public, and as such doesn't need to be registered for another three years*" (Tumanov, 2014). By doing this, Golos is still able to exist, however, not under the heading of an NGO (Hummel, 2014).

Golos shows the effects of an officially national Russian NGO. Nevertheless, international organizations have to deal with the Law as well. Therefore, the effects of the Law on Amnesty International are analyzed next.

Amnesty international also suffers under the sharpened measures taken against NGOs; however the effects are not as significant as those on Golos (Anonymous, 2014). Amnesty International is an organization with more than three million adherents and human rights defenders throughout the world who fight against human rights abuses (Amnesty International, N.D.). Furthermore, the organization strives to let people all over the world “*enjoy the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards*” (Amnesty International, N.D.). Amnesty International reports that they are an independent organization, and that they are free “*of any government, political ideology, economic interest or religion, and are funded mainly by our membership and public donations*” (Amnesty International, N.D.).

After The Foreign Agents Law was introduced, the office of Amnesty International in Moscow underwent a major unannounced audit by the Russian authorities (tax authorities and public prosecutors). As explained by an anonymous NGO employee, during this invasion, Amnesty International was forced to hand over all archived documents showing what the organization was doing in their field of interest (Anonymous, 2014). With this inspection, the authorities were aiming to find information on political activities or finance documents to show that Amnesty International is receiving foreign funding. Although the documents were handed over during the inspection, this particular incursion did not have consequences for the activities of Amnesty International in Russia (yet). Even though new unannounced visits could be conducted in the future, Amnesty International declared that they are confident the organization will be able to continue their work (Amnesty International, 2012). It is possible that the Russian authorities will eventually find a damning document among the confiscated reports handed over by Amnesty international (Anonymous, 2014).

When comparing Golos and Amnesty International, it is arguable that Golos' situation is harder. The Law was specifically created to silence critical NGOs working in Russia. However, it seems that due to the differences in legal statuses of national and international or foreign NGOs, it is easier to sanction national organizations. Moreover, the strategies of these two NGOs are also very different, since their penalties are far apart.

Of course the audit of the Russian authorities is a punishment in itself; however, the sanctions that came for Golos follow a different standard. After the inspection, Amnesty International was and is able to continue their work, while the sanctions that were applied to Golos led to the organization needing to re-launch itself under a different legal denominator.

The Foreign Agents Law was created in order to silence NGOs critical towards the Russian political system, and which the authorities explain as working in the political field (Anonymous, 2014). Nevertheless, the formulation of the Law is so vague, that almost any activity of an NGO can be labeled as a political activity, which makes it easier for Russian authorities to punish the organizations (Anonymous, 2014). As reported by Sukhov, the Law is implemented to prevent foreign governments from interfering in Russia's politics, either through foreign or national organizations; Russian authorities will try to silence them (Sukhov, 2014). As declared by Williamson in Sukhov's article, "*The 'foreign agents' law violates fundamental rights and is designed to silence independent groups through intimidation and humiliation*" (Sukhov, 2014).

In the case of Amnesty International, the organization was able to continue its activities despite of the intimidation and humiliations. Golos on the other hand, not only had to cope with intimidation and humiliation; due to prosecutions, fines and suspension, the organization had to change its strategies in order to be able to continue working. As asserted by Nikitin, "*The Russian authorities are deliberately depriving Russian society of an alternative voice, of checks and balances to the government's actions. They attack anybody who dares to criticize them*" (Nikitin, 2014).

## Conclusion

Bellona reports, “*a new bill introduced in Russia’s parliament, the Duma, could have a devastating effect on civil society groups that accept funding from abroad and engage in “political” activities by forcing them to identify themselves as “foreign agents” – effectively branding themselves as spies*” (Bellona, 2012). The purpose of this Law implemented in 2012 by Vladimir Putin, is to control foreign funding meant for NGOs operating in Russia (Council of Europe, 2012, p.2). Although The Foreign Agents Law is officially aimed at NGOs that receive any form of foreign funding and are engaged in political activities, the Law could target almost any NGO operating in Russia. Since the term ‘political activity’ is only vaguely described, almost every form of NGO can be considered as “*an organization performing the functions of a foreign agent*” (Nikitin, 2014; Council of Europe, 2012, p.3; Human Rights Watch, 2014C). If an organization is accused of being a foreign agent, several consequences may follow. This research examines how NGOs operating in Russia are affected by The Foreign Agents Law.

All NGOs that receive any form of foreign funding and are engaged in any form of political activity should register as a foreign agent and publish this stigma on all organizational publications, including their website (Sysoev, 2014B). The term gives a negative impression of NGOs, which should not be the objective of an NGO Law, as this will ensure discrimination against these organizations for participating in political activities (Golubović, 2013). However, not complying with these requirements may have severe effects.

NGOs that are registered under the Law face a variety of additional administrative requirements, for example, NGOs can expect several unannounced audits and the reporting requirements are enhanced. Moreover, if an NGO is defined as a foreign agent but fails to register, severe fines, imprisonment of NGO members and other sanctions may follow (The Russia Monitor, 2012; International Commission for Jurists, 2014). According to the International Commission of Jurists, in order to prevent this, NGOs face an impossible choice. They should either stop receiving foreign funds, which threatens the current methods and composition of the organization, stop carrying out the organizations (critical) political perspective, or could get registered and carry the stigma of a foreign agent, which will make it difficult for them to operate (International Commission of Jurists, 2014). With this, the Law may affect the organizations right to enjoy several fundamental human rights (International Commission of Jurists, 2014).

Moreover, the International Commission of Jurists argues that the vaguely described term of political activity, ensures that it becomes difficult for NGOs to determine if the organization is obligated to register as a foreign agent or not (International Commission of Jurists, 2014). Failure to register as a foreign agent, although required by Russian authorities, may result in administrative charges against the organization, which may result in a prison sentence for the head of the organization, a severe money fine as well as suspension of activities for the NGO.

Lastly, with the implementation of The Foreign Agents Law, Russia ignores several standards set by The Council of Europe, of which Russia is part. By doing this, Russia creates the effect that NGOs operating in Russia are unable to enjoy the conventions and standards set by The Council of Europe.

The effects on the NGO sector in Russia are severe. According to Machleder & Fellow, it is of great interest for NGOs and their funders to continue to call attention to the subject through eye-catching campaigns. By working together, like of the creation of a joint petition, NGOs are able to achieve much more (Machleder & Fellow, 2006, p.30). Raising attention, consciousness and engaging in public dialogue on The Foreign Agents Law in international media, organizations will receive support from the international community, which might help them in their fight against the Law (Machleder & Fellow, 2006, p.30).

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## **Appendix I: Consent Form 1**

Guide for Final Project / Dissertation 2013-2014

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### 5.3 Appendix 3: Informed Consent Form

#### Informed Consent Form

1) Project Title

*foreign agents law Russia*

2) Project Description (1 paragraph)

*RESEARCH ON WHAT EFFECTS THE FOREIGN AGENTS LAW HAS ON NGOs OPERATION IN RUSSIA*

If you agree to take part in this study please read the following statement and sign this form.

I am 16 years of age or older.

I can confirm that I have read and understood the description and aims of this research. The researcher has answered all the questions that I had to my satisfaction.

I agree to the audio recording of my interview with the researcher.

I understand that the researcher offers me the following guarantees:

All information will be treated in the strictest confidence. My name will not be used in the study unless I give permission for it.

Recordings will be accessible only by the researcher. Unless otherwise agreed, anonymity will be ensured at all times. Pseudonyms will be used in the transcriptions.

I can ask for the recording to be stopped at any time and anything to be deleted from it.

I consent to take part in the research on the basis of the guarantees outlined above.

Signed: Dongkun Date: 11/3/2014

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## Appendix II: Transcript 1

**Researcher:** interview met meneer Hummel, 11 maart 2014 van het Nederlands Helsinki comité, want waar ik eerst op kwam, waarvoor ik u belde is omdat het Helsinki comité ooit is begonnen in Rusland en dat jullie daar nog steeds aan het werk zijn, en mijn vraag is of het Helsinki comité ook last heeft van de Foreign Agents Law, en of die van toepassing is?

**Interviewee:** Nou, ik kan daar wel iets.. nou kijk de Moskou Helsinki Group was de eerste van de Helsinki organisaties die op een gegeven moment opgericht zijn na het aannemen van de Helsinki... hoe moet je dit zeggen in het Nederlands, de... Helsinki overeenkomst van 1975 waarin iets in stond over vrede en samenwerken in Europa, maar ook over mensenrechten nou een groep dissidenten in die toenmalige sovjet unie is dus die he overeenkomst gaan gebruiken voor een actie voor mensenrechten, dat was dus de Moscow Helsinki Group, en toen zijn ze dus in een aantal andere landen ook Helsinki organisaties opgericht zowel in oost Europa, dus groepen dissidenten als in westerse landen, Helsinki Watch kreeg je toen in de VS, wat later Human Rights Watch geworden is. Ehm, maar het is nooit 1 organisaties geweest.

**R:** Nee het zijn altijd aparte geweest

**I:** Er is wel een tijd lang een soort koepel organisaties geweest, de Helsinki federation eh, maar goed ook in die tijd waren ook de verschillende Helsinki comités in principe onafhankelijke organisaties. wij hebben een met een aantal Helsinki comités, inclusief dus ook die Moscow Helsinki group wel nog geregeld contact

**R:** Hm, Hm

**I:** Maar met die andere hebben we geen contact meer. En he we hebben ook allerlei samenwerkingsverbanden met andere NGOs, niet, die geen Helsinki groepen zijn.

**E:** Nee snap ik maar weet u of het Helsinki Comité nu last heeft van de foreign agents law?

**I:** Nou zij zijn dus een... er is een hele serie organisaties, in totaal tientallen hebben nu op de een of andere manier last van die wetgeving.

**R:** Ja

**I:** Wat eigenlijk al een aanscherping is van de al bestaande NGO wet, ehm, Human Rights Watch maakt geregeld overzichten daarvan, dat zijn voor zover de meest complete overzichten

**R:** Ja die heb ik gelezen inderdaad.

**I:** Ehm, en ja de Moscow Helsinki Group is dan wel een van de organisaties die extra gecontroleerd is en wat hun precieze, de precieze toestand is van de Moscow Helsinki Group wat dit betreft dat weet ik niet ik zou dus dan ook dat Human Rights Watch overzicht eh gaan bekijken, zo nauw is het contact niet met hen dat we dat van dag tot dag volgen, maar een aantal andere organisaties die zijn zwaarder belaagd, ehm ehm

**R:** Hm, hm

**I:** Onder andere Golos

**E:** Ja

**I:** Ook de verkiezing monitor organisatie die is dus zo zwaar onder druk gezet dat ze zichzelf opgeheven hebben nou ja onder het Russische wetsysteem heb je heel veel verschillende procedures, nou ja, ik ben geen expert op dat gebied, maar je kunt dus een procedure tegen de organisatie krijgen, je kunt een in een bepaalde situatie een strafrechtelijke procedure krijgen, in sommige situaties krijg je civiel rechtelijk vervolging ehm, die kunnen ook parallel aan elkaar lopen, de leider van een organisatie kunnen ook nog aangepakt worden en ehm, nou ja Golos is dus op een gegeven moment zo erg belaagd dat ze nou ja er zijn nog een paar andere organisaties ook die zichzelf opgeven hebben of opnieuw opgericht, onder een andere juridische constructie

**E:** Ja

I: het schijnt dus dat op dit moment dus organisaties die onderdeel uitmaken van een internationale organisatie wat makkelijker kunnen opereren dan een organisatie die in Ruslands zelf als goed doel geregistreerd zijn, dus een van de organisaties is memorial St. Petersburg die hebben zich ook opgeheven en hebben een doorstart gemaakt eigenlijk als internationale organisatie waarbij het st Petersburg kantoor onderdeel is van een internationale organisatie.

R: Ja precies, zodat het zeg maar minder makkelijk is om ze aan te pakken

I: Ja, ja, maar hoe moeilijk het dan precies is, dat de kantoren van Human Rights Watch en Amnesty International hebben dus in het voorjaar ook ja inspectie bezoeven gehad, op wat voor juridische grond die dan gebaseerd zijn weet ik niet een deel van die inspecties was dus combinaties van verschillende overhedsdiensten, mensen die met belastingen te maken hebben, dus belasting inspectie, maar ook ehm, heb ik wel verhalen gehoord gewoon brandweer, brandveiligheid en dat soort dingen.

R: Dus dat ze daar zogenaamd voor komen?

I: en dat zijn ook wel dingen die ook in eerdere jaren al gebeurden, dus ehm, ja NGOs die kritisch waren tegenover de regering die hadden altijd al met dat soort dingen te maken.

R: het is nu alleen wat erger geworden.

I: de bestaande wetgeving, de bestaande wetgeving die vroeg al heel veel rapportage door ngo's, over bijvoorbeeld bronnen van geld, en dat was ook altijd al openbaar dus daarom vinden heel veel organisaties die foreign agent wetgeving ook dat is nog weer een extra stapje, in feite was de informatie waar het dan over gaat nou daar kun je het ontvangen van geld ook bij rekenen want het was altijd al vrij beschikbaar, je hoefde jezelf alleen geen stempel te geven van foreign agent.

R: nee dat is zeg maar het verschil nu

I: maar mensen die het echt wilden opzoeken, konden het altijd al opzoeken en dat is dus bijvoorbeeld veel verdergaande wetgeving dan in Nederland dat is toch een stuk minder openbaar bij veel organisaties, he waar de financiering vandaan komt, ik bedoel je moet wel een jaar verslag maken natuurlijk.

R: Ja, ok haha

I: dus dat kun je als stichting nou ja, ik weet niet, je hoeft het in ieder geval niet uit jezelf te publiceren. Dus als mensen dat opvragen kun je er denk ik wel bij komen denk ik, daar hoef je als organisatie in ieder geval geen afzonderlijke geldbronnen te publiceren. Dus dat is in Rusland dus al wel het geval, en ik neem aan dat als er een vermoeden bestond dat een organisatie dat niet goed deed, konden ze altijd al gaan controleren.

R: Controleren, ja

R: Want ik heb nu ergens gelezen dat Putin de wet vergelijkt met de FARA wet in Amerika, denkt u dat dat op elkaar lijkt, want als ik het lees denk ik dat het iets heel anders is

I: Nou ja, daar is dus wel redelijk veel discussie over geweest, want hoe vergelijkbaar is dat, en hoe niet. En kijk, de Amerikanen die ja ontkennen dus in alle toonaarden dat dat op elkaar lijkt en de toepassing van die wet in Amerika is inderdaad wel een stuk specifieker, als je als lobbyist in dienst treed zoals nu, een aantal weken geleden las ik in de krant las ik een verhaal over lobbyisten die ehm, in Washington die in dienst waren van de Oekraïense regering

R: hm,

I: Die zeg maar het spoor bijster waren, er was geen regering meer, dus ze wisten niet wat voor soort standpunten ze moesten verdedigen en in dat artikel, ik geloof dat het de Washington post was, stond dus ook specifiek vermeld, dat een van die bureaus zich als foreign agent had geregistreerd

R: Ok

I: En dat ze dus een opdracht hadden gekregen van de Oekraïense regering , om nou ja, de belangen van de Oekraïense regering te vertegenwoordigen als lobbyisten

R: Als lobbyisten

I: dus dat is het doel van die Amerikaanse wet, dus dat is inderdaad een andere een ander type wetgeving, ehm, er is op een geven moment door de DUMA, de commissie van de DUMA heeft een bijeenkomst georganiseerd met een aantal Euro parlementariërs over nou ja, hoe het is Europese landen zit met wetgeving, of regelgeving voor het financieren van het buitenland door organisaties ehm, dat ehm, was onder andere een Nederlandse parlementariër bij, zijn naam is me even ontschoten ik kan deze wel even opzoeken,

R: Hm,hm

I: iemand van de ex PVV, iemand de PVV fractie in het Europees parlement is een beetje uiteengevallen,

R: haha ja

I: Een van die afgescheiden parlementariërs was daar dus ook bij, en volgens de kranten berichten had hij zich niet redelijk begrijpend opgesteld, over de Russische zorgen over financiering vanuit het buitenland, en had hij een vergelijking gemaakt met financiering van Nederlandse organisaties vanuit ehm, extreem islamitisch landen,

R: Om meer eens iets heel anders te benoemen

I: Nou ja, kijk, ik denk dat het niet helemaal, nou ja, kijk , de ehm , de zorg over nou ja ehm, financiering, neem een land als Nederland, neem de financiering van kerkgenootschappen of ehm, politiek partijen of andere organisaties vanuit het buitenland, of

R: Ja

I: Of nou ja, nog algemener gezegd, vanuit zou binnen Nederland kunnen spelen, specifiek belangen, ik denk dat die zorg niet helemaal ehm, uit de lucht gegrepen is en vooral als dat gaat om.. steun, kijk, ik ben ook niet blij als een Nederlandse moskee ehm, gefinancierd wordt vanuit ehm een fundamentalistische hoek uit het buitenland

R: Ja, snap ik

I: of wanneer een Nederlandse NGO gefinancierd zou worden vanuit een ondemocratisch buitenland en dat daar op de een of andere manier ehm ja dat dat gesigneerd wordt en als zorgpunt wordt aangemerkt, de vraag is natuurlijk of je dat, op welke manier doe je dat dan precies

R: ja, precies

I: ehm, he hoe zwaar moet je dat vanuit de overheid reguleren of moet je dat meer overlaten aan de maatschappelijke discussie

R: Ja

I: dan nog kun je wel zeggen, vind ik dat met de Nederlandse transparantie het wel wat beter gesteld zou kunnen worden

R: zou kunnen worden ja,

I: maar ja dat was in Rusland dus al geregeld, met die verplichting tot publiceren van, van en rapporteren aan het ministerie van justitie die dat dan op een website zetten. En in Amerika is dat trouwen volgens mij ook vrij eh, daar moet je ook ja volgens mij staat er ook veel meer financiële informatie over Ngo's op het internet dan dat in Nederland, dat is ook via een of andere rapportage systeem, dus ik denk wel dat daar, ik denk wel dat dat een onderwerp, ik denk wel dat dat een valide onderwerp van discussie is.

R: Ja

I: Hoe je dat soort dingen regelt, ehm, nou ja goed, in Rusland was dit dus een van de stappen van de overheid, dus eh, om werk van Ngo's die vanuit het buitenland gefinancierd worden echt stigmatiseren, en ja de precieze context heb je het dan toch ook onder andere over Ngo's die op het gebied van mensenrechten en democratie actief zijn.

R: Ja, om dat daar meer van toepassing is...

I: Nou ja, omdat daar he omdat er potten geld zijn internationaal, van de Europese unie en.. Amerikaanse overheid om dat soort werk te financieren, ook omdat het ja toch moeilijk is om vanuit Rusland zelf daar, daar geld voor te werven..

**R:** Ja

**I:** over dat laatste verschillen de meningen een beetje trouwens, je hebt wel wat voorbeelden van succesvolle werving van geld bij particulieren in Rusland zelf,

**R:** In Rusland zelf

**I:** dan moet je weer oppassen dat je niet, dat je niet vervolgens 90% van je geld van een of andere oligarch komt..

**R:** Ja precies haha

**I:** een oppositie oligarch, maar goed die heb je in Rusland zelf niet zo heel veel meer. Dus dus he de ehm, het is niet altijd makkelijk, maar ik zelf heb voordat ik hier kwam werken, wij worden dus eigenlijk 100% gesubsidieerd, Nederland en Nederlandse overheid en Europese Commissie en dan het overgrote deel van de inkomsten, vroeger werkte ik bij Amnesty International en die had dus juist als richtlijn, helemaal geen overheidsfinanciering, ja ook om dit soort gedoe ja eh, he word beschuldigd van

**R:** Ja

**I:** eh om bevoordeeldheid en dat soort dingen tegen te gaan.

**R:** Om dat te vermijden

**I:** En ook omdat, ja er ook wel toch wel voorbeelden zijn in het verleden van ehm, van organisaties die ook daadwerkelijk beïnvloed worden, en en zelfs als er niet directe worden zijn bij geld geven, ja ga je er toch bewust of onbewust een beetje rekening mee houden he dat je nou ja

**R:** dat je ze een beetje tevreden houdt

**I:** wat de financier over een bepaald onderwerp zou kunnen denken..

**R:** Ja, Ook even iets heel anders maar ehm denkt u dat de wet in strijd is met internationale wetgeving?

I: Nou ja, eh er zijn wel internationale, ik heb een rapportje daarover, er zijn wel internationale ehm, nou ja standaarden die ehm, kijk dit, die daar wat over zeggen, kijk wetgeving internationale wetgeving is een beetje een rekbaar begrip. Je hebt op dit gebied, je hebt geen internationaal verdrag of iets dergelijks waarin staat elke NGO moet uit elk land geld kunnen krijgen

R: Nee, dat is een beetje lastig

I: ja allerlei uitspraken he, van de comités, je hebt dan een hele serie organen die de uitvoering van die verdragen ehm.. monitoren en die hebben wel uitspraken gedaan, dat.. financiering vanuit het buitenland in principe mogelijk zou moeten zijn. Er zijn ook, de VN heeft een paar verklaringen geproduceerd he de afgelopen 15 jaar, over specifiek over mensenrechten verdedigers

R: Ja

I: Dus mensenrechten NGOs, daar staat ook wel in dat financiering vanuit het buitenland, ehm, dat dat mogelijk gemaakt moet worden, ehm, dus nou ja, daar he maar kijk

R: Het is niet echt opgeschreven...

I: Het is niet echt heel harde wetgeving, nou is mensenrechten, internationale mensenrechten zin sowieso niet zo hard

R: Nee

I: De manier waarop dat juridisch afgedwongen wordt, kan worden in ieder geval, nou ja binnen dat geheel, is dit dan ook nog, nou ja categorie niet ja, in ieder geval niet afdwingbaar dat dat per se zou moeten mogen, internationale financiering

R: want geld dat dan ook voor de mensenrechten, zeg maar, worden de mensenrechten geschonden door deze wet? Ik vind het best wel moeilijk, want de mensenrechten zijn dan eigenlijk geschreven, human rights door de westerse wereld, maar ik heb altijd het idee dat dan weer anders is als je naar Rusland kijkt.

I: Eh.. ja ik zou die stelling niet zo 1,2,3 onderschrijven dat de mensenrechten ehm, he dat deze wet specifiek in strijd is met de mensenrechten, kijk Rusland heeft dus ze

hebben dus op een gegeven moment, ik geloof een jaar of 1,5 jaar geleden hebben ze specifiek gezegd USA ID geldt niet meer, ehm.. dat USA ID niet meer geld projecten zouden mogen financieren in Rusland, eh. Aan de andere kant zijn er dus nog steeds een aantal internationale potjes, waaronder dus het EIDHR, het European Instrument for Democracy and Human Rights, en de Europese Commissie die dus op een lijst staan van ehm.. potten geld waar organisaties in Rusland geld van mogen ontvangen zonder dat ze dat dat geld belast wordt..

**R:** Oh ok, ja

**I:** eh, dus nou ja dat is dan een soort goedkeuring

**R:** Ja, ja

**I:** door de Russische overheid, van dat fonds of in ieder geval zodanig instemmingen dat het dusdanig voor het algemeen nut van Rusland van de Russische samenleving werkt dat dat niet belast wordt.

**R:** hm, hm

**I:** maar ja tegelijk, en dat is niet veranderd, hm, maar tegelijkertijd gaan ze dus wel zo'n wetgeving instellen, waaronder mensen en organisaties die uit dat potje geld ontvangen zichzelf als foreign agent moeten identificeren,

**R:** hm,hm

**I:** Nou ja, dat is een beetje denk ik met elkaar in strijd de discussie in Rusland over hoe precies die foreign agents wetgeving of.. ehm, hoe dat daarmee verder moet is ook nog niet af. He ehm.. het ligt bij het constitutioneel hof van Rusland nu

**R:** hm, hm

**I:** en als ik het goed begrepen heb komt er deze maand of volgende maand waarschijnlijk uitspraak daarover

**R:** Hm, hm

I: nou Putin zelf heeft ook gezegd dat de wetgeving, ja misschien niet helemaal, ehm.. duidelijk genoeg

R: duidelijk genoeg ja..

I: Ja duidelijk genoeg geformuleerd is, ehm.. en de aangepast zou moeten worden. De presidentiële raad voor mensenrechten en civil society, dat is een adviesorgaan van de president, heeft gezegd dat de wet zou moeten worden afgeschaft, nou ja aks ik een voorspelling mag doen, denk ik dat het constitutioneel hof niet die hele wet ongrondwettelijk verklaart

R: Nee

I: maar bepaalde dingen duidelijk moeten worden, Poetin zat dus ook al in die richting geredeneerd, dus je krijgt dan waarschijnlijk een situatie dat de criteria, waaronder organisaties dan foreign agents zouden zijn, wat beperkter worden, wat nog steeds betekent dat zeg maar de echte mensenrechten organisaties

R: Ja, Ja

I: die, die geld uit het buitenland ontvangen wel in die foreign agents categorie blijven vallen..

R: Ja, maar dat ze misschien niet meer..

I: alleen organisaties, er waren bijvoorbeeld milieu organisaties zelfs lokale milieu organisaties die geld hadden ontvangen, dat soort organisaties zouden dan eerder, die zouden er dan eerder buiten vallen door de wetgeving. Dus nou ja dat is allemaal dan niet zo'n hele erge verbetering

R: Nee

I: het is wel interessant, als je kijkt in dit rapportje dat er ook een heleboel andere landen zijn, die geldstromen vanuit het buitenland beperken, geen enkel land waarbij dat dan gepaard gaat met zo'n constructie, dat het wel mag als je jezelf maar foreign agent

R: Ja

**I:** noemt, er zijn een heleboel landen waarbij het gewoon helemaal niet mag

**R:** Nee

**I:** of waar je extreem zware vergunningensystemen hebt om eh, in aanmerking te komen.. in mijn Amnesty tijd had ik nog weleens een beetje te maken met India, Amnesty India ja daar was dus extreme problemen om geld overgemaakt te krijgen naar Amnesty India

**R:** En daar geld te ontvangen

**I:** en dan bepaalde toestemmingen niet, vergunningen niet van de Indiase overheid, het is heel moeilijk om aan vergunningen te komen, en dat had ook te maken met ja de manier, de mate waarin je de Indiase regering bekritiseerde en nou ja in India, ligt dus heel gevoelig de Kasjmir probleem

**R:** hm, hm

**I:** Dus met name organisaties die dan daarover de situatie in Kasjmir uitspraken deden, ie hadden daar dan ehm, extreem, extra moeilijkheden mee. Er waren toen ook discussies.. moeten we niet Amnesty India registreren als company he, als bedrijf

**R:** Ja, als bedrijf, ja

**I:** als commerciële registratie, of eh gewoon mensen werk laten doen op basis van consultancy contract, zodat je dus niet formele nou ja vaak zijn rechtspersonen nodig om mensen formeel in dienst te kunnen nemen

**R:** Hm, hm

**I:** lokale, nou ja als je geen mensen in dienst heb, heb je ook zo'n rechtspersoon in eigen land, eigenlijk veel minder, veel minder nodig. Nou ja, dus daar allemaal van dat soort

**R:** omwegen..

I: discussies die je nu ook bij Rusland ziet, he van mogelijke omwegen, ehm..die waren daar dus ook, nou ja, in, dan in sommige gevallen zie dan ook dat wetgevers proberen die omwegen dan ook weer af te stoppen en ehm, maar goed de ehm, ik zeg dit omdat de situatie in Rusland ehm, ja vanuit als je zeg maar, het vergelijkt in Europees perspectief

R: Ja

I: is het wel eh.. extreem..

R: Extreem ja,

I: Maar goed, als je het vergelijkt met aangrenzende landen, als Wit Rusland of Kazachstan of Azerbeidzjan, dan is het alweer een stuk minder extreem

R: minder extreem..

I: Maar als je het op wereldschaal bekijkt, ehm, dan is het ehm, he en vergelijkt met dan, landen als India of Egypte dan denk ik dat de situatie van buitenlandse financiering van Ngo's nog een stuk slechter is

R: Nog slechter is dan dat het in Rusland eigenlijk is.

I: En, en India wordt ook altijd de grootste democratie van de wereld genoemd en dat soort stempels krijgt het..

R: hm, hm

I: Nou, de beperkte aandacht, of de grote hoeveelheid aandacht die er voor Rusland is in relatie tot India, vind ik soms wel een beetje..

R: Schokkend?

I: ja ik verbaas me daar soms enigszins over

R: Ja, dat snap ik

I: Kijk, vanuit het perspectief van Russische NGOs is het natuurlijk zo dat hoe meer gedoe, hoe meer opschudding over hun situatie hoe beter, maar de mate waarin ja eh, westerse, westerse politiek, westerse media dat overneemt, of misschien zelfs, zelf genereren vind ik he, ik zou willen dat andere landen net zo veel aandacht kregen

R: Maar denkt u niet dat dat misschien is omdat de olympische spelen in Rusland waren? Dat daarom Rusland zoveel aandacht kreeg en daarom de mensenrechten organisaties..

I: Nou ja kijk, ik heb daar geen afgeronde theorie over, er zijn mensen die zeggen de Amerikanen of grote delen van de Amerikaanse mindset is nog steeds koud oorlog mindset, en ehm.. he waarbij Rusland toch als in feite de vijand gezien wordt, ik denk dat dat voor delen van Amerikaanse politieke establishment wel geldt inderdaad, de Magnitsky wetgeving is daarvan misschien nog wel het beste voorbeeld van, hebben bij, zegt je dat iets de Magnitsky wetgeving?

R: Nee, ik schrijf het even op, ik ga het opzoeken

I: zal ik ehm, even kort proberen te vertellen, als je Googled Magnitsky dan krijg je vast meer informatie

R: Ja

I: Magnitsky eh, Magnitsky was een, is een meneer die in de gevangenis overleden is, nu een jaar of 3 gelden, in Rusland en hij zat vast omdat hij als advocaat van een groot eh.. Engels investeerders bedrijf ehm, Russische overheid functionarissen had aangeklaagd wegens fraude

R: Ja

I: Dat waren dus mensen die achter zijn eigen bedrijf aanzaten wegens fraude..

R: Ja

I: Ehm, maar nou ja he, het verhaal is dus dat hij had nou ja ontdekt dat zij in feite de personen waren die zijn bedrijf uitkleedden

R: Ja

I: En met een groot deel van het geld zelf gingen strijken, dan gaat het echt over honderden miljoenen, op een gegeven moment is hij opgepakt en hij is in nogal slechte omstandigheden vastgehouden heel lang, en ook geslagen en uiteindelijk overleden eh, en sindsdien, voert zijn voormalige baas..

R: Ja

I: Meneer Browder, dat is een Britse meneer die dus dat bedrijf leidt, actie voor hem en nou ja onderdeel van die actie is het publiceren van informatie over mensen die zeg maar verantwoordelijk zijn voor zijn overlijden, en mensen die daar achter zitten, dus de mensen die achter die fraudezaak eh, zitten of zouden zitten, dat is allemaal niet in een normaal proces tot nu toe tot stand gekomen

R: Niet normaal, nee, nee

I: Want het Russische juridische systeem, keerde zich juist tegen Magnitsky, nou ja en dus ook tegen dat bedrijf. Nou ja, die actie richt zich dus van di meneer Browder, op het wel krijgen van goede berechting, dat is op dit moment dus niet zo goed mogelijk

R: Nee

I: En op het eh, zeg maar, aantasten van de eh..ehm, of het beperken van de mogelijkheid van die lijst mensen, dat is dan de zogenaamde Magnitsky lijst, mensen om internationaal te reizen, en om bij banken in het buitenland banken tegoeden aan te houden. Noi, de eh, die man heeft dus bijna onbeperkt geld..

R: Ja

I: Dat is een, dus de actie, heel veel actie, heel veel dingen die hij gedaan heeft, veel contacten leggen met parlementariërs, ook in Europa en in eh, in de VS, in de VS zijn er dus parlementariërs die toch wel van een groot deel van het congres is, heeft zijn punt overgenomen en is, dus at geleid heeft tot wetgeving waarbij de ander, zeg maar Amerika, andere categorieën mensen uit Rusland, kan uitsluiten van Visum

R: Ah, ok

I: En banktegoeden laten bevriezen, nou dat ehm, die, dat is dus specifiek op Rusland gericht die wetgeving.

R: Ja

I: de, terwijl er natuurlijk in allerlei landen dat soort mensen rondlopen

R: Ja precies

I: Die dus dusdanig visa honger hebben, dat ze nou ja, een vergelijkbare behandeling zouden moeten krijgen. Ehm, nou ja, het concept is in mensenrechten, bij mensenrechtenorganisaties een beetje omstreden omdat je in feite maatregelen tegen mensen neemt die niet op een juridisch proces...

R: Nee

I: gebaseerd zijn, het zijn eenzijdige maatregelen, mensen hebben vaak geen, er is geen duidelijke mogelijkheid om beroep aan te tekenen ehm, he dit soort stappen zijn ook genomen tegen mensen die van terrorisme verdacht zijn, waarbij voorbeelden zijn van mensen die ja eh, dan op lijsten dat zijn dan.. systeem wat door de verenigde naties gecoördineerd wordt, die op zo'n verenigde naties lijst terecht komen, en dan nou ja, blijkt na vele jaren dat ze het eh, dat het een vergissing was

R: Ja, eh dat ze er niks mee te maken hadden

I: dat ze dezelfde naam hadden als iemand anders

R: Ja

I: nou ja, dat en terwijl, nou ja, dat kan dus je leven, kijk als je een bedrijf hebt, en je moet internationaal geld overmaken, kan dat je leven toch wel heel erg problematisch maken.

R: Ja

I: eh, dus er zijn mensen in mensenrechtenorganisaties, die zeggen dit soort dingen willen we niet, dit soort lijsten eh, en we willen, mensen, als er serieuze aanleidingen zijn dat mensen met marteling of zo te maken hebben, dan moeten ze gewoon berecht worden

R: berecht worden, ja

I: en dan kun je dus ook, bij wijze van spreken, ook zeggen van, u mag wel een visum krijgen voor ons land, maar als u komt, dan gaan we u oppakken om u te berechten en dat is onder het internationale ambt dat martelwetgeving, is dat mogelijk, of zelfs verplicht eigenlijk. En als de facto dan natuurlijk ook met een visum zeggen tegen iemand nou, je we gaan je vervolgen, dat is misschien nog wel krachtiger dan een visum weigeren.

R: dan een visum weigeren ja

I: Nou ja, alleen dat he, de ehm, de andere mensenrechtenrechten groepen, die hebben een beetje een andere redenering, die zeggen, dit soort wetgeving is toch wel, als er maar een serieuze, als mensen maar een serieuze mogelijkheid krijgen om he, dus in beroep te gaan

R: Ja

I: als het serieus wordt behandeld, en als het niet op 1 land gericht is, maar wereldwijd, dus niet alleen op Rusland, maar wereldwijd, dan zijn we wel voor.

R: Hm, hm

I: Maar ja, wereld wijd betekent dus ook bijvoorbeeld de Amerikanen he, de Amerikaanse generaal die Guantánamo Bay geleid heeft

R: Ja precies

I: die zou dan ook op zo'n lijst

R: Die zou ook op die lijst komen

I: en dat is dan natuurlijk voor de Amerikanen niet eh, verterbaar, dus zij redeneren toch heel erg vanuit, wij zijn Amerika en ja, wij bepalen zelf wel welke landen we wat minder aardig vinden en wat aardiger.

R: Ja

I: Iran staat dan bij wijze van spreke dan altijd op de lijst van niet aardig, en Rusland komt ook steeds meer op dat soort lijsten te staan, maar veel minder nog dan bij Iran, kijk bij Iran heb je veel meer

R: Ja

I: Algemene economische sancties, maar goed zijn ze dus ook bezig met wel gepersonaliseerde lijsten ehm, nou ja, dus daar heh, de nou in die discussie over die Magnitsky wetgeving, zie je dus het idee dat Europa ja niet wil, waarbij eigenlijk, ja, het een Europees land zich achter het andere verschuilt.

R: Ja

I: He, het Nederlandse parlement heeft dus een motie aangenomen dat Nederland ook zo' Magnitsky, dat ze ook dat concept overgenomen zou moeten worden, vervolgens zie je dus, Timmermans gaat dat dan in Europa bespreken

R: Bespreken, ja

I: en komt dan terug met de boodschap ja, ja, ja, er is geen overeenstemming over

R: Nee

I: En wil dan eigenlijk niet zeggen welke landen dwarsliggen, en dat wordt dan, vertrouwelijk gaat dat dan aan alle Kamerleden medegedeeld worden, ja het, het, ik denk dat het in elk land ongeveer zo gaat

R: Hm, hm

I: dat is als het gaat om buitenland beleid, toch wel een van de zwaktes van de Europese Unie, dat 1 land eh, dingen kan tegenhouden, nou ben ik zelf ook niet, ik bedoel ik ben geen fan van die Magnitsky wetgeving, wel, misschien wel van het algemene concept, he van als het op alle landen gericht zou zijn, ehm, nou ja het gegeven dat je dus in de VS wel zo'n wel, zo'n concept wel aangenomen worden als het over Rusland gaat, is dat toch wel een indicatie dat dat van, of een symptoom van algemene nou ja, he gerichtheid op het toch voornamelijk naar voren halen van de negatieve kant, de negatieve ontwikkelingen in Rusland. Op een wat eenzijdige manier naar voren halen, dus daar ehm, dat leidt, en ja, kijk heel veel van westerse politiek en westerse media wordt toch min of, aandacht wordt toch geïnitieerd in de VS en dat zie je dus wel doorspelen in de ehm, ja hoe de politiek en media opereren overal in ons deel van de wereld in ieder geval

R: Ja, en dat daarom dus de aandacht meer op Rusland gaat, dan op andere landen

I: Ja, ja

R: Nou, ik ben er doorheen eigenlijk, ik heb erg veel informatie gekregen, daar ben ik heel bij mee, dank u wel

### Appendix III: Consent Form 2

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#### 5.3 Appendix 3: Informed Consent Form

##### Informed Consent Form

1) Project Title

foreign agents law

2) Project Description (1 paragraph)

what effects does the foreign agents  
law have on ngo's operating in russia?

If you agree to take part in this study please read the following statement and sign this form.

I am 16 years of age or older.

I can confirm that I have read and understood the description and aims of this research. The researcher has answered all the questions that I had to my satisfaction.

I agree to the audio recording of my interview with the researcher.

I understand that the researcher offers me the following guarantees:

All information will be treated in the strictest confidence. My name will not be used in the study unless I give permission for it.

Recordings will be accessible only by the researcher. Unless otherwise agreed, anonymity will be ensured at all times. Pseudonyms will be used in the transcriptions.

I can ask for the recording to be stopped at any time and anything to be deleted from it.

I consent to take part in the research on the basis of the guarantees outlined above.

Signed:

 Date: 19-03-2014

## Appendix IV: Transcript 2

**Researcher:** Nou de eerste vraag, wat is volgens jou de voornaamste reden dat de foreign agents law is ingevoerd?

**Interviewee:** Dat zijn de protestacties die plaatsvonden in eh, december 2011 en in mei/juni 2012 toen waren er, toen vonden er grote protestacties plaats in Rusland na de herverkiezing van Poetin en eh, dat waren massale protesten die eh Rusland een lange tijd niet meer had gezien en daar is Poetin heel erg van geschrokken, en eh zijn ehm vermoeden was dat Russische organisaties daar debet aan waren, dat wil zeggen hij dacht dat het Russische organisaties zijn geweest, NGOs die ehm demonstranten hebben aangemoedigd om de straat op te gaan en om te protesteren tegen die verkiezingsuitslag, die in zijn ogen correct was, legitiem maar die in ogen van de demonstranten ehm gemanipuleerd en oneerlijk was, daar is het volgens mij allemaal mee begonnen. Dus met de massale protestacties rondom de herverkiezing van Poetin.

**R:** Oke, oke, want nu is die wet natuurlijk ingevoerd, en er zijn heel veel straffen en maatregelen voor NGOs die nu werkzaam zijn in Rusland, maar weet u ook, weet je ook welke eh, maatregelen er worden genomen tegen NGOs in Rusland en ook het verschil zeg maar tussen NGOs die werkzaam zijn in Rusland, maar internationale organisaties zijn?

I: ja, nou ja dat laatste, die laatste categorie, daar is Amnesty misschien een goed voorbeeld van, dus ik zal zo meteen wat zeggen over Amnesty, want wij hebben een kantoor in Moskou, en dat kantoor is in principe een verlengstuk van het hoofdkantoor van Amnesty in Londen. Maar laat ik beginnen met NGOs in Rusland zelf, ehm, de bedoeling die het regime, die het Kremlin heeft met deze maatregelen, ehm jegens NGOs is eigenlijk om ze monddood te maken om ze uit te schakelen, dus het regime eh en het Kremlin wil niet dat NGOs mobiliserende kracht hebben, mobiliseren van het publiek heb ik het dan over. Ze werden gezien als de aanstichters waar ik het net al over had, van die grote demonstraties en dit is iets wat Poetin ten alle tijden, koste wat kost wil voorkomen en ehm, en eh daar met die NGO wetgeving werpt het regime allerlei barrières op die het NGOs zo goed als onmogelijk maken om nog fatsoenlijk te opereren, wan kijk als jij eh, geldstromen uit het buitenland ehm doorsnijdt, dan ehm dan is het voor NGOs heel moeilijk om te overleven, want er zijn heel weinig donoren, sponsoren, in Rusland die het werk van non gouvernementele organisaties mogelijk maken, dus NGOs in Rusland waren eigenlijk de afgelopen jaren ook afhankelijk van buitenlandse gelden. Goed, als die gelden niet meer komen dan is het al heel erg moeilijk. Afgezien van die geldstromen, ehm worden er nu ook bureaucratische obstakels opgeworpen die het voor NGOs gewoon moeilijk maken om eh, om, om, om het dagelijks werk te doen, eh zij moeten beantwoorden aan ehm, ze moeten voldoen aan allerlei ehm, ehm, administratieve plichten eh, waardoor zij eigenlijk fulltime bezig zijn met het verantwoording afleggen over hun activiteiten aan overheid, in plaats van dat ze met hun legitieme werkzaamheden bezighoudt, ehm, of dat nu op het gebied is van mensenrechten, op het gebied van sociale dienstverlening, noodhulp, maakt niet uit, als je kijkt naar welke ngo's de afgelopen jaar zijn lastig gevallen, dat zijn echt waanzinnig uiteenlopende NGOs.

R: haha

I: Zelfs een vissersorganisatie in een Russisch stadje is lastig gevallen omdat het geld zou ontvangen uit het buitenland, nou kun je je voorstellen, er is niets onschuldiger dan een verenigingen van vissers

R: vissers haha

I: Zo erg is het al gesteld

R: Zo erg is het

I: Ja

R: En wat voor straffen zijn er dan eh voor NGO's die niet voldoen aan de eh, aan de bureaucratische eh,

I: Ja waar het vaak mee begint, is eigenlijk een lichte vorm van intimidatie he, dus dan zijn eh, dus dan zijn bijvoorbeeld een openbare aanklager of de belastingdienst, die dan zegt van ehm, luister is eventjes, jullie beantwoorden niet aan wat daar in die wetgeving omschreven staat, en eh, nou goed tot een directe dreiging zal het misschien niet komen, maar, wat dan vaak, de boodschap die wordt uitgezonden is, als jullie je niet houden aan de regeltjes, dan krijgen jullie met ons te maken. Nou goed, als je dan als NGO zegt van ehm, daar trek ik me niks van aan, dan treedt fase 2 in, en dan krijg je dus bezoek, ehm, zoals je wellicht weet is er op een gegeven moment een eh, een, een golf geweest aan invallen, op een bepaald moment, het afgelopen, in de afgelopen jaren, waarbij tientallen, zelfs honderden NGOs in Rusland, in zo'nzelfde tijdsperiode zijn lastig gevallen, dat wil zeggen, dan komt er een ehm, een equipe, komt dan je kantoor binnen, die bestaat uit vertegenwoordigers van de belastingdienst, openbaar aanklager, ministerie van justitie, soms samen met politie, en eh, die komen dan verhaal halen, die kijken dan naar je boekhouding en ehm, ja dat heeft natuurlijk een enorme intimideerde werking.

R: hm, hm

I: Dus dat is eigenlijk al een straf op zich.

R: Ja

I: En eh, ehm, de, de straf komt ook niet zo zeer voort uit de eh, in dit geval he in die eerste fase uit dat je geld moet betalen of dat je hoofdelijk aansprakelijk wordt gehouden voor wat jij dan fout doet, maar jou, jou imago wordt bewerkt, dus in de ogen van het publiek heh, dus mensen die het niet zo zeer met die organisaties te maken hebben, dan word jij dus betiteld als buitenlandse spion

R: Ja

I: Foreign Agent, eh in de ogen van Russen, ben je dan een handlanger van het westen, en veel Russen hebben nog steeds een hekel aan het westen

R: Ja

I: Dus, jou imago wordt gewoon besmet, en dat is dan weer een wapen wat dan niet zo zeer te maken heeft met boetes of iets dergelijke, maar het is wel een heel krachtig wapen

R: Ja

I: Want het werk wordt je onmogelijk gemaakt want als jij zeg maar in de stad of in het dorp, of in de regio waar je werkt ehm ehm te boek staat als buitenlands agent, dan of als spion, dan, ja dan kun je bijna niet meer werken

R: Nee

I: en dan zullen heel veel mensen een hekel aan jou hebben, en dat mechanisme, dat werkt gewoon in Rusland, nou goed, als je dan dingen zegt of dingen denkt, van daar trek ik me ook niks van aan, dan krijg je inderdaad te maken met ehm, met financiële, met, met boetes bijvoorbeeld

R: Ja

I: Dan moet je dus een boete betalen, en die kan voor de organisatie zijn, en die kan ook hoofdelijk zijn, dus het kan ook zijn dat het hoofd van de organisatie hoofdelijk wordt aangesproken en een boet krijgt opgelegd, eh, en die boetes variëren dan zeg maar eh, eh, hoofdelijk voor enkele honderden euro's, maar voor een organisatie kan dat echt oplopen tot duizenden euro's

R: Duizenden euro's

I: ja precies, ja

R: En eh, hoe is het dan met Amnesty, want dat is dan wel een internationale organisatie, dus eigenlijk geld die wet niet voor hen, maar hebben zij daar last van of hebben zijn maatregelen gekregen of straffen ..

I: Nou, je zegt de wet geldt niet voor hun, dat is niet helemaal waar

**R:** Nee, ja ok, er wordt een verschil gemaakt tussen nationale

**I:** Lokale, ja

**R:** en internationale

**I:** Ja, ja maar ook internationale organisaties die hebben een bepaalde wat ze dan reporting requirements noemen he, waaraan je moet beantwoorden, en dat zijn reporting requirements die toch iets strenger zijn dan in het verleden, je moet dus echt in beeld brengen wat jij eh, eh, wat je aan het doen bent, je kunt een audit op bezoek krijgen, dan komt er dus een ploeg op bezoek die dan in beeld gaat brengen wat jij aan het doen bent, wat de thematiek is waar je op werkt, en eh, ehm, ja en ehm, vandaag de dag is het ook zo dat je, dat het aantal gronden waarop dus die audit, die diensten jou kantoor binnen kunnen komen is uitgebreid, dus er is niet veel voor nodig zeg maar om ook het Amnesty kantoor in Moskou binnen te vallen om te kijken van, wat zijn jullie hier aan het doen. Maar je moet in ieder geval voldoen aan die ehm, aan die verslag, hoe zeg je dat, die reporting requirements.

**R:** Ja, ja

**I:** Ieder jaar moet je een verslag uit brengen van wat je aan het doen bent. Maar ook eh, het kantoor van Amnesty zijn ze dus binnen gevallen, stonden ze van het een op het andere moment voor de deur en eh, hebben ze gevraagd van laat al die documenten maar eens zien, dus wat Amnesty toen heeft gedaan, is ze hebben echt stapels van, van, van een flinke omvang, hebben we overlegd en gezegd van, hier alstublieft, zoek het maar uit

**R:** Zoek het maar uit oke, oke, maar weet u wat ze daar dan mee gaan doen, of is het gewoon meer ter intimidatie, wij willen die papieren hebben

**I:** Was het maar waar he, was het maar waar

**R:** Hah,

**I:** Was het maar waar dat het alleen maar ter intimidatie is, dat ze verder niks doen. Kijk, de wetgeving zoals die omschreven staat, die NGO wetgeving, die is heel vaag geformuleerd

**R:** Ja

**I:** Dus er zullen in die stapel papieren die zijn overlegd, zullen zij vroeg of laat iets vinden dat voor hen grond is om voor jou het leven zuur te maken.

**R:** Ja

**I:** Ik noem maar even iets he, in die wet staat beschreven dat je eh, je niet bezig mag houden met politieke activiteiten, nou ja goed, daar heb je waarschijnlijk wel over gelezen

**R:** Ja

**I:** Nou, die formulering is vaag, wat is politieke activiteiten, je mag volgens die wetgeving niet de publieke opinie bewerken of overheidsbeleid gaan beïnvloeden, ja wat is overheidsbeleid gaan beïnvloeden, wat is publieke opinie beïnvloeden

**R:** Ja

**I:** Ja kijk, als jij een rapport uitbrengt als organisatie waarin staat wat jij denkt over kinderen in Rusland, beïnvloed je daarmee het overheidsbeleid of de publieke opinie, ja misschien wel, misschien niet. Met andere woorden, die formulering van die wetgeving die is zo vaag, dat ze altijd wel een grond zullen vinden om jou het leven zuur te maken

**R:** Ja

**I:** En dat is ook precies het doel

**R:** Ja

**I:** Russische NGOs die hebben dat gezien, die hebben die formulering ook opgevraagd, maar leg nou eens uit, wat is nou precies politieke activiteit, nou ja en goed, dan begeef je je wel op een dood spoor, want ehm, de Russische machthebbers die zijn erbij gebaat dat die formulering vaag blijft want dan kunnen ze jou

**R:** Dan kunnen ze je erop pakken

**I:** Erop pakken, precies, ja, dan krijgen ze toch niet zo heel veel response

**R:** Haha. Maar zijn er ook NGOs die er zeg maar tegenin gaan, die protest maken tegen de wet, of..

**I:** Jazeker, ja er zijn eigenlijk maar weinig NGOs, er zijn eigenlijk naar mijn weten geen NGOs geweest die zich hebben laten registreren als buitenlandse agent, nou dat is natuurlijk al heel moedig

**R:** Ja

**I:** Zeker in een land als eh, eh als Rusland, en eh, ehm, er zijn ook zeker NGOs ook collectieven, gezamenlijk, die protest hebben aangetekend tegen deze wetgeving, ehm, maar ehm, dat, dat, dat is moedig, maar veel meer kunnen ze niet doen want ze hebben wel de consequenties ervan ondervonden, want heel veel NGOs, ja die zijn zo goed als monddood gemaakt, en de NGO wetgeving mist zijn invloed niet, want eh, et aantal NGOs in Rusland is echt tanende, het wordt echt minder

**R:** Het wordt echt minder

**I:** Ja, en dat komt ook echt wel door die wetgeving, op dit moment loont het gewoon niet om een nieuwe NGO te beginnen, of om een NGO in het leven te houden, want je bent alleen maar bezig met lokale autoriteiten die eh, die jou het leven moeilijk maken.

**R:** Ja, ze kunnen hun werk eigenlijk niet meer doen?

**I:** Ja, nee precies, maar ze komen er zeker tegen in verweer, en ze hebben ook gevraagd naar eh, naar de interpretatie dan he van die wetgeving, en ehm ze hebben ook protest aangetekend, ook bij internationale organen, bij het mensenrechtenhoofd van eh, in Europa, en ehm, ehm, ze doen van alles maar of het zin heeft

**R:** Dat is maar de vraag

**I:** Ja, ja, maar goed ze, ze, ze voelden zich natuurlijk toch ook wel gesteund door de internationale gemeenschap en ook door uitspraken van het Europees mensenrechtenhof,

**R:** hm, hm

**I:** Want deze NGO wetgeving die druist natuurlijk wel in tegen alle internationale wetgeving, alle internationale mensenrechten en ehm, ja ze hebben het gelijk aan hun zijde, en dat is toch ook wel een steun in de rug.

**R:** Ja, want u zegt dat het in strijd is met de mensenrechten, denkt u dat dat zo is, dat het echt in strijd is met de mensenrechten

**I:** Ja, ja,

**R:** Ja, dat er minder, ja de mensenrechten kunnen natuurlijk minder ondersteund worden in Rusland

**I:** Precies, nee die NGOs in Rusland die vervullen een legitieme, een legitieme rol eh, een rol die ook omschreven staat in verschillende internationale mensenrechten conventies, he je hebt in VN verband, heb je het internationaal verdrag inzake op politieke en civiele rechten en eh ook in die, in dat mensenrechten verdrag staat omschreven dat eh organisaties gebruik kunnen maken op het recht van vrij meningsuiting en eh daar valt niet aan te tornen, je hebt het recht op vereniging he,

**R:** Ja

**I:** Freedom of association heet dat in het Engels,

**R:** Hm, hm

**I:** en dat zijn fundamentele rechten waar een land, een land dat nota bene dit verdrag heeft getekend, de Russische federatie

**R:** Ja

**I:** Niet aan mag tornen, en dan heb ik het nog niet eens over de Europese mensenrechten wetgeving, eigenlijk hetzelfde zegt, maar dan in meer detail

**R:** Ja, ja

**I:** Het Europees verdrag voor de rechten van de mens zegt ook dat eh, dat eh, deze rol van NGOs, of dat nu in Rusland is of in andere lidstaten, eh ronduit legitiem is en daar mag je niet aankomen

**R:** En daar mag je niet aankomen?

**I:** Nee

**R:** Want denkt u ook dat het in strijd is met internationale wetgeving, dus niet alleen de mensenrechten, maar de wetgeving?

**I:** Het internationaal recht in het algemeen?

**R:** Ja, het is een beetje een vaag begrip altijd, maar..

**I:** Ja, precies nou ja, goed, ik denk dat de, de, rechten van niet gouvernementele organisaties eh, in een land als Rusland het best is beschermd door dat deel van het internationaal recht, het mensenrecht..

**R:** Ja

**I:** Ook al doende is gedeckt door dat deel, dus je hoeft eigenlijk nog niet eens te kijken naar

**R:** Haha

**I:** andere gebiedsdelen die daar ongetwijfeld ook het een en ander over zullen zeggen, dat eh, eh, NGOs in Rusland in hun rechten sterkt

**Serveerster:** Wilt u nog een kopje koffie?

**I:** Nog 1 cappuccino alsjeblieft

**S:** Ja

**R:** Nee dank je

**R:** Even kijken hoor

**I:** Deze is van mij hoor, haha

**R:** Haha, eh even denken hoor

**I:** Leuk over Rusland praten

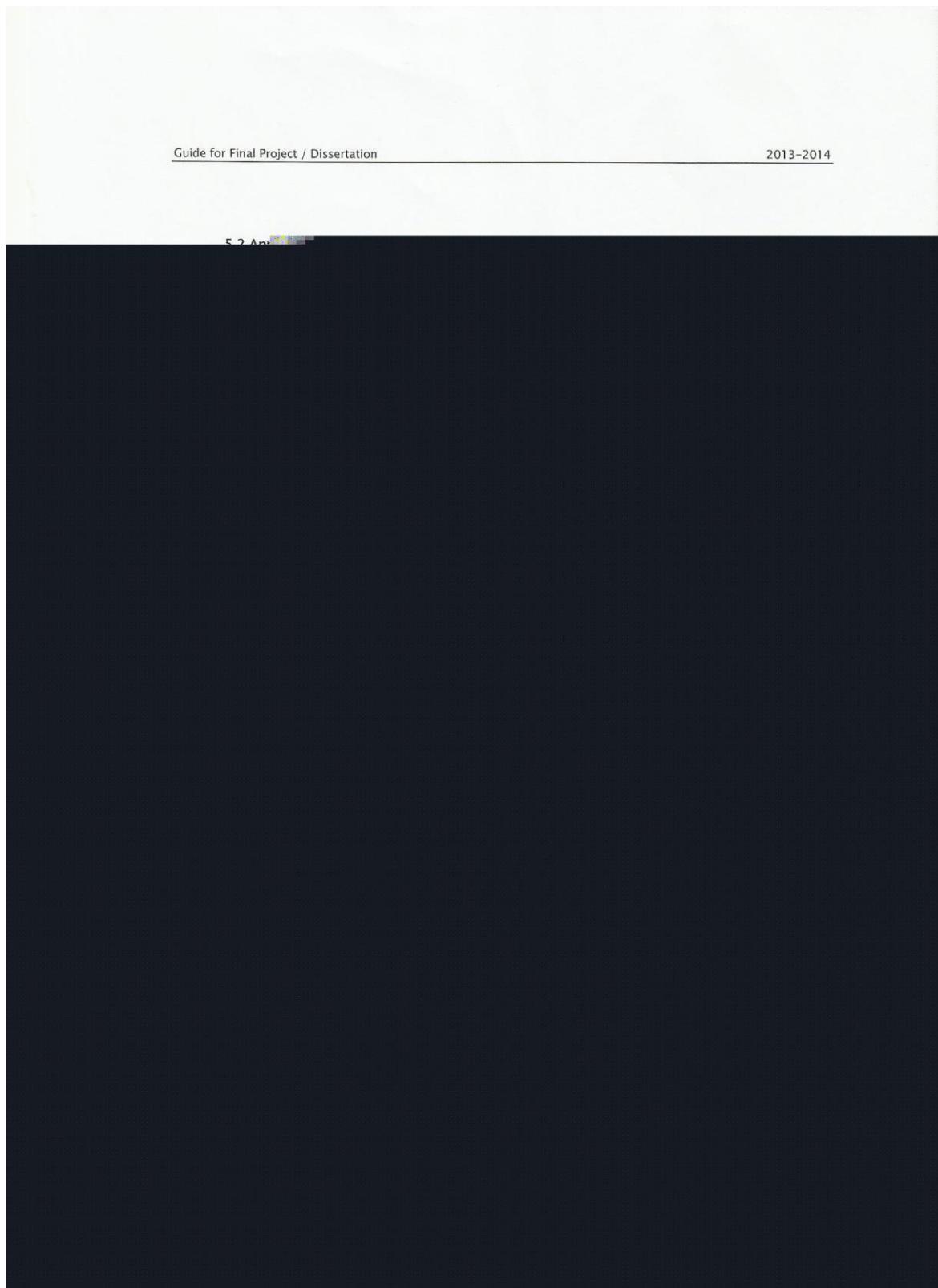
**R:** Ja haha, nou ik denk dat ik van u bijna alle informatie heb die ik zou willen, u heeft mij goed geholpen

**I:** Ja, ik geef dit nog eventjes mee aan jou

**R:** Nou super fijn

**I:** Ja je had ook nog iets over de geschiedenis?

## Appendix V: Ethics Form



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have ethical clearance to interview people (formally or informally) about the topic of my research, to carry out internet research (e.g. on chat rooms or discussion boards) or in any other way to use people as subjects in my research.



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Student's signature:

07-05-2014

Supervisor's signature (if satisfied with the proposed procedures):

07-05-2014